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Royal and Magnate Bastards in the Later Middle Ages: The View from Scotland

Theory and Practice in Scotland and Elsewhere

Medieval Scotland's law on bastardy is set out in the lawbook *Regiam Majestatem* (c.1320): 'No bastard or other person not born in lawful wedlock can be an heir'; 'a person begotten or born before his father subsequently marries his mother ... cannot under any circumstances be treated as an heir or allowed to claim the inheritance'; and 'a bastard ... can have no heir except the heir of his body born in wedlock'.¹ *Regiam* was copying the English *Tractatus de legibus et consuetudinibus regni Anglie* (c.1185)² – and of course both texts are stating the rules that became standard across most of Western Europe in the twelfth century, following both the tightening of marriage laws imposed by Gregorian Church Reform, and the 'feudal' shift in succession practice away from kin-groups towards primogeniture (including female inheritance). Before the new rules, bastards were not necessarily disadvantaged within their male kinship groups, any of whose senior members could become head of their kin; but after lay society's 'Gregorianization' they were excluded from the inheritance networks of their paternal houses or *domus*, and also from those of their siblings and other collaterals. In a sense, bastards were made kinless – and indeed came to be regarded in theory as polluted offspring of corrupt stock, 'a kind of monstrosity'.³

But that was not absolute: 'every rule scheme includes devices that allow the rules to be adapted to social circumstances'.⁴ There were two formal ways of transforming polluted illegitimate status into legitimacy: through the parents' subsequent marriage (if they had been free to marry when the bastard was born), a canon law principle followed by many secular authorities; and through specific *ad hominem* decrees or letters issued by popes or secular rulers. Both processes removed bastardy's stigma, enabling illegitimate sons of nobles to have noble status, marriages, inheritance rights and tax exemptions. The strictness of the twelfth-century rules was slackening.

That appears to have been particularly so in France and Burgundy, where even attitudes towards bastards who had not been legitimated became sympathetic. As Mikhaël

¹ *Regiam Majestatem and Quoniam Attachamenta*, ed. T. Mackay, Lord Cooper (Stair Society, Edinburgh, 1947), 160–2. *Regiam Majestatem* dates from the early fourteenth century, and was essentially a rationalisation and updating of existing law: A. A. M. Duncan, *Regiam Majestatem: A reconsideration*, *Juridical Review*, new ser., vi (1961), 199–217.

² *Tractatus de legibus et consuetudinibus regni Anglie qui Glanvill vocatur*, ed. G. D. G. Hall (London, 1965), 87. *Regiam Majestatem* closely follows the *Tractatus*, but with alterations showing it is an independent statement of medieval Scots law.

³ 'Les enfants illégitimes constituaient donc une sorte de monstruosité': M. Harsgor, 'L'essor des bâtards nobles au XV^e siècle', *Revue Historique*, ccliii (1975), 327.

⁴ J. F. Bestor, 'Bastardy and legitimacy in the formation of a regional state in Italy: The Estense succession', *Comparative Studies in Society and History*, xxxviii (1996), 550.

Harsgor has stated, ‘les bâtards nés de nobles ... “par l’usage de France” ... gardaient le nom, la noblesse et les armes (brisées) de leurs pères’.⁵ The paternal name, it should be added, was normally that of the immediate family estate or *domus*, not the wider family surname; and the bastardy was openly proclaimed, following the formula ‘X bastard of Y’.⁶ As for coats of arms, from the mid-fifteenth century the superimposition of a *barre* (or the narrower *cotice* and *filet en barre*)⁷ upon the paternal shield became the standard heraldic usage for French and Burgundian bastards – again proclaiming bastardy. Both practices might be thought negative. But Laurent Hablot has demonstrated that the new heraldic practice ‘permet au bâtard de revendiquer haut et fort sa filiation’, and indeed that ‘l’emblème du bâtard est bien devenu signe d’honneur’.⁸ The same surely applies to nomenclature: the formula ‘X bastard of Y’ unapologetically highlights the bastard’s status and situates him firmly within his elite *domus* or lineage, thus removing the implicit kinlessness of bastardy (which simply using the wider surname would not do). This, Harsgor persuasively suggests, reflects how the French and Burgundian elites were increasingly positive towards their bastards, regarding them as children of relationships based on love rather than property, whose lack of inheritance rights meant they did not challenge their fathers, and for whom the main route to prosperity was through loyal service. Consequently, French and Burgundian bastards came to be well integrated into their fathers’ *domus* and also increasingly prominent in public office – so much so that later fifteenth-century Burgundy was ‘comme une véritable bâtardocratie’.⁹

In England things were different, as Michael Hicks has demonstrated. Admittedly, English heraldic practice eventually followed the French,¹⁰ and the formula ‘X bastard of Y’ is occasionally found for magnates’ bastards.¹¹ But in general the bastards of landed families were simply called by their first names and paternal surnames, like their legitimate kinsmen; so bastards were not highlighted, and would mostly have become obscure members of wide surname groups. Also, royal letters of legitimation are not found, presumably because the English concept of nobility was different: noble and gentry status (corresponding to ‘noblesse’ elsewhere) did not provide tax exemption, and depended more on landed property than ‘noble’ blood;¹² thus a bastard who got property would have had the same social position as any legitimate member of the nobility or gentry. It appears, however, that bastards rarely had land; endowments by fathers were mostly through cash

⁵ Harsgor, ‘L’essor des bâtards nobles’, 329, citing Florentin de Thierriat, *Trois Traictés, sçavoir de la Noblesse de Race, de la Noblesse civile, des Immunités des ignobles* (Paris, 1606), 16–17.

⁶ See, for example, the bastards mentioned throughout Harsgor’s article, ranging from the great ‘Antoine bâtard de Bourgogne’ to lesser men like ‘Guillaume Fang, écuyer dit “bastart de Saint Hilaire” ’ or ‘Guillaume bâtard de Villers dit Barilet, écuyer’: Harsgor, ‘L’essor des bâtards nobles’, 334, note.

⁷ Equivalent to the bend sinister, bendlet sinister and riband sinister of English heraldry.

⁸ L. Hablot, ‘L’emblématique des bâtards princiers au XV^e siècle: Outil d’un nouveau pouvoir?’, in E. Bousmar *et al.* (eds.), *La bâtardise et l’exercice du pouvoir (XIII^e–début XVI^e siècle)* (Brussels, forthcoming).

⁹ Harsgor, ‘L’essor des bâtards nobles’, 325, 328–33, 341.

¹⁰ M. Hicks, ‘Les bâtards royaux anglais au bas Moyen Âge’, in Bousmar *et al.* (eds.), *La bâtardise et l’exercice du pouvoir*, forthcoming; C. Given-Wilson and A. Curteis, *The Royal Bastards of Medieval England* (London, 1984), 51–3; Hablot, ‘L’emblématique des bâtards’.

¹¹ For example the bastards of Clarence, Bedford, Gloucester, Salisbury, and Exeter; ‘the bastard of Fauconberg’, briefly prominent in 1471, is a slightly less eminent example. Such references mostly come from chronicle sources, and may reflect chroniclers’ awareness of French practice; the formula is hardly ever found in formal documentation.

¹² C. Given-Wilson, *The English Nobility in the Late Middle Ages* (London, 1987), 1–25. Papal legitimations are found, but only for clergymen.

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bequests in their wills,¹³ which did not provide such social status. Furthermore, legitimation by subsequent marriage was prohibited by statute in 1236, following the English baronage's stark refusal 'to allow the laws of England to be changed'; remarkably, it did not become permissible until 1926.¹⁴ This surely confirms the general impression that – despite the famous exception of Richard II's legitimation of John of Gaunt's bastards, the Beauforts, in the 1397 parliament, after Gaunt married their mother¹⁵ – elite attitudes to bastardy in late medieval England were stricter than in France and Burgundy.¹⁶ Certainly, prominent English bastards were far rarer than across the Channel; indeed, apart from the Beauforts, only three of any particular significance can be found between 1300 and 1500.¹⁷

Now, what of Scotland? Since its bastardy law was identical to England's, it might be assumed that its practice was also the same, and in some respects that was true. As in England, noble status depended on landholding and did not involve fiscal and other privileges,¹⁸ while Scottish bastards, too, simply used their paternal surnames,¹⁹ and bore versions of their paternal arms differenced in exactly the same ways as for younger legitimate sons.²⁰ So far as names and arms were concerned, therefore, there was nothing to make bastards stand out from the rest of landed society – which, unfortunately, makes it impossible to carry out the kind of statistical/prosopographical analyses of bastards that has been done for France and Burgundy (note that the heraldic dimension to Scottish bastardy is examined separately in the appendix to this chapter, and that genealogical tables are included at the end).

¹³ Given-Wilson and Curteis, *Royal Bastards*, 49. For example, Thomas earl of Salisbury (d.1428) left 500 marks to his bastard son (*ibid.*), and John Cornwall Lord Fanhope (d.1443) left 800 marks to his two bastards. John de Warrenne earl of Surrey (d.1347), who had no legitimate children, did try to divert his inheritance to his bastard, but was foiled by the collateral heir; that was probably a general problem. See the respective entries in C. Matthew and B. Harrison (eds.), *Oxford Dictionary of National Biography* (Oxford, 2004); also online, at <<http://www.oxforddnb.com>> (hereafter ODNB).

¹⁴ Given-Wilson and Curteis, *Royal Bastards*, 44–5; F. Pollock and F. W. Maitland, *The History of English Law before the Time of Edward I* (1898), 2nd edn, revised (Cambridge, 1968), ii, 378, 382–4, 396–9.

¹⁵ C. Given-Wilson, 'Richard II: Parliament of January 1397', text and translation, items 28–31, in *The Parliament Rolls of Medieval England*, ed. C. Given-Wilson *et al.*, Internet version, Scholarly Digital Editions (Leicester, 2005).

¹⁶ As implied by Harsgor, 'L'essor des bâtards nobles', 325. But for a more favourable assessment of English attitudes, Given-Wilson and Curteis, *Royal Bastards*, 48–51.

¹⁷ This conclusion derives from a search for 'bastard' and 'illegitimate' in the online edition of ODNB. The magnate bastards mentioned in note 11 all had subordinate roles, while none of the royal bastards of the period was important. The three relatively significant bastards are: Nicholas Lord Meinill (d.×1341), the only one to receive much of the paternal inheritance and to be summoned to the House of Lords (but not important enough for inclusion in ODNB); Sir James Audley (d.1369), a founder Knight of the Garter; and Thomas Neville 'bastard of Fauconberg' (d.1471), a Wars of the Roses commander. Arthur Plantagenet Lord Lisle (d.1542; Edward IV's bastard) and Charles Somerset earl of Worcester (d.1526; bastard of the second duke of Somerset) became highly prominent, but only after 1500.

¹⁸ A. Grant, 'The development of the Scottish peerage', *Scottish Historical Review*, lvii (1978), 1–2; J. Wormald, 'Lords and lairds in fifteenth-century Scotland: Nobles and gentry?', in M. Jones (ed.), *Gentry and Lesser Nobility in Late Medieval Europe* (Gloucester, 1986) (compare P. Contamine, 'France at the end of the Middle Ages: Who was then the gentleman?', *ibid.*). Note, however, that the Scottish concept of nobility was much broader than the English, and corresponded to the continental 'noblesse'.

¹⁹ The formula 'X bastard of Y' is found only twice, both times in Burgundian, not Scottish, sources: *le bastard d'Escoce* in Monstrelet's chronicle (for 1410), and *le b. de Douglas* in the Grand Armorial of the Toison d'Or (c.1440): Enguerran de Monstrelet, *Chronique*, ed. L. Douët d'Arcq (Paris, 1857–62), ii, 76; C. Campbell, 'Scottish arms in the Armorial Equestre [de la Toison d'Or]', *The Coat of Arms*, xii (1971), 173, no. 57; and below, in note 23 and at note 188.

²⁰ There was no specific heraldic indicator of bastardy in Scotland until the sixteenth century; when one did appear, it was not the bend sinister and its narrower versions, but the bordure compony: B. A. McAndrew, *Scotland's Historic Heraldry* (Woodbridge, 2006), 267, and below, at note 250.

On the other hand, there were also significant differences between Scottish and English practice. For a start, although bastards were not supposed to inherit, the Scottish conveyancing system made it easy to get round that rule,²¹ as the *acta* of the best documented medieval Scottish magnate, Archibald, fourth earl of Douglas (d.1424), illustrate. Bastardy occurs specifically or implicitly in no fewer than eleven of his 68 surviving charters:²² four allowed bastards to succeed their fathers in land held of the earl; five (for two of the earl's 'feudal' tenants) created entails giving bastards inheritance rights; one concerned land which had escheated to the earl because its former owner was a bastard who died childless; and one granted land to the earl's mistress, to be held by her for life and thereafter by the eldest, second, third, or next son *inter nos mutuo concubito procreatis seu procreandis* – though whether those hopes came to fruition is unknown.²³ Two bastards who were certainly endowed successfully were the illegitimate sons of Archibald's predecessor James, the second earl (d.1388): he gave the elder the barony of Drumlanrig (Dumfries sheriffdom), and after his untimely death his sister (heir to James's unentailed lands) granted the barony of Cavers (Roxburgh sheriffdom) to the younger. Both bastards founded major branches of their house; that of Cavers survived to the nineteenth century, that of Drumlanrig still exists.²⁴ Those endowments, however, were unusually generous. More normal was the grant in 1411 by Sir James Douglas of Dalkeith (d.1420, head of a junior branch of the kindred) to his elder bastard, Sir James Douglas of Robertson, of two reasonably sized pieces of land within the barony of Linton (Peebles sheriffdom) – to take effect only when his father died;²⁵ this replaced the 20-mark annuity that his father gave him in 1391 in return for the younger James's 'special retinue' service (also, the lord of Dalkeith's wills of 1390 and 1393 provided for the younger James to have another £15 a year until he was given £15-worth of land).²⁶ Or take the case of James Lord Hamilton (d.1479): in 1455 he set up an entail for most of his main lands which incorporated his bastard sons, and then in 1474 issued a charter to his eldest bastard John which would give him almost all the smallish barony of Machan (Lanark sheriffdom) after Lord James's death.²⁷ Numerous similar documents survive, especially from the later fifteenth century –

²¹ So long as the overlord or the crown agreed, the system enabled landlords to do virtually what they wished with their land. See, in general, A. Grant, 'Service and tenure in late medieval Scotland, 1314–1475', in A. Curry and E. Matthew (eds.), *Concepts and Patterns of Service in the Later Middle Ages* (Woodbridge, 2000), 152–4.

²² A. Grant, 'Acts of lordship: The records of Archibald, fourth earl of Douglas', in T. Brotherstone and D. Ditchburn (eds.), *Freedom and Authority: Historical and Historiographical Essays presented to Grant G. Simpson* (East Linton, 2000): for succession, nos. 54, 60, 73, 91 (in nos. 54 and 73 the bastardy is not stated, but can be inferred); for entails, nos. 2, 3 (but the landowner had a legitimate heir who eventually succeeded), 33, 64, 71 (the landowner had no legitimate heir, and thanks to the entail his heirs were his six bastard sons, in turn); for escheat, no. 88; for the mistress, no. 68 (discussed *ibid.*, pp. 241–2).

²³ The earl may have been over-optimistic, but the *b. de Douglas* in the Grand Armorial of the Toison d'Or (above, at note 19), and/or the bastard of an Archibald earl of Douglas who occurs in 1454, might have been their son (below, at note 246), if one was ever born. One reason for the entail's explicitness may be that the mistress was (probably) married.

²⁴ Historical Manuscripts Commission, *Seventh Report* (London, 1879), 727–8, nos. 2, 3, 4, 8, 9 (Cavers); *Fifteenth Report*, part 8 (London, 1897), no. 2 (Drumlanrig). The Drumlanrig estate descended almost entirely through males (with only one break, in the nineteenth century) and now belongs to the duke of Buccleuch; and the current marquess of Queensberry is the *direct* male heir of Earl James's bastard. For Cavers, see also below, at notes 160, 168.

²⁵ *Registrum Honoris de Mortoun*, ed. C. Innes (Bannatyne Club, Edinburgh, 1853), ii, no. 218; Grant, 'Service and tenure in late medieval Scotland', 163, 166.

²⁶ *Registrum Honoris de Mortoun*, ed. Innes, ii, nos. 193, 195. Here the younger James Douglas is 'of Aberdour'.

²⁷ *Registrum Magni Sigilli Regum Scotorum*, ed. J. M. Thomson *et al.* (Edinburgh, 1882–1914) (hereafter *RMS*), ii, nos. 601, 2034.

and they demonstrate that in Scotland, unlike England, it was much more common to grant territory rather than money. Also, since in Scotland land was still granted 'feudally' to be held of the donor, descendants of those bastards who had been given lands generally maintained a link to the heads of their kins; while the entails, which were increasingly constructed to include all bearing the same surname and arms, had a similar effect.²⁸ Thus the legal kinlessness of Scottish bastards would have been alleviated – making them more like their French and Burgundian than their English counterparts.

Next, although as already stated formal legitimation was less necessary in Scotland than on the Continent, during the later fifteenth century the practice of legitimating bastards by royal letters under the Great Seal did become established. The first instance of this is James III's legitimation in 1472 of Andrew Stewart and his two brothers (bastard sons of a son of Murdoch duke of Albany, d.1425).²⁹ Stewart had been close to James II and James III since 1450, had been promoted to the peerage as Lord Avandale in 1455, had become Chancellor of Scotland in 1460, and had acquired various estates; but he was unmarried, which meant that when he died his title and lands would go back to the crown, instead of to his next of kin. The legitimation of all three brothers would have been carried out in order to solve that problem; since Avandale was Chancellor, no doubt he devised the new procedure himself. As Chancellor, of course, he is an obvious parallel to the prominent bastard bureaucrats of fifteenth-century Burgundy – some of whom he may have known through James II's queen, Margaret of Guelders, and from whom he may have taken the concept of legitimation. After Avandale, three more cases of royal legitimations are found in the 1470s, five in the 1480s, ten in the 1490s, and, as they became increasingly common, five in the single year of 1500.³⁰

Finally, there is legitimation by subsequent marriage. It continued to be formally prohibited; but, as was remarked in 1609, 'By the practice the contrary is observed'.³¹ That had long been the case. In the 1440s the chronicler Walter Bower wrote, 'and so by virtue of subsequent marriage ... the said brothers John, Robert and Alexander were legitimated, for according to canon law a subsequent marriage legitimates sons born before the marriage'.³² The brothers' legitimation actually happened almost a century earlier. They had been born between 1335 and 1345 to Robert, head of the great house of Stewart, and Elizabeth Mure – whose 'subsequent marriage' took place in 1349, after the pope had granted a petition of 1347 requesting a dispensation for impediments due to consanguinity, and that their 'numerous children of either sex' should be legitimated.³³ Robert and Elizabeth's failure to contract a proper marriage before their eldest son's birth may be connected to the political crisis of the mid-1330s, when Scotland had been overrun by the

²⁸ As in the Hamilton charter of 1455. An electronic search of the Great Seal Register from 1424 to 1500 (*ibid.*, nos. 1–2570) produced 26 instances of such entails or grants for 'natural' sons, while there are probably numerous others where the bastardy is not stated so explicitly; many more can be found in private muniments.

²⁹ RMS, ii, nos. 1066–8; repeated in much fuller form in 1479 (*ibid.*, no. 1425). Although gaps in earlier records mean that this legitimation cannot be proved to be the first, that is almost certainly so. For Andrew Stewart's career, ODNB, 'Stewart, Andrew, Lord Avondale'; and below, at notes 207, 248.

³⁰ RMS, ii, nos. 1107, 1154, 1332, 1442, 1777, 1782, 1830, 1888; *Registrum Secreti Sigilli Regum Scotorum*, i, ed. M. Livingstone (Edinburgh, 1908), nos. 21, 135, 152, 171, 244, 269, 303, 420, 423, 449, 467, 502, 526, 540, 576.

³¹ *Regiam Majestatem*, ed. Lord Cooper, 161–2 (modernised wording).

³² Walter Bower, *Scotichronicon*, ed. D. E. R. Watt *et al.* (Aberdeen and Edinburgh, 1987–98), vii, 446–7.

³³ *Calendar of Entries in the Papal Registers relating to Great Britain and Ireland: Petitions to the Pope, AD 1342–1419*, ed. W. H. Bliss (London, 1896), 124; John of Fordun, *Chronica Gentis Scotorum*, ed. W. F. Skene (Edinburgh, 1871–2), i, 317; M. Penman, *David II* (East Linton, 2004), 144–5, 160.

English and the young David II had been sent for safety to France. Since Robert was heir presumptive, he urgently needed to produce a son to continue the royal line; but in the circumstances obtaining a dispensation would have been difficult, and if Elizabeth was pregnant there would not have been sufficient time. Alternatively, Robert might have hoped for a better marriage, and did not intend those sons to be his heirs³⁴ – as is perhaps suggested by the fact that he called his first son John, an unusual name among the Stewarts but one that was often given to bastards.³⁵ If so, he had changed his mind by the late 1340s – and when he became king as Robert II in 1371, John Stewart was acknowledged as heir to the throne.³⁶ That contrasts strikingly with the Beauforts' exclusion from the English royal succession;³⁷ and meant that the principle of legitimation by subsequent marriage became established in Scotland.³⁸

Despite the formal laws, therefore, the Scottish attitude to bastardy was clearly closer in practice to that of France and Burgundy than to England's. Its roots, however, were almost certainly indigenous. Scotland had originally been a Gaelic kingdom, and although its top ranks had been largely 'Normanized' in the twelfth and thirteenth centuries, one enduring characteristic found across the entire kingdom was an acutely developed sense of kinship (in contrast to the relatively kinless England)³⁹ which clearly derived from the 'kin-based societies' of what can loosely be called the 'Celtic' world.⁴⁰ These had resisted twelfth-century changes such as the new rules on marriage and illegitimacy: the older practice of including those who were bastards under the new rules within the inheritance group lasted in Welsh Wales even after the English conquest of the 1280s, and survived well beyond the Middle Ages both in Gaelic Ireland and in the core Gaelic regions of Highland and Island Scotland.⁴¹ And though the rest of Scotland did become 'Gregorianized' and 'feudalized', the process was relatively slow and contested. Challenges to successive kings by illegitimate branches of the royal house occurred repeatedly during the twelfth and early thirteenth centuries.⁴² Also, when the lord of the great south-western lordship of Galloway died leaving three daughters in 1234, its inhabitants rebelled against

³⁴ For that argument, *ibid.*, 67, 102–3.

³⁵ See A. Duda, 'Les lettres de légitimation des ducs de Bourgogne', in Bousmar *et al.* (eds.), *La bâtardise et l'exercice du pouvoir*, forthcoming. My impression is that John was probably the most common name for Scottish bastards, and I suggest that the name was commonly used because St John was believed to be the disciple who was closest to Jesus Christ. For Stewart names, *The Scots Peerage*, ed. J. B. Paul (Edinburgh, 1904–14), i, 9–16. Note that two of Robert Stewart/Robert II's later bastards were also called John: *ibid.*, 17.

³⁶ For a fuller, political, discussion of this, below, from note 56.

³⁷ Specifically stated in 1407 by Henry IV, who was John of Gaunt's eldest son: Given-Wilson and Curteis, *Royal Bastards*, 150–1.

³⁸ This point has mostly been ignored, but it was made a century ago by J. M. Thomson in his preface to R. S. Mylne, *The Canon Law* (Edinburgh, 1912), pp. xvi–xvii.

³⁹ Where the Statute of Merton may have been an aspect of 'feudal' English self-definition against 'barbarous' Welsh and Irish practices.

⁴⁰ See, for example, J. Wormald, 'Bloodfeud, kindred and government in early modern Scotland', *Past and Present*, lxxxvii (1980); though M. H. Hammond, 'Ethnicity and the writing of medieval Scottish history', *Scottish Historical Review*, viii (2006), usefully challenges the term 'Celtic'.

⁴¹ R. R. Davies, *Conquest, Coexistence and Change: Wales, 1063–1415* (Oxford, 1987), 123–9; K. Nicholls, *Gaelic and Gaelicized Ireland in the Middle Ages*, 2nd edn (Dublin, 2003), 67–8, 83–90; W. D. H. Sellar, 'Marriage, divorce and concubinage in Gaelic Scotland', *Transactions of the Gaelic Society of Inverness*, li (1979–80), 464–93; J. W. M. Bannerman, 'The Lordship of the Isles', in J. M. Brown (ed.), *Scottish Society in the Fifteenth Century* (London, 1977); K. A. Steer and J. W. M. Bannerman, *Late Medieval Monumental Sculpture in the West Highlands* (Edinburgh, 1977) (the historical commentaries provide numerous instances of succession by bastards).

⁴² A. A. M. Duncan, *The Kingship of the Scots, 842–1292* (Edinburgh, 2002), 53–60, 65–7, 71–2, 102–4, 110–13, 117–18, 333–4.

its transmission to their husbands, in favour of the last lord's bastard son;⁴³ the rebellion was defeated by crown forces, but nevertheless demonstrates the strong local preference for the old inheritance system. And even in what was to be the fundamental assertion of strict primogeniture with respect to the royal succession, the 'Great Cause' of 1291–2 – when Edward I of England settled the succession dispute that had erupted after the extinction of the main Scottish royal line – the thirteen 'competitors' for the crown included (in addition to the main Balliol and Bruce claimants) no fewer than six descendants of previous kings' bastards.⁴⁴ Their claims were dismissed, but that those could be made at all indicates a degree of general sympathy for bastard lines – which continued to survive in fourteenth- and fifteenth-century Scotland.

Bastards and the Scottish Crown

The Great Cause confirmed the changes of the previous two centuries: those of illegitimate descent were excluded from the royal succession. The 'illegitimate' claimants readily accepted the kingship of John Balliol, who had the best claim according to strict primogeniture. But would a king who, while legitimate, did *not* have the best claim to the throne enjoy the same acceptance from those disqualified because of bastardy? That question arose following King John's removal by Edward I of England in 1296 and the seizure of the Scottish crown in 1306 by Robert Bruce, whose claim to the throne was not the best,⁴⁵ and could have been an issue in the anti-Robert I conspiracy of 1320 led by Sir William Soulis lord of Liddesdale. The conspirators, mostly former Balliol supporters, almost certainly planned to put Edward Balliol (the late King John's exiled son) on the throne, and their conspiracy probably arose out of anger at being excluded from the inner circle of Robert I's regime and his territorial patronage.⁴⁶ But, in addition, Soulis's father had been a Great Cause claimant, through his descent from a bastard daughter of Alexander II (d.1249)⁴⁷ – which made him closer, in terms of generations, to the past kings than any other claimant, legitimate or illegitimate. That would not have mattered under a rightful Balliol king; but Soulis may have been much less happy with Robert I, who in dynastic terms was a *wrongful* king. And that argument applies not only to Soulis, but also, even more, to another prominent conspirator, Sir David Brechin.⁴⁸ He was the grandson of the eldest bastard son of David earl of Huntingdon – the younger brother of King William I, and progenitor, through his daughters, of the Balliol and Bruce lines. That means that Brechin was the senior surviving representative of the male bloodline (and DNA) of the old Scottish royal house – and so by Gaelic inheritance rules he should have become king! Consequently, he may well have regarded Robert I as a usurper with no more valid right to

⁴³ R. Oram, *The Lordship of Galloway* (Edinburgh, 2000), 126–7, 135–6, 141–5. After the revolt was defeated, the bastard son was imprisoned for over sixty years (which shows his significance) until in 1296 Edward I of England (of all people) released him in the hope that he would stir up fresh revolt in Galloway – but he soon died!

⁴⁴ Duncan, *Kingship of the Scots*, 241–2, 262–4, 348–9.

⁴⁵ Though King John had been removed by Edward I, he and his son Edward Balliol remained heads of the senior surviving legitimate branch of the royal family. And if the Balliols were discounted because of John's abdication, the heir was then King John's nephew John Comyn of Badenoch – who Robert Bruce killed in 1306 before seizing the crown himself. A. Grant, 'The death of John Comyn: What was going on?', *Scottish Historical Review*, lxxxvi (2007).

⁴⁶ M. Penman, 'A fell coniuiracioun agayn Robert the douchty king: The Soules conspiracy of 1318–1320', *Innes Review*, 1 (1999).

⁴⁷ Duncan, *Kingship of the Scots*, 348–9; ODNB, Sir William Soulis (under 'Soulis, Sir John').

⁴⁸ ODNB, 'Brechin, Sir David'.

the throne than his own. Moreover, the fact that he was executed whereas Soulis was imprisoned suggests that Robert saw Brechin as the greater danger. Thus the cases of Soulis and especially Brechin indicate that even in the fourteenth century bastardy could still be a significant factor in national politics.

Soulis and Brechin, however, were descendants of thirteenth-century royal bastards; what of the fourteenth-century ones? Bruce bastards, of course, would not have objected to Bruce kingship. On the other hand, Robert I's elder illegitimate son, Sir Robert Bruce lord of Liddesdale (granted by his father when William Soulis forfeited it in 1320) probably did resent the fact that, after Robert I's death, he was not guardian of Scotland in 1332, and that almost certainly contributed to the Scottish defeat at the battle of Dupplin, where he was killed. And later in 1332, similar feelings of exclusion may well explain why Alexander Bruce, bastard son of Robert I's brother Edward Bruce earl of Carrick, supported the Balliol cause for a time (fuller treatment of Robert and Alexander is given below).⁴⁹

Thereafter, once Robert I's successor David II was re-established on the Scottish throne, such issues did not arise. If anything, the reverse might have applied, because David had no children by either of his wives, and if he had managed to sire a son by one of his mistresses, he would probably have tried to have that son legitimated;⁵⁰ but, presumably, he was infertile. On the other hand, in David's reign illegitimate children of royal descent became a highly important political issue in a different way. As has already been seen,⁵¹ David's nephew and heir-presumptive, Robert Stewart, had not married his partner Elizabeth Mure before their children (four sons and five daughters) were born; but in 1347 he did obtain a papal dispensation for their marriage and a declaration that their children would be legitimate. Robert organized this shortly after he became lieutenant of Scotland during David II's captivity in England (1346–57); David, with whom he had bad relations, may have prevented him from doing so earlier, but Robert may also have been reacting to the fact that David's full sister had recently given birth to a son, whom David may have preferred as heir presumptive.⁵² This son, however, died in 1361, and David II continued to be childless – which made Robert and his sons more and more significant. Yet Robert was eight years older than David II, and would have been expected to die first – so his eldest, now legitimated, son John may have been commonly regarded as the most likely heir to the throne.⁵³ John himself appears to have thought so, for during the 1360s (a decade of high tension between David II and Robert Stewart) he aligned himself with the king, adopted arms with clear royal connotations,⁵⁴ married the niece of David's new queen Margaret Drummond, and in 1368 was granted the ancestral Bruce earldom of Carrick which had belonged to both Robert I and David II before they came to the throne. But there was a complication. In the 1360s the Stewart line of descent was far from straightforward, because Elizabeth Mure had died in the early 1350s, and Robert

⁴⁹ Both count as major lords (Alexander got his father's earldom in 1333), and come within the scope of the following section on the great bastards of late medieval Scotland.

⁵⁰ That is suggested by the fact that in 1369 he unilaterally ended his marriage to his second queen, Margaret Drummond, and was clearly planning to marry his new mistress: Penman, *David II*, chapter 11.

⁵¹ Above, at note 33.

⁵² As argued by Penman, *David II*, 114–15, 144–5. Robert's mother was David's half-sister, who had died eight years before David was born, and her mother, unlike David's, had not been queen.

⁵³ Though David II himself never gave up hope of having children.

⁵⁴ As shown on his seals: below, from note 235.

Stewart, having remarried in 1355, had subsequently fathered two unquestionably legitimate sons – the elder of whom, significantly, was called David.⁵⁵ So who, after the childless David II and the ageing Robert Stewart, was the ultimate heir to the throne?

David II himself did nothing to resolve the issue; he was still hoping for a son. Then he died in 1371. Robert Stewart succeeded as Robert II, but not without challenge. Unfortunately, the reasons for the challenge are not known; but it is likely that David II's former supporters, backed by the first earl of Douglas (whose daughter was married to the brother of John Stewart's wife) wanted John to succeed instead of his 55-year-old father Robert.⁵⁶ The obvious counter, however, would have been that the law, as stated in *Regiam Majestatem*, denied John any inheritance rights, and therefore he could never become king; instead Robert's heirs would be the sons of his second marriage. Such suggestions are admittedly hypothetical; but indications of a deal between Robert II and John shortly before the coronation can be found. And, most significantly, immediately after the coronation the new king formally declared that he wished 'the lord John, his firstborn son, earl of Carrick and steward of Scotland ... to be his true and legitimate heir' – after which,

each one of the prelates, earls, nobles, magnates and others ... asserted, affirmed, declared, recognized and wished that the same lord John ... should, by the grace of divine favour, be in the future the king of Scotland as the legitimate heir of his same father, each promising in good faith, and having raised a hand in sign of the giving of fealty, that he will regard him as king and the legitimate heir of the same father, and aid and defend him against any mortals, [and] also cause his seal to be appended to a writing or instrument upon this matter in sign of his aforesaid consent and permission ... so that in their presence and with their unanimous consent it should be done and made public, so nobody might pretend to be ignorant in any way concerning this matter in future.⁵⁷

The labouring of the term 'legitimate heir' (also on John's post-1371 seal)⁵⁸ is important: it demonstrates that John's legitimation by subsequent marriage was not simply taken for granted, at least with respect to *royal* inheritance rights. Furthermore, though John did duly succeed his father (as Robert III) in 1390, his son and successor James I was assassinated in 1437 in a conspiracy hatched by the surviving son of Robert II's second marriage. Recent studies have not seen this in terms of legitimacy versus illegitimacy, largely because accounts of the murder written under James I's son and heir James II unsurprisingly gave other explanations;⁵⁹ but the regicides would not have been ignorant of the legitimacy

⁵⁵ *Scots Peerage*, ed. Paul, i, 16, 436; ii, 321.

⁵⁶ The challenge was led by William earl of Douglas, who according to later chroniclers made an implausible claim himself. But, given those marriages with the family of David's queen, Margaret Drummond, it is more likely that he was pushing for Carrick's accession. Note also that in the last years of his reign David had divorced Margaret Drummond and planned to marry another wife – whose kinsmen opposed Douglas in 1371. For details (though not this particular argument), S. Boardman, *The Early Stewart Kings* (East Linton, 1996), 39–44.

⁵⁷ *Records of the Parliaments of Scotland to 1707*, ed. K. M. Brown *et al.* (St Andrews, 2007), online edition, item A1371/4.

⁵⁸ Its legend reads: *S' iohannis p'imogeniti rob'ti regis scotorum comitis de carric et senesc scocie*. W. R. Macdonald, *Scottish Armorial Seals* (Edinburgh, 1904), no. 2551.

⁵⁹ See especially M. Brown, *James I* (East Linton, 1994), chapter 8; also A. Grant, *Independence and Nationhood: Scotland, 1306–1469* (London, 1984), 190. But I have changed my mind, and now agree with E. W. M. Balfour-Melville, *James I, King of Scots, 1406–1437* (London, 1936), 4–5, 247, and R. Nicholson, *Scotland: The Later Middle Ages* (Edinburgh, 1974), 185–6, 322–4.

question, and if they had managed to seize power, they could have had the 1371 declaration reversed. As it was, they were overwhelmingly rejected by the Scottish political community, which in effect upheld the 1371 preference of a technically illegitimate line over a definitely legitimate one. Thus within the royal family the question of bastardy continued to be important politically down to the late 1430s – while the initially illegitimate John Stewart and his full brothers Robert (who became earl of Fife and Menteith and eventually duke of Albany) and Alexander (who became lord of Badenoch and earl of Buchan) ought, in a sense, to be regarded as the most significant bastards in Scottish history.⁶⁰

At the same time, however, other Bruce and Stewart bastards had rather more mundane careers. All that is known about Neil Bruce of Carrick, Robert I's second illegitimate son, is that he got a £20 annuity from his father towards the end of the reign, and was probably killed along with Robert Bruce of Liddesdale at Dupplin in 1332.⁶¹ And Thomas Bruce of Clackmannan (d.×1348), who may have been a second bastard of Edward Bruce and was quite a prominent opponent of the English in the 1330s, finished up as the owner of a respectable but not particularly large estate.⁶²

Similarly, of the eight permanently bastard sons that Robert II had (in addition to his four legitimated ones), two went into the Church, while his grants to the others were only sufficient to make them minor-to-middling landowners.⁶³ Potentially the most important was Thomas Stewart, who became archdeacon of St Andrews (1380) and also dean of Dunkeld (1389), studied at Paris University in the 1390s, and in 1401 was elected bishop of St Andrews, one of the top positions in the Scottish Church; but for complex political and personal reasons he 'renounced his election' a year later, though he remained archdeacon until he died (presumably aged over 70) in 1430.⁶⁴ The other ecclesiastic was merely a canon of Glasgow cathedral.⁶⁵ Of the laymen, the most significant was John Stewart of Bute, so called because King Robert appointed him sheriff of the islands of Bute and Arran in 1385, and gave him three smallish estates there plus £16 a year (which his brother Robert III doubled); remarkably, he served as sheriff until after 1445 (and even more remarkably, his heirs have survived in father–son succession until the present day, since 1796 as marquesses of Bute).⁶⁶ Next, there was a younger John Stewart (by a different mother), who got a minor estate in 1383, was a fairly important Exchequer official under his brother Robert III, was knighted at James I's coronation in 1424, and died defending

⁶⁰ Stewart's other son by Elizabeth Mure (Walter) died in 1362.

⁶¹ *The Exchequer Rolls of Scotland*, ed. G. Burnett *et al.* (Edinburgh, 1878–1908), i, 114, 208, 339, 400. On the basis of English chronicle statements, he is generally said to have died at Neville's Cross in 1346; but English chronicles also list him among the casualties of Dupplin, and that would explain his absence from any Scottish records after 1331. R. Nicholson, *Edward III and the Scots: The Formative Years of a Military Career, 1327–1335* (Oxford, 1965), 89, citing Thomas Walsingham, *Historia Anglicana*, ed. H. T. Riley, i (Rolls Ser., London, 1863), 194.

⁶² *Scots Peerage*, ed. Paul, iii, 466–7. Here I cautiously follow Penman, *David II*, 39, 56. Thomas could well have died at Neville's Cross, and English chroniclers might have confused him with Neil Bruce. His direct male descendant is now earl of Elgin and head of the house of Bruce.

⁶³ Listed best (though not entirely correctly) in *Exchequer Rolls*, ed. Burnett, iv, pp. clxvi–clxx. No illegitimate daughters have been identified, but presumably he had several.

⁶⁴ D. E. R. Watt, *A Biographical Dictionary of Scottish Graduates to AD 1410* (Oxford, 1977), 513–15; Bower, *Scotichronicon*, ed. Watt, iii, 408–9 (Bower, who knew him personally, called him 'a man of very retiring disposition and dove-like innocence'); Boardman, *Early Stewart Kings*, 212–13, 232–7, 256–7.

⁶⁵ RMS, i, no. 900.

⁶⁶ *Scots Peerage*, ed. Paul, ii, 286–312; Historical Manuscripts Commission, *Third Report* (London, 1872), 402; *Exchequer Rolls*, ed. Burnett, iv, p. clxvi. The current marquess is the former Formula One racing driver and winner of the 1988 Le Mans 24-Hours, who was known at the time as Johnny [earl of] Dumfries!

Dumbarton against rebels the following year.⁶⁷ As for the remaining four (including a third John), they were all born to Mariota Cardney, daughter of a Perthshire laird and presumably Robert II's favourite mistress. Soon after Robert became king, he gave Mariota herself two grants of lands, to be held hereditarily by her and the children begotten or to be begotten between them, failing whom, by any future legitimate heirs of her body (a more sympathetic stipulation than that for the fourth earl of Douglas's mistress).⁶⁸ And on 15 January 1383 their first three sons (the fourth was not yet born) all received individual gifts of smallish estates⁶⁹ – though one of them had already, with the king's help, acquired the barony of Inverlunan (Forfar sheriffdom).⁷⁰ Overall, therefore, Robert II was certainly not ungenerous to his bastards, but on no more lavish a scale than that shown by the second earl of Douglas; and although Mariota's brother's links with the royal family led to his becoming bishop of Dunkeld under Robert III,⁷¹ she was clearly not a grasping royal mistress like her famous English contemporary Alice Perrers.⁷²

But if, with a total of twelve sons born out of wedlock, Robert II was on a par with the more prolific European rulers, his successors did not follow suit. Robert III had only two bastard sons: the elder received a relatively impressive endowment, the substantial barony of Kilbride (Lanark sheriffdom) with, additionally, special regality jurisdiction; but the younger (another John) got a more ordinary estate.⁷³ Then, of the next three kings, James I (d.1437) and James III (d.1488) had no bastards, and James II (d.1460) had just the one (called John!), who is extremely obscure.⁷⁴ Not until James IV (d.1513) did Scotland again have a king with several bastards, though of the five that are recorded only two were sons. They, however, were easily the most prominent bastards born to Scottish kings in the fourteenth and fifteenth centuries: the elder (who studied with Erasmus) was made archbishop of St Andrews and Chancellor of Scotland, while the younger became earl of Moray.⁷⁵

James IV's bastard sons were promoted in the sixteenth century, however, when the status of royal bastards in Northern Europe appears to have been rising – which puts them beyond the scope of this chapter. Their fourteenth- and fifteenth-century predecessors (leaving out Robert II's first four sons, who were legitimated, and his bastard who was briefly bishop-elect of St Andrews) did not rise nearly so high. Indeed the usual paternal endowment received in Scotland by late medieval royal bastards was much the same as that given to the bastard sons of magnates: one or two small-to-middling estates, or a

⁶⁷ *Exchequer Rolls*, ed. Burnett, iv, p. clxvii; *RMS*, i, no. 745.

⁶⁸ *Exchequer Rolls*, ed. Burnett, iv, p. clxvii; *RMS*, i, nos. 413, 506. The final clause shows that Robert, unlike Douglas (above, at note 23), accepted that after his death she might marry.

⁶⁹ *RMS*, i, nos. 729–31.

⁷⁰ *Ibid.*, nos. 669–71; Inverlunan's owner, a canon of Brechin cathedral, resigned it to Robert II for transfer to Mariota's son, and at the same time was given a royal grant of £20 a year for life and also had the tenure of his other barony changed so that it could go to *his* bastard son!

⁷¹ Watt, *Dictionary of Scottish Graduates*, 80–1.

⁷² ODNB, 'Perrers, Alice'; L. Tompkins, 'The Uncrowned Queen: Alice Perrers, Edward III and Political Crisis in Fourteenth-Century England, 1360–1377' (St Andrews University Ph.D. thesis, 2013)

⁷³ *Exchequer Rolls*, ed. Burnett, iii, 164; iv, p. clxxv; *RMS*, i, appendix 2, nos. 1775, 1798, 1874; Historical Manuscripts Commission, *Third Report*, 528. The initial grant to James Stewart was before his father became king, but the regality came later. For regality (that is, quasi-royal) powers of jurisdiction, A. Grant, 'Franchises north of the Border: Baronies and regalities in medieval Scotland', in M. Prestwich (ed.), *Liberties and Identities in the Medieval British Isles* (Woodbridge, 2008), 167–76, 197.

⁷⁴ *Scots Peerage*, ed. Paul, i, 18–21. His descendants are said to have been the Stewarts of Ballechin and Sticks, but I have found no contemporary documentation for him.

⁷⁵ *Ibid.*, 21–3. One of James IV's illegitimate daughters became a mistress of Henri II of France.

barony if they were lucky – but no more. That was what could be called the comfortable norm for royal bastards. And though such grants of land took them into the noble landowning class, none (apart from Robert and Alexander Bruce) became major lords. On the other hand, the cases of the two Bruces and of Robert II's eldest sons demonstrate that in unusual circumstances bastardy could still be a significant issue.

The Great Bastards of Late Medieval Scotland

The 'comfortable norm' suggested above applied not only to most royal bastards but to almost all noble ones as well – except that the latter tended to get smallish rather than middling estates. On the other hand, a number of late medieval Scottish bastards *did* become great magnates, and two of them in particular were exceptionally mighty. In Scotland during the fourteenth and earlier fifteenth centuries, the great magnates were those who possessed the old Scottish earldoms and great lordships, which were extensive (by Scottish standards) territorial units roughly equivalent to local provinces.⁷⁶ From the start of Robert I's reign in 1306 to the end of James I's in 1437, there were in all 89 of these 'provincial' earls and lords,⁷⁷ of whom six (6.7%) were bastards – a total which, interestingly, is slightly higher than the five bastards who were in charge of large provincial territories in France and Burgundy during the same period, while the percentage is also slightly higher than the overall percentages of French and Burgundian bastards found in army musters.⁷⁸ The careers and significance of these six great Scottish bastards were very different from the 'comfortable norm', and are now examined in chronological order (and their genealogical details are set out in tabular form at the end of this chapter).

- (1) *Sir Robert Bruce lord of Liddesdale (c.1293×1300–32): first-born son of Robert Bruce earl of Carrick, or, after 1306, King Robert I*⁷⁹

His name, Robert, was borne by almost every head of the Scottish Bruces, and suggests paternal pride and recognition – strikingly expressed in 1314 when his father knighted him before the battle of Bannockburn (along with Walter Stewart, the king's son-in-law, and James lord of Douglas) and gave him 'royal arms'.⁸⁰ After Robert I's last surviving brother, Edward Bruce earl of Carrick, was killed in Ireland in 1318, the younger Robert was the king's nearest kinsman. His high status is reflected in royal witness lists, where he appears as 'our son' immediately after Stewart and Douglas and before every other knight, even the

⁷⁶ See Grant, 'Development of the Scottish peerage', 1–11; and Grant, 'Franchises north of the Border', 157–64, 176–7, 184–7.

⁷⁷ The total has been calculated from the relevant material in *Scots Peerage*, ed. Paul.

⁷⁸ Tabulated in Harsgor, 'L'essor des bâtards nobles', 320 (counting, for the years down to 1440, only individuals with lay powers, not those controlling ecclesiastical estates and offices). Known percentages of bastards in French and Burgundian armies range from 3.83% to 6.4%: *ibid.*, 335.

⁷⁹ ODNB, 'Bruce, Sir Robert, lord of Liddesdale'. He was almost certainly older than Robert I's other bastard son, the little known Neil of Carrick: above, at note 61.

⁸⁰ *Chronographia Regum Francorum*, ed. H. Moranvillé (Paris, 1891–3), i, 182: *rex Scocie ... fecerat insuper armari quemdam filium suum bastardum armis suis regalibus et cum hoc Edouardum de Brus, fratrem suum, senescallum Scocie, comitem de Mourue et dominum Johannem Douglas*. The main Scottish account names only Stewart and Douglas as being knighted (with 'others of great valour'): John Barbour, *The Bruce*, ed. A. A. M. Duncan (Edinburgh, 1997), 468–9. But there is no reason to disbelieve the French chronicle, and Robert must have been the royal bastard. Edward Bruce and the earl of Moray, however, were already knights; but since they, Stewart and Douglas were the main Scottish leaders, the passage may be read as stating that they were all formally given the status of knight banneret by the king. Unfortunately, no representation of the younger Robert's 'royal arms' exists; but for my guess at what they might have been, see below, at note 226.

constable and marischal;⁸¹ and he was given extensive grants of land, including, in the south, Sprouston barony (Roxburgh sheriffdom: held with regality powers) and the lordship of Liddesdale with its powerful castle of Hermitage, which made him a leading Border magnate alongside James lord of Douglas, the earl of Moray and the earl of March.⁸² Sir Robert Bruce was clearly a highly successful bastard.

But his closeness to his father seems to have brought eventual catastrophe. When Robert I was succeeded in 1329 by his only legitimate son, the five-year-old David II, the late king's nephew and leading councillor Thomas Randolph earl of Moray naturally became regent; but after *his* death in July 1332, the replacement was another of Robert I's nephews, Donald earl of Mar – despite the fact that, after he had been taken to England when young, he had joined Edward II's household, had refused to return to Scotland after Bannockburn, and had done so only after Edward II's deposition in 1327.⁸³ So, when Scotland was invaded from England by the anti-Bruce 'Disinherited' in August 1332 (a month after Moray's death), it was Mar who commanded the Scottish army. At the start of the battle of Dupplin, however, Robert Bruce of Liddesdale, who led the vanguard, accused him of English sympathies. Mar responded furiously, and both charged for the enemy front line. Robert's force got there first and gained initial success; but it was then overrun by the main part of the Scottish army under Mar.⁸⁴ The consequent chaos caused a disastrous defeat in which Bruce, Mar, and many other Scottish nobles perished. One reason for the fatal quarrel must surely have been a belief by Sir Robert that he, as the young king's half-brother, ought to have been regent and army leader – but his illegitimacy disqualified him. Thus a successful bastard's resentment over political exclusion helped bring catastrophe to Scotland.

(2) *Alexander Bruce earl of Carrick (1306×1314–33): son of Edward Bruce earl of Carrick (brother of Robert I) and Isabella of Atholl*⁸⁵

With Alexander Bruce, his mother's family is almost as relevant as his father's. Isabella was the daughter of John earl of Atholl, who supported his brother-in-law Robert Bruce, and may have agreed that Isabella should marry Bruce's brother Edward.⁸⁶ But John was captured and executed by the English in 1306, and from 1307 his son and successor David fought against the Bruce cause.⁸⁷ That would have prevented Isabella from marrying

⁸¹ *Regesta Regum Scottorum* (hereafter RRS), v: *The Acts of Robert I King of Scots, 1306–1329*, ed. A. A. M. Duncan (Edinburgh, 1988), nos. 267, 293, 294, 309, 310, 312, 329, 353, 354; RMS, i, appendix 1, no. 19.

⁸² RRS, v, no. 172; RMS, i, appendix 1, no. 53; appendix 2, no. 291; M. Brown, *The Black Douglases* (Edinburgh, 1998), 25. Sprouston had originally been held with such powers by King William I's son-in-law, whose English descendants lost their Scottish lands after 1314, and that royal connection may explain why it was given to Robert Bruce. Liddesdale had been confiscated from Sir William Soulis after the 1320 conspiracy.

⁸³ ODNB, 'Donald, eighth earl of Mar'.

⁸⁴ C. J. Rogers, *War Cruel and Sharp: English Strategy under Edward III* (Woodbridge, 2000), 36, 43–5; mostly from *The Brut, or The Chronicles of England*, ed. F. W. D. Brie (Early English Text Society, London, 1906–8), i, 278–9; Andrew of Wyntoun, *The Original Chronicle*, ed. F. J. Amours (Scottish Text Society, Edinburgh, 1903–14), v, 410–15; Bower, *Scotichronicon*, vii, 76–9.

⁸⁵ ODNB, Alexander Bruce (under 'Bruce, Edward, earl of Carrick').

⁸⁶ *Ibid.*; Barbour, *The Bruce*, ed. Duncan, 505. Duncan's suggestion that Alexander was born in 1306–7, because he 'seems to have been adult in the 1320s' is based, however, on Robert I's grants to Alexander; but there was no rule that grants could not go to under-age recipients.

⁸⁷ ODNB, 'Strathbogie, David, styled tenth earl of Atholl'; A. Ross, 'Men for all Seasons? The Strathbogie earls of Atholl and the Wars of Independence, c.1290–1335', *Northern History*, xx (2000). One reason for David's choice was no doubt Bruce's notorious killing of John Comyn, David's wife's father; and Ross suggests other reasons as well.

Edward Bruce – making Alexander (if he had already been born) a bastard. Instead, Edward married a daughter of the earl of Ross,⁸⁸ but had no children by her. Then in 1312 Earl David changed sides, and Edward’s relationship with Isabella of Atholl either resumed or began; if the latter, Alexander was now conceived. No matter when he was born, if he was legitimated he would have been high in the royal line of succession; therefore it is possible that Edward Bruce came under pressure to end his Ross marriage and marry Isabella, and that this was either refused by Edward or forbidden by Robert I. Certainly, on the eve of Bannockburn in 1314, there was a bitter quarrel between Edward and David – presumably over Isabella and Alexander – and Earl David defected back to the English.⁸⁹ This is another instance of bastardy causing trouble before a battle, though not disastrously as at Dupplin.

Thereafter Isabella, unlike her brother, stayed in Scotland, and later (after Edward Bruce’s death) she and Alexander had several grants of land from Robert I.⁹⁰ But Carrick went to Robert I’s own son David, and stayed in his possession after he became king in 1329;⁹¹ as a bastard, of course, Alexander Bruce had no right to it. However, he *had* become earl of Carrick by the summer of 1333.⁹² We do not know precisely when and why that happened, but it may well be connected to his surprising appearance in Edward Balliol’s company at Annan in late 1332 (when Balliol was caught off guard by the post-Dupplin Scottish leaders and driven out of Scotland). The earliest Scottish account calls him simply Alexander Bruce, and though later chroniclers add the titles ‘earl of Carrick and lord of Galloway’ they are probably mistaken.⁹³ In that case, it is likely that he joined Balliol out of resentment that he had not been treated as his father’s heir⁹⁴ (or indeed as the young David II’s closest male relative, following the death of Robert Bruce of Liddesdale) – and that after Balliol’s expulsion he was ‘bribed back to loyalty to David II’⁹⁵ by a grant of Carrick from the new guardian of Scotland, Sir Archibald Douglas (brother of Robert I’s companion James Douglas), together with Douglas’s daughter in marriage. Here, therefore, political considerations eventually cancelled this bastard’s exclusion. However, Alexander did not live to enjoy his new status: he was one of the many Scots magnates killed at the battle of Halidon Hill in July 1333.

⁸⁸ Probably in 1308: *ODNB*, ‘Bruce, Edward, earl of Carrick’.

⁸⁹ Barbour, *The Bruce*, ed. Duncan, 504–6; I follow Duncan’s interpretation, but think it more likely that Alexander was born in about 1314.

⁹⁰ *RMS*, i, appendix 2, nos. 319, 320, 441, 622, 623, 624; all apparently between 1326 and 1329.

⁹¹ *Exchequer Rolls*, ed. Burnett, i, 258–9, which shows that Carrick was still in David II’s possession in early 1330; unfortunately, the relevant accounts for subsequent years do not exist.

⁹² Fordun, *Chronica Gentis Scotorum*, i, 356; there is also some heraldic evidence (below, at note 225), but it is ambiguous.

⁹³ Fordun, *Chronica Gentis Scotorum*, i, 356; ‘Carrick’ and ‘Galloway’ added in Wyntoun, *Original Chronicle*, ed. Amours, v, 424–5; and Bower, *Scotichronicon*, ed. Watt, vii, 82–5 (Galloway is certainly wrong). For this event, Nicholson, *Edward III and the Scots*, 103–4; A. Beam, *The Balliol Dynasty, 1210–1364* (Edinburgh, 2008), 234–8. The argument in Penman, *David II*, 40–1, that Alexander’s support for Balliol was invented by later chroniclers wanting to smear him on behalf of Robert Stewart (the future Robert II), is unconvincing, because the earliest source, the ‘Gesta Annalia’ incorporated in Fordun’s chronicle, was actually anti-Stewart.

⁹⁴ Accentuated, perhaps, by the fact that although Robert I styled Isabella countess of Atholl in 1329 (*RRS*, v, nos. 372, 373), the lands of the forfeited David earl of Atholl had been given to Robert’s own sister, her husband Sir Neil Campbell (d.1316), and their son John – who was earl of Atholl in the late 1320s. Balliol could not have offered Atholl to Alexander, because the direct claimant (son of Earl David) was one of his closest supporters; but he may well have promised Carrick instead.

⁹⁵ *ODNB*, Alexander Bruce (under ‘Bruce, Edward, earl of Carrick’).

(3) *Sir Archibald Douglas lord of Galloway, third earl of Douglas (c.1320×1330–1400): son of James lord of Douglas*⁹⁶

Unlike the two Bruces, who met untimely deaths in battle, Archibald Douglas lived a full life; if, as is likely, he was born in the mid-1320s, he would have been too young for Dupplin and Halidon, but he probably fought in the next Scottish defeat at Neville's Cross in 1346, certainly fought in the French defeat at Poitiers in 1356, and survived until 1400, when he would have been well over seventy. In a sense, however, his long career was enabled by two of the disasters of the early 1330s: first, the death of his father, 'the Good Sir James', in a Spanish battle in 1330; second, the deaths in 1333 at Halidon of both James's teenage heir and his younger brother (the guardian).⁹⁷ After Halidon, the lord of Douglas was James's other brother, who was a priest, and the new heir was the late guardian's young son, who (along with Archibald) had been sent with the equally young David II to France after Halidon.⁹⁸ Thus there was a vacuum at the top of the house of Douglas, which was exploited by the main collateral kinsman, William Douglas of Lothian/Liddesdale.⁹⁹ Between 1334 and 1346 he became the leading Scottish warlord, and in 1342 he in effect took over the Douglas estates by getting them transferred to the absent heir (whose wardship he had acquired) and the tenure changed to male entail, so that they would go to him if the heir died without a son.¹⁰⁰ But since the entail's ostensible purpose was to keep the estates of James lord of Douglas within the male Douglas kindred, James's bastard son Archibald was also included – which was vitally important almost half a century later. In 1342, as the entail implies, Archibald was a follower of Douglas of Liddesdale (who had probably brought him back from France in 1339), and he continued to be until 1346, when the latter was captured at the battle of Neville's Cross.¹⁰¹ Soon after that the now adult lord of Douglas, another William, returned from France and set about establishing himself as head of his house – which included killing the lord of Liddesdale in 1353.¹⁰² Thereafter, Archibald attached himself to William lord of Douglas, with whom he went to France in 1356 and fought at the battle of Poitiers, where William probably knighted him.¹⁰³

However, serving William Douglas (who was made an earl in 1358) meant Sir Archibald would always be a junior figure, whereas working for the king meant he could develop his own career. It is clear that in the 1360s Archibald was well aware of this – and

⁹⁶ ODNB, 'Douglas, Archibald, lord of Galloway and third earl of Douglas'; Brown, *Douglases*, chapters 2–4.

⁹⁷ *Ibid.*, 22–8, 33–5. James lord of Douglas is traditionally known in Scotland as either 'the Good Sir James' or 'the Black Douglas'. In 1330 he set out to take Robert I's heart on crusade, and was killed in Andalusia fighting for Castilian forces against the Moors.

⁹⁸ Penman, *David II*, 52. Brown, *Douglases*, 40, suggests that the priest, Hugh 'the Dull', was also in France until 1341.

⁹⁹ ODNB, 'Douglas, Sir William, lord of Liddesdale'; Brown, *Douglases*, chapter 2. For clarity, I follow the common practice of styling him 'of Liddesdale', though until 1342 he was 'of Lothian'.

¹⁰⁰ RRS, vi: *The Acts of David II King of Scots, 1329–1371*, ed. B. Webster (Edinburgh, 1982), no. 51; Brown, *Douglases*, 40–1.

¹⁰¹ *Ibid.*, 39, 53.

¹⁰² One specific cause of grievance was the lordship of Liddesdale. After Robert Bruce of Liddesdale died at Dupplin (1332), the new guardian Archibald Douglas gave himself a crown charter of the lordship; but he was killed at Halidon (1333). Then in 1342 David II declared that charter invalid, and granted Liddesdale to William Douglas; but the son of Archibald the guardian, William lord of Douglas, did not accept that, which was one of the reasons why he killed the lord of Liddesdale. Thereafter he and his son possessed it (with ratification by a royal charter in 1354) until the latter's death in 1388. RRS, vi, nos. 44, 45; RMS, i, appendix 1, no. 123; *Scots Peerage*, ed. Paul, iii, 148–9, 155; vi, 339–42; and below, at note 144.

¹⁰³ Brown, *Douglases*, 43–6, 53–4; W. Fraser, *The Douglas Book* (Edinburgh, 1885), i, 323–4.

also that David II saw him as a counterweight to the new earl. By early 1362 David had made him sheriff of Lothian and keeper of Edinburgh castle, and he was becoming a regular witness of royal charters;¹⁰⁴ while later that year the king facilitated his marriage to a major heiress who brought him extensive lands in the Borders, in the North, and especially in the Douglases' home region of Clydesdale (south of Glasgow), which Archibald came to dominate from his wife's castle of Bothwell.¹⁰⁵ For the rest of David II's reign he was one of the most important members of the royal household,¹⁰⁶ and probably its military leader; in 1364 he was appointed Warden of the West March against England; and in 1369 he was granted the eastern half of the troublesome lordship of Galloway, in reward for his 'diligent labour and gracious service' there and elsewhere.¹⁰⁷ Then after David II died in 1371 Archibald (unlike many of David's household) continued in crown service, now under the new Stewart king, Robert II. He was sent almost immediately on a major embassy to France, and the following year, with Robert's eventual approval, he bought western Galloway from its ineffective lord.¹⁰⁸ Thus he now possessed the whole of that great south-western province, which, combined with his wife's inheritance, put him amongst the top Scottish landowners. And although (until 1383) he no longer witnessed royal charters so consistently, he kept much the same position as under David II.¹⁰⁹

¹⁰⁴ Brown, *Douglases*, 54–6; RRS, vi, nos. 267, 269, 270, 272, 274, 277, 278, 281.

¹⁰⁵ Brown, *Douglases*, 56–7; Penman, *David II*, 270–1. The heiress was Joanna Murray, only legitimate child of Maurice Murray of Drumsargard, earl of Strathearn (d.1346). That earldom was limited to heirs male, but Joanna inherited several baronies which David II had given Maurice in the 1340s. In addition, she brought the estate of her first husband, Thomas Murray of Bothwell (d.1361), which was one of the richest in Scotland. Historians have puzzled over how that could have happened, and Brown and Penman state that David II overruled the normal rules of inheritance. However, it is more likely that Joanna was actually her first husband's heir. The Bothwell estates had been acquired by his great-great-grandfather in the later thirteenth century, presumably through marriage to an heiress of the original Olifard lords of Bothwell, but the precise family details are unknown. However, since the first Murray of Drumsargard (Maurice's grandfather) was prominent in the 1290s, I suggest that he or his father also married an Olifard female, and that therefore Maurice and after him Joanna were collateral heirs to the Murrays of Bothwell (which produced no surviving junior branches). Be that as it may, though Archibald had to settle a demand for the 'widow's third' due to the widow of the previous lord of Bothwell, no challenge was ever made to his and Joanna's possession of the full estate, and other members of the wider Murray kindred (who have been suggested as rightful heirs) were followers of Archibald's son. *Scots Peerage*, ed Paul, i, 214–17; ii, 123–31; viii, 255–8; ODNB, 'Murray, Maurice, earl of Strathearn'; ODNB, Sir Thomas Murray (under 'Murray, Sir Andrew, of Bothwell'); Grant, 'Records of Archibald, fourth earl of Douglas', 246; and nos. 33, 64, 71, 72 of the *Acta*. For a different analysis, see B. McAndrew, 'Heraldic investigations anent early Murray genealogy', *Proceedings of the Society of Antiquaries of Scotland*, cxl (2010), 154–9; Dr Murray and I amicably agree to differ.

¹⁰⁶ During the second part of David II's reign, from late 1357 to 1371, the most frequent witnessing (excluding that by leading earls, which was routine) was by David's chamberlain Robert Erskine (190 appearances in witnessed charters), and then by Archibald (90 appearances: more than twice as many as anyone else bar one): RRS, vi, nos. 153–508.

¹⁰⁷ *Ibid.*, no. 451.

¹⁰⁸ Brown, *Douglases*, 64–8; Penman, *David II*, 412–18; Boardman, *Early Stewart Kings*, 109–14; A. J. Macdonald, *Border Bloodshed: Scotland and England at War, 1369–1403* (East Linton, 2000), 22–8. Archibald had already acted in France for David II in 1370, but the 1371 embassy was much more important. Western Galloway had become the earldom of Wigtown, but from the late 1360s the then earl, Thomas Fleming, surrendered it to both David II and Robert II, and meanwhile sold it to Archibald. Robert gave it to someone else, whereupon Archibald produced Fleming's charter of sale, and after the matter was examined before a full council, Robert II confirmed the purchase (Archibald was presumably the highest, or most forceful, bidder): RMS, i, nos. 414, 507.

¹⁰⁹ As the total for 1383–8 demonstrates. Overall, from 1371 to 1374 Archibald appears 11 times (in 46 witnessed charters), from 1375 to 1382 only three times (in 115), and from 1383 to 1388 50 times (in 54). These figures derive from documents collected by Dr A. L. Murray for the projected *Regesta Regum Scottorum* volume on Robert II and III.

Moreover, he was one of the main controlling figures on the Borders (along with the first and, after 1384, second earls of Douglas, and the earl of March), juggling the maintenance of an increasingly fragile truce with the exertion of growing pressure on English-held territory, and leading Scottish reconquests when war broke out again in 1384. He also invaded England, especially in 1388, though in that year he headed the army which attacked in the west, therefore missing the fame won in the east by a smaller force under March and Douglas at the battle of Otterburn.¹¹⁰

But, indirectly, Otterburn brought the culmination of Sir Archibald's long career. The second earl of Douglas was killed there, leaving no legitimate sons (though two bastards), so the entail of 1342 came into play. Its creator the lord of Liddesdale had no sons, and therefore, because of the entail, Archibald inherited the main Douglas lands and became third earl of Douglas. Thus for the final twelve years of his life, Archibald was head of the house of Douglas, which, now that the earldom's estates were combined with Archibald's and his wife's, far outweighed all other magnate houses apart from the royal Stewarts (into which both Archibald's elder legitimate son and his bastard married). It is a most remarkable achievement for an illegitimate son: indeed, apart from his contemporaries Enrique of Trastámara and João of Aviz, who both gained thrones, Archibald third earl of Douglas may have been fourteenth-century Europe's most successful bastard.

His succession to the earldom of Douglas, however, was not straightforward.¹¹¹ After Otterburn the earldom seemed initially to be going to the second earl's sister Isabella and her husband Sir Malcolm Drummond (the 1342 entail may not have been widely known). But then Archibald made his claim. Though successful, the decision took time; he did not begin to be styled earl of Douglas until January 1389, and the formal transfer of the inheritance and title had to await parliament's ratification in April.¹¹² The affair caused great tension, and had wide repercussions: John earl of Carrick, who had been guardian for his aged father Robert II since 1384, and was married to Drummond's sister, was replaced by his brother Robert earl of Fife, Archibald's co-leader in the 1388 invasion of England; the Chancellor was dismissed for favouring Drummond; and Drummond himself, having refused to appear in parliament without guarantees of his safety, sought help from Richard II of England.¹¹³ The problem was surely not just the unexpected entail, but the whole matter of Archibald's birth. As Jean Froissart put it at the end of his account of Otterburn, *Je ne sçay à qui la terre de Douglas est retournée ... Et devés savoir que messire Arcembault de Douglas*

¹¹⁰ Macdonald, *Border Bloodshed*, chapters 2–3. Among other matters, his duties involved dealing in person with John of Gaunt, and writing directly to Edward III. The first earl of Douglas died in April 1384.

¹¹¹ A. Grant, 'The Otterburn war from the Scottish point of view', in A. Goodman and A. Tuck (eds.), *War and Border Societies in the Middle Ages* (London, 1992), 50–1, 62–3; and for much more detailed discussion, Boardman, *Early Stewart Kings*, 142–73; Brown, *Douglases*, chapter 4 (though I do not see the affair in quite such violent power-politics terms).

¹¹² *Records of the Parliaments*, ed. Brown, item 1389/3/14. There is a rather strange pattern of styling in royal witness lists: he is earl on 25.1.1389 (*Charters and other Documents relating to the City of Edinburgh*, ed. J. D. Marwick (Edinburgh, 1871), 38) and 26.1.1389 (W. Fraser, *The Red Book of Menteith* (Edinburgh, 1880), ii, 265); not earl on 28.2.1389 (RMS, i, no. 755) and 10.4.1389 (*Records of the Parliaments*, ed. Brown, item 1389/3/18); earl on 18.4.1389 (*Selectus Diplomatum ... Scotiae Thesaurae*, ed. J. Anderson (Edinburgh, 1739), no. 56); not earl on 16.5.1389 (Fraser, *Douglas Book*, iii, no. 339); earl on 12.8.1388 (W. Fraser, *The Red Book of Grandtully* (Edinburgh, 1868), i, no. 113*) and thereafter.

¹¹³ Boardman, *Early Stewart Kings*, 149–53, 159–64; *Records of the Parliaments*, ed. Brown, items 1388/12/1, 1389/3/8–11. Carrick's marriage, in 1366×1367, had helped bring him into David II's faction, because David's queen was the Drummonds' aunt (above, at note 54); and after Carrick was made guardian in 1384, Drummond and other former David II supporters became prominent again.

*dont j'ay traittié en plusieurs lieux, comme vaillant chevallier qu'il feust et fort redoubté des Anglois, estoit bastart.*¹¹⁴ This must reflect what French knights who had been at Otterburn had heard from Douglas's followers; there was clearly opposition to the idea of a bastard succeeding.

That opposition failed, however. Part of the reason was no doubt Archibald's own ability. As Walter Bower put it, 'he surpassed almost all other Scots of his time in worldly wisdom, resolution and daring'.¹¹⁵ It was his wisdom and resolution that, from about 1360 to 1388, brought him close to each ruler in succession – David II, Robert II, and (after 1384) John earl of Carrick – irrespective of political factionalism. And although because of the Douglas succession he allied with Robert earl of Fife (and Robert II) against the earl of Carrick, later, when Carrick was king as Robert III, he again supported the crown. He did, of course, benefit greatly from that – but so did those he served. There was, however, another reason. Bower also highlighted his 'daring', and noted that he was called 'the Grim',¹¹⁶ while Froissart's words *vaillant chevallier* summarized a previous vivid description:

*messires Archebaux de Douglas qui estoit grans chevaliers et adurés durement et ressoigniés de ses ennemis, quant il deut approchier, mist piet à terre et prist à son usage une longhe espée qui avoit d'alamelle bien II aulnes. A peines le peust uns aultres homs lever en sus de terre; mais elle ne lui coustoit nient au masnier, et en donnoit les cops si grans que tout ce qu'il aconsieuvoit, it mettoit par terre.*¹¹⁷

Whether or not that is accurate (it may be, since Froissart would have met him at David II's court), what it really depicts is surely Archibald's own self-image. This was more than just that of a great warrior. His father, Robert Bruce's famous companion James lord of Douglas, was said to have been large-limbed, with a pale face and black hair that led to the nickname 'the Black Douglas'.¹¹⁸ Since Archibald the Grim was apparently just as big and had the same black hair, it is reasonable to assume that throughout his adult life he personified his heroic father – and indeed he may well have been responsible for creating the 'Black Douglas' image of them both.¹¹⁹ His coat of arms presented the same message. After James Douglas died while taking Robert I's heart on crusade, a red heart was added to the basic white field of the main Douglas arms; Archibald's pre-1389 arms bore the same heart, powerfully invoking his father, with his cadet (not necessarily illegitimate) status being shown not by any defacing stripe but by changing the field to ermine.¹²⁰ Such deliberate echoes of the Good Sir James must have made Archibald's service particularly desirable to whoever ruled Scotland in the later fourteenth century, since he provided them all with a link back to James Douglas and hence to Robert Bruce. With Archibald Douglas, therefore, perhaps more than with any other Scottish bastard, it was not his bastardy but his paternity that mattered most; and given his own ability, it is no surprise that he rose to the top of Scotland's political society.

¹¹⁴ Froissart, *Oeuvres* ..., ed. Baron Kervyn de Lettenhove (Brussels, 1867–77), xiii, 256.

¹¹⁵ Bower, *Scotichronicon*, ed. Watt, viii, 34–5.

¹¹⁶ *Ibid.*, 297–8, 300–1.

¹¹⁷ Froissart, *Oeuvres*, ed. Kervyn de Lettenhove, ix, 41.

¹¹⁸ Barbour, *The Bruce*, ed. Duncan, 64, 578.

¹¹⁹ *Liber Pluscardensis*, ed. F. J. H. Skene (Edinburgh, 1877–80), i, 300; ii, 229–30. This chronicle, from the early 1460s, calls him 'Black Archibald'; and his grandson called him that in 1448: *The Acts of the Parliaments of Scotland*, i, ed. C. Innes (Edinburgh, 1875), 714.

¹²⁰ Below, at note 228.

- (4) *Sir William Douglas lord of Nithsdale (c.1360–91): son of Archibald Douglas of Galloway and third earl of Douglas*¹²¹

The prominence of Sir William Douglas is particularly striking, because he was actually the bastard of a bastard. It is further testimony to the remarkable achievement of his father Archibald Douglas, though William's own efforts were also most significant. He is first mentioned in September 1384, when (at a special council probably held to determine military policy) Robert II granted him a £40 annuity for 'service done and to be done'.¹²² Since he was already a knight, it can be assumed that he had been fighting along with his father, and was now being recognized in his own right as one of a new young generation of Scottish warriors (his father was by then in his late fifties at least).¹²³ Scottish chroniclers vividly describe his raids on north-west England, and his attack on northern Ireland and the Isle of Man as part of the full-scale 1388 campaign.¹²⁴ And by December 1387 he had earned a remarkable reward from the earl of Carrick (then governing in Robert II's name): 'on account of this man's prowess', as Bower later put it, 'the lord king of Scotland gave him as his wife his daughter the Lady Egidia ... and with her permanent possession of the lordship of Nithsdale' – plus another annuity, of £300.¹²⁵ For a bastard to marry the king's daughter was unprecedented, and is the best possible indication of Sir William's importance.¹²⁶

We might wonder, however, how Archibald Douglas's legitimate son and heir (another Archibald) reacted. Significantly, in the late 1380s he made an even better marriage, to the eldest daughter of the earl of Carrick, who became Robert III in 1390. The two Douglas–Stewart marriages may have been arranged at the same time, but it is more likely that the younger Archibald's was later, and it may well have reflected the need to conciliate the new heir to the earldom of Douglas.¹²⁷ Whatever the case, this raises the question of how bastards were viewed by their legitimate brothers, particularly since any paternal endowments in land would be at the expense of the latter's inheritances. Interestingly, when Robert II granted William Douglas the £40 annuity in 1384, he also gave advance permission for Archibald Douglas to grant William land worth £100 a year in the Border sheriffdom of Roxburgh¹²⁸ – which implies that William's initial promotion was to be at his family's as well as the crown's expense. But such a grant (from the property of Archibald's wife) was never made; it was not until December 1388, when Archibald was about to gain the Douglas inheritance and was probably arranging his heir's royal marriage,

¹²¹ ODNB, 'Douglas, Sir William, lord of Nithsdale'.

¹²² RMS, i, no. 752.

¹²³ Boardman, *Early Stewart Kings*, 121–3; Grant, 'Otterburn war', 43; Macdonald, *Border Bloodshed*, 75–84.

¹²⁴ Wyntoun, *Original Chronicle*, ed. Amours, vi, 316–25; *Scotichronicon*, ed. Watt, vii, 410–15; Grant, 'Otterburn war', 49; Macdonald, *Border Bloodshed*, 92–3, 105–6.

¹²⁵ *Scotichronicon*, ed. Watt, vii, 412–13; RMS, i, no. 753.

¹²⁶ I follow the general consensus that she was a legitimate daughter of Robert II. But it should be pointed out that it is impossible to prove that she was not actually a bastard. She is called Robert II's dearest daughter – but Sir William is similarly called Archibald's son, and in general Scottish charters rarely specify illegitimacy. However, the grants of Nithsdale plus the £300 annuity do look more like the dowry of a legitimate princess.

¹²⁷ *Scots Peerage*, ed. Paul, i, 17–18. The evidence for the marriage's date is indirect. It was contracted before Robert III's accession, and Brown dates it to 1387 (Brown, *Douglases*, 70), presumably in view of the post-Otterburn tension between Carrick and Archibald Douglas (above, at note 113). But it is clear that the marriage contract was made by the earl of Fife as well as Carrick, and that it involved Fife lending his brother over £700 – which surely indicates that the contract was made (or perhaps finalized) after Fife took over as guardian, and possibly as a result of his pressure on Carrick. *Exchequer Rolls*, ed. Burnett, iii, 343, 377; Fraser, *Red Book of Menteith*, i, 157–8.

¹²⁸ RMS, i, no. 753.

that he granted territory to William. Given that Archibald's lands were about to be doubled, his family was unlikely to object, especially since the territory (Herbertshire barony, in Stirling sheriffdom) was outside the main Douglas spheres of interest. But by then, of course, William had also had Nithsdale and his £300 annuity: Archibald's son had become a major magnate at no cost to the Douglases. Nithsdale, however, was not a usual great lordship. It is the middle part of Dumfries sheriffdom, and in the later fourteenth century most of it was held by other landowners; so William received very little land there (which no doubt explains the £300 annuity). On the other hand, it is also clear from a later document that he was given complete administrative and judicial authority over the sheriffdom of Dumfries, which in practice (since the other parts were held in regality) meant over Nithsdale, where he was also to be March Warden.¹²⁹ That is why he was called its lord – but within Nithsdale he seems more like a French local governor than a normal Scottish provincial lord.¹³⁰ For the crown (which at that time had hardly any land of its own to grant away) this would have given William appropriately high status without upsetting other major landowners, and indeed without costing very much.¹³¹

Unfortunately, Sir William enjoyed neither his new status nor his marriage for long. After the Anglo-Scottish warfare ended in truce in 1389, he looked to fight elsewhere. In 1390 he had a safe-conduct to engage in judicial combat with the English Lord Clifford (whose family had a long-standing feud with the Douglases), and though that was apparently cancelled, the following year he went on a Baltic crusade – where he again encountered Clifford. At Königsberg a quarrel broke out, escalated violently, and culminated in Sir William's death.¹³² It was a sad end, but perhaps not inappropriate, since his entire career had been based on fighting. As a contemporary verse chronicle put it, he was 'greatly prized' in war, and 'his foes ... feared him greatly'.¹³³ Bower elaborated on this, and added that 'he was black in colour, not very heavy but spare, gigantic in appearance ... [and] was said to be so strong that whomsoever he had struck with a blow of his mace or sword or a thrust of his lance fell dead to the ground'.¹³⁴ But while this is a powerful depiction of a warrior hero, the echoes of the portrayals of his father Archibald (by Froissart) and his grandfather the Good Sir James (by Barbour) are so close that we are surely simply looking at a stock image of warrior Douglases¹³⁵ – probably, given the emphasis on black hair, constructed by or for Archibald the Grim in such a way that all three were merged into a single 'Black Douglas' image, which of course cancelled out Archibald's and William's bastardy. As he has come down to us, therefore, William lord of Nithsdale can be regarded as the creation of Archibald the Grim in more ways than one.

¹²⁹ Grant, 'Development of the Scottish peerage', 9–10; Fraser, *Douglas Book*, iii, no. 85.

¹³⁰ Harsgor, 'L'essor des bâtards nobles', 319–23.

¹³¹ In the late 1380s Scottish customs revenues (which paid the annuity) were still relatively high.

¹³² Macdonald, *Border Bloodshed*, 122–3; Brown, *Douglases*, 204, 207; *The Westminster Chronicle*, ed. L. C. Hector and B. F. Harvey (Oxford, 1982), 475–7; *Scotichronicon*, ed. Watt, vii, 446–9. The fatal quarrel apparently arose because Douglas's Scots were stopped from taking Mass because they adhered to the Avignon pope, and it developed along the lines of the Great Schism, with French crusaders supporting the Scots against the other nationalities.

¹³³ Wyntoun, *Original Chronicle*, ed. Amours, iii, 317, 319 (from an earlier anonymous chronicle that Wyntoun incorporated). For clarity, in this chapter I have modernised all the quotations from Wyntoun's vernacular text.

¹³⁴ *Scotichronicon*, ed. Watt, vii, 410–11; 'he was black in colour' (hair, I assume, not skin) is my translation of *niger erat colore*, which the published version renders 'He was a dark-skinned man'.

¹³⁵ Above, at note 115. As Alastair Macdonald has pointed out, we cannot be sure that Bower's depiction of him was accurate rather than conventional: *ODNB*, 'Douglas, William'.

ROYAL AND MAGNATE BASTARDS

- (5) *George Douglas earl of Angus (1378×1380?–1403?): son of William first earl of Douglas and Margaret Stewart countess of Angus*¹³⁶

This third Douglas bastard takes us back to the first earl, his father. Here, however (as with Alexander Bruce), George's mother is equally important. Margaret was the elder daughter and co-heiress of Thomas Stewart earl of Angus (d.1361), and the wife of Thomas earl of Mar (d.1377) – whose sister and heiress was the wife of the first earl of Douglas. Thus George Douglas's mother was his father's sister-in-law! The relationship probably began shortly after Earl Thomas's death, and by January 1379 Margaret was installed in one of Douglas's castles; she soon persuaded her younger sister to surrender the other half of the Angus inheritance, and began to be styled countess of Angus and Mar.¹³⁷ George was probably born around that time. But Earl William was still married to his wife, through whom he had gained the earldom of Mar. His situation is fascinatingly illustrated by his bland statement in 1381 that 'an honourable lady, dame Margaret countess of Mar, our sister, in her widowhood, has set to farm [that is, leased] to us, to Margaret our spouse, and to ... our heirs', all her 'widow's third' of her late husband's estates, for 200 marks a year.¹³⁸ What would the earl's wife have made of the fact that his 'sister' was now his mistress and mother of their bastard? Such questions are usually unanswerable, but in this case a charter she issued soon after Douglas's death in 1384, fulfilling an undertaking by him to endow a chantry, gives a good indication. The masses were to be for the souls of 'our lord the late Lord William our husband', of 'our *dearest* brother the late Thomas earl of Mar', of herself, and of 'our *dearest* son James earl of Douglas and lord of Liddesdale': her brother and son were both *carissimus*, but obviously her husband (mentioned seven times with no sign of affection) was not.¹³⁹

As for George Douglas, in April 1398 (five years after his father died, and when he was only about ten years old), his mother Margaret had her Angus estates transferred to him. Significantly, this transaction took place only a few days after Archibald lord of Galloway finally won his claim to the earldom of Douglas, and so must surely be seen as a reaction against the late Earl William's earldom going to his bastard cousin: William's own bastard should have an earldom too.¹⁴⁰ But George did not become earl immediately; initially he was merely 'lord' of Angus.¹⁴¹ Then in 1397 (when George was about nineteen) Margaret Stewart contracted with Robert III for him to marry one of the king's younger daughters and have regality powers over all the Angus lands; so a second Douglas bastard gained a royal bride, and was subsequently earl of Angus.¹⁴² The contract added, moreover, that Robert III would ratify all grants to George by his half-sister Isabella Douglas countess of Mar; she had inherited the unentailed Douglas estates, but was ageing and

¹³⁶ ODNB, 'Douglas, George, earl of Angus'.

¹³⁷ *Illustrations of ... the Antiquities of the Shires of Aberdeen and Banff*, ed. J. Robertson (Spalding Club, Aberdeen, 1847–69), iv, 160–1, 724; Fraser, *Douglas Book*, ii, 13–14; iii, nos. 294, 332.

¹³⁸ *Ibid.*, iii, no. 36. Douglas's aim was probably to separate wife and mistress: the wife would live on her Mar inheritance in northern Scotland, the mistress would live in the south.

¹³⁹ *Antiquities of Aberdeen and Banff*, ed. Robertson, iv, 725–7.

¹⁴⁰ *Records of the Parliaments*, ed. Brown, items 1389/3/14, 1389/3/18. Margaret resigned her estates to the crown for regrant to George; that was common Scottish practice, but of course required the crown's consent (in this case from the new guardian, Robert earl of Fife).

¹⁴¹ Fraser, *Douglas Book*, iii, nos. 44, 45. In fourteenth-century Scotland it was quite common for those who were not direct heirs to earldoms to be called 'lord' rather than 'earl': A. Grant, 'Earls and earldoms in late medieval Scotland', in J. Bossy and P. Jupp (eds.), *Essays presented to Michael Roberts* (Belfast, 1976), 27–8.

¹⁴² Fraser, *Douglas Book*, iii, nos. 45, 48; RMS, i, appendix 2, no. 1754; Brown, *Douglases*, 89.

childless, and Margaret Stewart's plan was presumably for George to become her heir.¹⁴³ However, Isabella and her husband Sir Malcolm Drummond (who had been the main loser over the Douglas inheritance in 1388–9) seem not to have co-operated – except over the much-disputed lordship of Liddesdale. The first earl of Douglas had acquired it after killing Sir William Douglas of Liddesdale in 1353,¹⁴⁴ but in 1388–9 the latter's nephew and heir Sir James Douglas of Dalkeith successfully claimed it back. Ten years later, however, George earl of Angus – encouraged by Malcolm Drummond, Robert III's brother-in-law, who promised to give George all his and his wife's rights over the lordship¹⁴⁵ – set out 'to recover from James Douglas all ... rents of Liddesdale which he wrongfully occupies'. Earl George led a group of south-eastern barons and lairds (mostly connected with his mother and with Drummond) in damaging attacks on Sir James's estates – which had the desired result, for the lord of Dalkeith agreed (following Archibald the Grim's mediation) to surrender Liddesdale, and in 1400 Isabella ratified Malcolm Drummond's undertaking to Earl George.¹⁴⁶

At first sight, the attacks on the Dalkeith estates seem typical of the militarism of both legitimate and illegitimate Douglases. What distinguished (and rewarded) Archibald the Grim and William of Nithsdale, however, was leadership against the English, not their own countrymen. And although George Douglas gained Liddesdale, he and his followers were sued for heavy damages by the lord of Dalkeith.¹⁴⁷ Moreover, the extent of his leadership is questionable. Most of his followers in 1398–9 were associated less with himself than with his mother – who was clearly the force behind George becoming earl of Angus. Moreover, from late 1399, when war began again on the Anglo-Scottish borders, the son of the now aged Archibald the Grim (who died in December 1400) was unquestionably the main Scottish leader, and, significantly, many of the Lothian barons who had supported George Douglas joined his affinity.¹⁴⁸ Meanwhile, Earl George does not feature among those who resisted English attacks on Lothian in 1400–1, and in 1402 he simply followed the fourth earl of Douglas, who led a full-scale invasion of England to defeat at the battle of Humbledon.¹⁴⁹ There, the death-rate among Scottish nobles was far lower than in earlier defeats, but many were taken prisoner, including the earl of Angus – who unfortunately died in captivity, of plague.¹⁵⁰ By comparison with the other two Douglas bastards, therefore, George's career was much less impressive. But he did leave a young heir, who (after Isabella countess of Mar died childless in 1408) inherited the rest of the

¹⁴³ As indicated by the fact that Isabella's current heir Sir James Sandilands (who was apparently under an obligation to Margaret, probably financial) agreed to that, and surrendered his own inheritance rights to George: Fraser, *Douglas Book*, iii, nos. 43–4, 46–7.

¹⁴⁴ Above, note 102.

¹⁴⁵ In March 1389. In exchange, Earl George was to give his mother's 'widow's third' of the Mar estates to Drummond; also, they made a bond of mutual support: Historical Manuscripts Commission, *Mar and Kellie Supplementary Report* (Edinburgh, 1930), 12. Note that Drummond was also uncle of the young heir to the throne, David duke of Rothesay, who in the late 1390s appears to have been challenging the power of Archibald the Grim and his associate the lord of Dalkeith: Boardman, *Early Stewart Kings*, 204–6; Brown, *Douglases*, 88–9.

¹⁴⁶ Brown, *Douglases*, 89–91, 94, note 26; Grant, 'Otterburn war', 63, note 90; Fraser, *Douglas Book*, iii, no. 51.

¹⁴⁷ Brown, *Douglases*, 94, note 26; from National Library of Scotland, MS 72, fos. 32r–39v (and for a printed example, *Registrum Honoris de Mortoun*, ed. Innes, i, appendix, no. 10).

¹⁴⁸ Brown, *Douglases*, 90, 95, 99; Grant, 'Records of Archibald, fourth earl of Douglas', 246.

¹⁴⁹ Brown, *Douglases*, 99–106; and for more detailed analysis, J. Gledhill, 'Political Society in South-East Scotland, 1094–1434' (Lancaster University Ph.D. thesis, 2008), 355–70.

¹⁵⁰ Bower, *Scotichronicon*, ed. Watt, viii, 48–9: *in Anglia peste epidemie moritur*.

unentailed Douglas lands.¹⁵¹ Thus, though under normal rules the great Douglas inheritance should have gone through female succession into non-Douglas ownership after 1388 (as happened with so many other major lordships), it stayed instead in Douglas possession – divided between the lines of Archibald the Grim (the ‘Black Douglasses’) and George Douglas earl of Angus (whose descendants became known as the ‘Red Douglasses’). Without those two bastards, late medieval Scotland’s political history would have been hugely different.

- (6) *Alexander Stewart earl of Mar and lord of Garioch (c.1370–1435: son of Alexander Stewart lord of Badenoch and earl of Buchan*¹⁵²

The last great bastard is a Stewart, and his career was the most spectacular of them all. Walter Bower summed it up as follows:

In 1435 ... the death occurred of Sir Alexander Stewart earl of Mar, a bastard son of Sir Alexander Stewart earl of Buchan, the son of the lord king Robert II. He was a man who had acquired great property, and who in his youth was very headstrong and wild and the chief leader of a band of caterans [Highland warriors]. But later he came to his senses, and, being changed into another kind of man, ruled with acceptance nearly all the north of the country beyond the Mounth. As a man of great wealth and lavish expenditure, holder of a celebrated name, he was the object of much talk in distant places. The victory achieved at Liège on behalf of sir John duke of Burgundy was ascribed to his diligent prowess, and similarly at Harlaw over the men from the Isles he was given credit for the victory, for he was extremely well-endowed in matters requiring a spirited and lively approach. Because of his bastardy the king succeeded to all his possessions.¹⁵³

In the context of the conference at Liège from which this essay derives, Mar’s contribution to the victory over the men of that city – at Othée in 1408 – is the most striking aspect of this obituary; but for clarity it is best to take Bower’s points roughly in order.

His father was the youngest son of Robert Stewart and Elizabeth Mure, and thus originally a bastard himself. After Robert Stewart became king in 1371, the elder Alexander was made lord of Badenoch (in the central Highlands) and royal lieutenant of most of the North; and in 1382 he married the countess of Ross and became earl of Buchan.¹⁵⁴ But his marriage failed, largely because he would not end his relationship with a Highland lady, Mairead daughter of Eachainn, who was probably the mother of all his five illegitimate sons. The eldest was the future earl of Mar,¹⁵⁵ whose youthful ‘headstrong and wild’ behaviour was presumably learned from his father. The elder Alexander – known as ‘the Wolf of Badenoch’ – used gangs of ‘wild wicked Highland men’ to assert his regional

¹⁵¹ Thanks to James Sandilands’s surrender of his inheritance rights: above, note 143.

¹⁵² ODNB, ‘Stewart, Alexander, earl of Mar’.

¹⁵³ Bower, *Scotichronicon*, ed. Watt, viii, 292–3.

¹⁵⁴ For his career, ODNB, ‘Stewart, Alexander, earl of Buchan’; A. Grant, ‘The Wolf of Badenoch’, in W. D. H. Sellar (ed.), *Moray: Province and People* (Edinburgh, 1993), 143–62; and S. Boardman, ‘Lordship in the north-east: The Badenoch Stewarts. I: Alexander Stewart, earl of Buchan, lord of Badenoch’, *Northern Scotland*, xvi (1996) (which takes a rather more positive view of him than I do).

¹⁵⁵ ODNB, ‘Stewart, Alexander, earl of Mar’, questions that; but it was specifically stated in 1404: RMS, ii, no. 1239. His date of birth is indicated by the fact that some of his brothers were adult (or nearly) in 1392.

might,¹⁵⁶ most notoriously when he burned Elgin cathedral in 1390. But that unsurprisingly provoked strong government action against him, and thereafter the Wolf's power was seriously reduced. Unfortunately, that left the central and eastern Highlands open to much worse raiding from the western Lordship of the Isles, which the Wolf had previously been countering.

That is the background to the younger Alexander's spectacular career.¹⁵⁷ He presumably learned from what had happened to his father, and also (like Archibald the Grim) realised that good service was the best way for a bastard to flourish: hence his transformation 'into another kind of man' – who came to be the main defender of the central and eastern Highlands against attacks from the West. The pivotal year was probably 1402, when two major magnates were removed from the eastern Highlands: the earl of Moray was captured at Humbledon and imprisoned in England; while Sir Malcolm Drummond, lord of Mar, was killed locally for reasons probably connected to his national political quarrels.¹⁵⁸ That left a power vacuum, which Alexander Stewart filled – especially in Mar, where local lairds objected to government favour for the widowed Countess Isabella's collateral heir (who was based in the South), and instead looked to Alexander for leadership.¹⁵⁹ But the only way he could become the formal leader of Mar was by marrying Isabella – which he did in 1404. One more late medieval Scottish bastard had achieved a remarkable marriage.

For Isabella it was, perhaps, a case of 'if you cannot beat them, join them': she and Drummond had lost out to Archibald the Grim, and had been pressured by George Douglas and his mother. Also, there was perhaps a more immediate trigger. After Drummond's death, Isabella granted Cavers barony and the hereditary sheriffship of Roxburgh (which went with it) to her nephew Archibald, younger bastard of her brother the second earl of Douglas.¹⁶⁰ Cavers had belonged to the earls of Mar, and had come to the first earl of Douglas as his wife's dowry;¹⁶¹ therefore it could be given to her (illegitimate) grandson without diminishing the main Douglas patrimony. But Isabella's grant was blocked, because Robert III (on behalf of George earl of Angus) had prohibited her from alienating any of her inheritance.¹⁶² Thus part of the dowry of Isabella's mother was being diverted away from her grandson in favour of the son of her husband's mistress – against Isabella's wishes. Clearly Isabella had no friends at the political centre, so it is not surprising that she turned to the new regional strong man – and if he was another ambitious bastard, that probably counted in his favour.

Isabella's charters to Alexander Stewart are illuminating.¹⁶³ First, in August 1404, 'in

¹⁵⁶ Wyntoun, *Original Chronicle*, ed. Amours, vi, 368; Bower, *Scotichronicon*, ed. Watt, vii, 446–7.

¹⁵⁷ For which, D. Ditchburn, 'The pirate, the policeman and the pantomime star: Aberdeen's alternative economy in the early fifteenth century', *Northern Scotland*, xii (1992); and M. Brown, 'Regional lordship in north-east Scotland: The Badenoch Stewarts. II: Alexander Stewart, earl of Mar', *Northern Scotland*, xvi (1996).

¹⁵⁸ Until recently his death was usually blamed on Alexander Stewart, but it is now recognised that that is extremely unlikely: Boardman, 'Alexander Stewart, earl of Buchan', 21.

¹⁵⁹ *Ibid.*; Brown, 'Alexander Stewart, earl of Mar', 33–7, 43–5; Boardman, *Early Stewart Kings*, 260–6.

¹⁶⁰ *RMS*, i, appendix 1, no. 154; and Fraser, *Douglas Book*, iii, no. 364.

¹⁶¹ *Scots Peerage*, ed. Paul, v, 585. Cavers, however, is listed among the possessions of the first earl's father (*RMS*, i, appendix 1, no. 123), so, as with Liddesdale, he may have taken it (and the sheriffship) over after Dupplin; but it was unquestionably held of the earl of Mar: *ibid.*, appendix 1, nos. 128, 132; Fraser, *Douglas Book*, iii, no. 19. The same applies to Drumlanrig, which the second earl gave to his elder bastard: Historical Manuscripts Commission, *Fifteenth Report*, part 8, nos. 1, 3, and (for both baronies) above, at note 24.

¹⁶² *Antiquities of Aberdeen and Banff*, ed. Robertson, iv, 165–7.

¹⁶³ For the political circumstances, Boardman, *Early Stewart Kings*, 262–4.

her pure widowhood', she granted all her earldom of Mar, her lordship of Garioch,¹⁶⁴ and her other property, to be held by herself and Alexander and the heirs of their bodies – and if they had none, by *Alexander's* heirs or assigns (that is, anyone he chose, including his illegitimate brothers).¹⁶⁵ In effect, Isabella was transferring the Mar estates entirely, to the exclusion of her collateral heir. But the latter had significant crown support, and so this grant was not confirmed. Instead, on the day of her wedding in December 1404 Isabella issued a new charter, which this time stipulated that if Alexander and Isabella were childless all the lands should go to *her* heirs; Alexander would have them only for life. Significantly, the charter referred to all Isabella's rights and claims through her father and mother 'in certain lands that had been kept from us unjustly'; she was clearly angry about her treatment.¹⁶⁶

Alexander Stewart, on the other hand, would have been delighted. He was now not just an earl but the leading magnate in northern Scotland outside the Lordship of the Isles – and although, as a bastard, he did not inherit Badenoch when his father died in 1405, he did become leader of the latter's Highland followers. But he was much more pragmatic than the Wolf – as his attitude to Cavers shows. It had been excluded from the royal confirmation of Isabella's second charter,¹⁶⁷ and indeed was confiscated because of her unlicensed alienation. But George earl of Angus had died, and obviously his infant heir could not become sheriff of Roxburgh; so, instead, in 1405 Cavers and the sheriffship were granted to one of Robert III's top household men, Sir David Fleming. The new earl of Mar gave his consent – in exchange for being given a barony that Fleming possessed in Aberdeenshire.¹⁶⁸

As that indicates, Alexander's main concern was the north of Scotland, which he came to rule 'with acceptance', in contrast both to his father the Wolf and to the Lord of the Isles. The local lairds presumably accepted him because he delivered good lordship and successful leadership – especially in 1411, when the Lord of the Isles led some 6,000 Highlanders into Aberdeenshire with the aim of destroying Mar's power and sacking Aberdeen itself, but was stopped at Harlaw by a government army that Mar had raised from throughout eastern Scotland north of the Tay.¹⁶⁹ Moreover, as his leadership at Harlaw shows, he also (unlike his father) enjoyed full acceptance from the crown. Admittedly there were some tensions: in 1404, because his marriage to Isabella was against the wishes of Robert duke of Albany (formerly earl of Fife), guardian for the infirm Robert

¹⁶⁴ A neighbouring great lordship, acquired by the last earl of Mar in 1358.

¹⁶⁵ *Antiquities of Aberdeen and Banff*, ed. Robertson, iv, 167–8; abbreviated in *RMS*, ii, no. 1239.

¹⁶⁶ *Antiquities of Aberdeen and Banff*, ed. Robertson, iv, 169–70: *omne jus et clameum quod vel que habemus vel habere poterimus in quibuscunque terris a nobis injuste detentis tam ex parte patris quam ex parte matris*. For the actual ceremony, *ibid.*, 167 (note), and Historical Manuscripts Commission, *Mar and Kellie Supplementary Report*, 13–14.

¹⁶⁷ Edinburgh, National Archives of Scotland, MS GD124/1/129 (note that printed versions omit this clause).

¹⁶⁸ Though the grant was only for Isabella's lifetime. *RMS*, i, appendix 1, no. 156; *Antiquities of Aberdeen and Banff*, ed. Robertson, iv, 172–3; Boardman, *Early Stewart Kings*, 288–90. Isabella's bastard nephew Archibald was not compensated. But both Fleming and Robert III died in 1406, and in 1410, two years after Isabella's death, the new king James I (who was in English captivity from 1406 to 1424) confirmed her grant to her nephew, thus cancelling the confiscation – probably at the request of the fourth earl of Douglas, who brought both the second earl's bastards into his 'Black Douglas' affinity. Consequently the second earl's younger bastard did eventually gain possession of Cavers (as above, at note 24, and below, at note 244).

¹⁶⁹ For Harlaw, Bower, *Scotichronicon*, ed. Watt, viii, 74–7; *Highland Papers*, ed. J. R. N. Macphail (Scottish History Society, Edinburgh, 1914–34), i, 28–32; Brown, 'Alexander Stewart, earl of Mar', 33–6; A. Grant, 'Scotland's "Celtic Fringe" in the late Middle Ages: The Macdonald Lords of the Isles and the kingdom of Scotland', in R. R. Davies (ed.), *The British Isles, 1100–1500* (Edinburgh, 1988), 127, 131–2. For the government, Harlaw was on a par with battles against the English.

III; and after 1424, because James I (on his return from English captivity) apparently distrusted him. But both Albany (who was governor of Scotland during James's captivity) and James himself soon realised that Mar was a loyal crown agent, indispensable for controlling – and defending – the North.¹⁷⁰ His relationship with the crown is illustrated by an indenture made in 1420 with Murdoch, second duke of Albany (governor 1420–4), by which he promised to be the duke's 'man of special fealty and retinue', just as he apparently had been to the first duke: in other words, he promised absolutely loyal service. But that was in return for 'good deeds done to him': from the first duke, substantial amounts of money; from the second, half the judicial profits in the North plus the revenues of Badenoch.¹⁷¹ And subsequently, James I gave him full ownership of both Badenoch and Lochaber (the region to the west), made him lieutenant of the North, and agreed both inheritance rights and a very significant marriage for his bastard son Thomas.¹⁷² These were appropriate rewards for the man who had become, in effect, governor of the north of Scotland.

However – as Bower makes clear – Alexander Stewart was not merely a northern Scottish magnate; he was active outside Scotland as well. In 1405 he was attacking English shipping off the coast of Northumberland; in 1406 he took a forty-strong retinue to Smithfield (London) for jousting with the earl of Kent and others, in which both 'mighty lords' gained 'worship and honour great'; and in 1406 and 1407 he was an ambassador to England.¹⁷³ Then in 1408 he went to France with some sixty followers – the journey that took him to the battle of Othée. Its initial purpose, however, was probably diplomatic. According to the detailed account in Andrew Wyntoun's verse chronicle, Mar was not recruited to the Burgundian army until he was at Bruges waiting for passage back to Scotland, after having spent at least twelve weeks in Paris between May and September, outshining the English earl of Warwick by being 'specially ... treated ... as of house[hold] familiar' to the French king, particularly at the court's Whitsun banquet, and by making 'special acquaintance' with the duke of Burgundy.¹⁷⁴ Thus he must surely have been prominent among *les ambaxadeurs d'Escove* who (as Monstrelet notes) were then in Paris.¹⁷⁵

Also, Mar had personal reasons for going to France. Among the Douglas estates inherited by his wife Isabella was a property at Saint-Saëns in Normandy that Philip VI had granted to her father. However, on 28 July 1408,

Isabelle de Douglas, comtesse de Maire et de Gabriak, en Écosse ... acheva de vendre tous ses droits sur les fiefs de Douglas à St.-Saëns. Avant de quitter ce pays pour toujours, la bonne châtelaine voulut léguer un souvenir à la paroisse et

¹⁷⁰ Brown, 'Alexander Stewart, earl of Mar', 33–4, 38–41; Brown, *James I*, 49–51, 58–61, 80–3, 102–5, 136–8, 146–7.

¹⁷¹ *Antiquities of Aberdeen and Banff*, ed. Robertson, iv, 181–2; and for payments, *Exchequer Rolls*, ed. Burnett, iv, index, at 'Mar, earl of, Alexander Stewart'.

¹⁷² RMS, ii, nos. 53, 76; *Highland Papers*, ed. Macphail, i, 39, 44; *A Genealogical Deduction of the Family of Rose of Kilravock*, ed. C. Innes (Spalding Club, Edinburgh, 1848), 128–9. For Thomas, below, from note 199.

¹⁷³ *Proceedings and Ordinances of the Privy Council of England*, ed. H. Nicolas (London, 1834–7), ii, 94; *Rotuli Scotiae in Turri Londinensi ... asservati*, ed. D. MacPherson *et al.* (London, 1814–19), ii, 177–9; Wyntoun, *Original Chronicle*, ed. Amours, vi, 420–1.

¹⁷⁴ *Ibid.*, 422–4.

¹⁷⁵ Monstrelet, *Chronique*, i, 256 (the Scottish ambassadors come immediately after *le conte de Wilbech* [Warwick], *anglois*).

même au monastère; elle fit placer son image dans le choeur de l'église prieurale, au bas d'une verrière donnée par ses soins.¹⁷⁶

This indicates that Mar took Isabella with him. If so, it was perhaps because she was mortally ill (which would explain the Saint-Saëns transaction) since she was dead before 26 October 1408.¹⁷⁷ But where she died is unknown – though she may have returned from Bruges in September, leaving her husband and his retinue to join the Liège campaign.¹⁷⁸ And while that is conjecture, it should be stressed that hitherto Alexander's possession of the earldom of Mar had technically depended on his wife; so if, as is likely, her death was anticipated, then his expedition to France can be seen as a means of demonstrating to the men of the earldom and beyond that he was a major international figure in his own right,¹⁷⁹ rather than just a bastard who had made a fortunate marriage.

He certainly achieved that in September 1408. On the ninth, Duke Jean ordered his bailiff at Bruges to recruit Mar and his 'excellent soldiers ... especially bowmen' (now perhaps a hundred strong) into the Burgundian forces, for an initial payment of 500 gold crowns.¹⁸⁰ And just before the battle of Othée (23 September) he was one of the Burgundian leaders who knighted their main followers.¹⁸¹ As for the battle itself, Bower's obituary attributes the victory to Mar's 'diligent prowess', and in a supplementary passage states that it was actually Mar who organised the Burgundian formation so as to negate the Liégeois artillery and produce a flanking attack which essentially won the battle.¹⁸² On the actual fighting, Wyntoun recounts how Mar led the vanguard; how he and his standard-bearer killed the two most prominent enemies, 'Sir Henry Horne' and his son; how he then led his Scots 'through the thickest of that host of Liège'; how after the battle Duke Jean embraced him 'so thankfully, that held his [van]guard so worthily'; and how consequently,

¹⁷⁶ M. L'Abbé Cochet, 'Notice historique et archéologique sur l'église et l'abbaye de Saint-Saëns', *Mémoires de la Société des antiquaires de Normandie*, xx (1853–5), 455–6; also F. Michel, *Les Écossais en France. Les Français en Écosse* (London, 1862), i, 64. The use of Isabella's normal style, 'countess of Mar and Garioch', shows that the above passage was based on an authentic document (which appears to have been lost).

¹⁷⁷ Edinburgh, National Archives of Scotland, MS RH6/220; *Scots Peerage*, ed. Paul, iii, 154.

¹⁷⁸ Alternatively, she may have stayed – and died – in Scotland; in which case she would have commissioned Mar to have the Saint-Saëns transaction carried out. Without the actual document it is impossible to be sure.

¹⁷⁹ His followers in 1408 are analysed by Brown, 'Alexander Stewart, earl of Mar', 32–3.

¹⁸⁰ R. Vaughan, *John the Fearless: The Growth of Burgundian Power* (London, 1966), 55–7 (the duke's instructions emphasise the importance of Mar's recruitment and finish with a postscript in his own handwriting, 'Bailiff, accomplish what I have written to you about or, if not, I shall show you how displeased I am'); Wyntoun, *Original Chronicle*, ed. Amours, vi, 429–30 ('He [Jean] entreated him [Mar] with fair prayer / By writ, and in message special'); Monstrelet, *Chronique*, i, 351 (which gives the size of Mar's force as *à tout environ quatre vingts combatans*, slightly fewer than Wyntoun's 'a hundred men').

¹⁸¹ Wyntoun, *Original Chronicle*, ed. Amours, vi, 431–2; *Documents relatifs aux troubles du pays de Liège*, ed. P. F. X. De Ram (Brussels, 1844), 305, 307–8 (a contemporary French poem; for *Maine* on p. 305 read *Maire*, that is, Mar). The names in the two accounts tally closely, and probably derive from a common source, no doubt by a herald.

¹⁸² Bower, *Scotichronicon*, ed. Watt, viii, 180 (a passage added by Bower in a revision of his chronicle; my translation): 'For when the Liégeois chose to offer battle with a most terrifying formation of springalds and culverins in their line, to defeat such a plan the earl of Mar himself ordered the lord duke and his men to assault the opposing line in a surprising way, whereby the main division of the duke's army moved sideways and positioned itself just out of range of the missiles, while the rest wheeled about and, choosing another different field, attacked the Liégeois on the flank. They, perceiving this, in confusion changed their plan, and moved to oppose both the duke and the unexpected force, but they quickly turned into a confused rabble, and immediately collapsed'. Bower wrote this in the later 1440s, a time of close contacts with Burgundy, and his fairly accurate account of the battle probably derived from Burgundian sources – though whether or not those highlighted Mar is impossible to say.

‘The Earl of Mar by great renown, there honoured all his nation’.¹⁸³

That renown was remembered not only in Scotland but also in France: in December 1419, the Dauphin Charles wrote to Mar as *Hault et Puissant Prince nostre très cher et amé cousin et allié*, asking him to bring a *grant et belle compagnie* to fight against the English, since Charles knew of *la bonne volonté et entière affection qu’avez eu et avez à Monseigneur* (Charles VI), and had great trust in him, *tant pour vostre grant sens et prouesse, comme pour la bonne fortune que avez en guerre*.¹⁸⁴ On the other hand, neither Duke Jean’s newsletter describing the battle nor the narratives by Monstrelet and the ‘Religieux de Saint-Denis’ mention Mar’s exploits.¹⁸⁵ But they do, like Bower, highlight the crucial attack on the Liégeois flank and rear,¹⁸⁶ and they also blandly remark that the enemy leaders, Henry [van Hoom] lord of Perwez and his son (the ‘anti-bishop’ of Liège), were found dead on the field, without saying who killed them (‘On n’a jamais pu savoir’, according to the ‘Religieux’).¹⁸⁷ Now, Wyntoun’s ‘vanguard’ can be equated with the Burgundian flanking force; so can his claim about Mar be taken seriously? Since good first-hand information about Othée was clearly known in Scotland, the answer may be ‘yes’: it is not unlikely that Mar did kill the enemy leaders, quite possibly on the duke’s instructions. After all, it would have made political sense for foreign mercenaries to be responsible rather than Duke Jean’s own men (not long after his assassination of the duke of Orléans) – which would explain the Burgundian silence about Mar’s contribution to the battle, and even, perhaps, why the duke recruited him. It is the kind of service that could be expected from an ambitious bastard – particularly one with a parentage like Mar’s!

Be that as it may, Othée was probably not Mar’s only European exploit: he was almost certainly *le bastard d’Escoce, qui se appelloit conte de Hembe*, from whom Monstrelet derived information about the Lithuanian/Polish defeat of the Teutonic Knights at Grunwald (or Tannenberg) in Prussia in July 1410; so presumably he took part in the Knights’ ill-fated campaign.¹⁸⁸ From about 1409, however, Mar’s main extra-Scottish activities were on the North Sea, as admiral of Scotland – attacking not only English but also Hanseatic and Low Country, especially Dutch, shipping. North Sea piracy was rife in

¹⁸³ Wyntoun, *Original Chronicle*, ed. Amours, vi, 432–5. Wyntoun’s account was based on reports by participants (‘As they that were there told me in faith’), and its correspondence with the French poem over the Scottish names shows it is basically reliable (though the French poem says hardly anything about what actually happened). It should also be noted that Bower’s statements are entirely independent of Wyntoun’s.

¹⁸⁴ G. Du Fresne de Beaumont, *Histoire de Charles VII* (Paris, 1881–91), i, 332–3. The *affection qu’avez eu ... à Monseigneur* presumably refers back to Mar’s time in Paris in 1408.

¹⁸⁵ Vaughan, *John the Fearless*, 60–2, from *Analectes Beligiques*, i, ed. L. P. Gachard (Brussels, 1830), 2–6; Monstrelet, *Chronique*, i, 351–67; *Chronique du religieux de Saint-Denis contenant le règne de Charles VI*, ed. L. Bellaquet (Paris, 1839–52), iv, 160–75; though Monstrelet notes that before the battle *le duc de Bourgogne, avec lui le conte de Mareuse [Mar] et toute leur puissance, chevaucheroient par aucuns jours* (p. 354), and the ‘Religieux’ also mentions him in passing (p. 153).

¹⁸⁶ Bower’s account tallies well with the manoeuvres described in the newsletter – which have been called ‘a noteworthy example of [Duke Jean’s] tactical skill’ and even of his ‘military genius’: Vaughan, *John the Fearless*, 62. Was the genius actually Mar’s?

¹⁸⁷ *Chronique du religieux de Saint-Denis*, iv, 173.

¹⁸⁸ Monstrelet, *Chronique*, ii, 76. Such an appellation would usually denote the bastard son of a king, but in 1410 no Scottish royal bastard had the status of earl (comte), nor was there a territorial designation corresponding directly to *Hembe*. Therefore Mar, grandson of Robert II and nephew of Robert III, is the most likely candidate: Monstrelet’s information could have come from a written reference to a *comte de M’* that was transmitted orally, so that *M’* was misrepresented as *Hembe*. See also Ditchburn, ‘Pirate, policeman and pantomime star’, 24–5, 33 note 51. The only other possibility is one of Robert II’s own illegitimate sons, Sir John Stewart, sheriff (vicomte) of Bute, but there is no evidence that he was active militarily in Scotland or abroad; *Scots Peerage*, ed. Paul, ii, 285–6, and above, at note 66.

this period for both economic and political reasons, but (as David Ditchburn has suggested) Mar may have had particular reasons for targeting the Dutch.¹⁸⁹ According to the Aberdeen-based chronicler/historian Hector Boece (writing a century later but here probably drawing on Aberdeen traditions), ‘when [after Mar’s return] he requested the pension due him and the Hollanders refused to provide it, he declared war on them and engaged in a number of sea battles’.¹⁹⁰ That is not implausible: Othée had been fought to restore the count of Holland’s brother to Liège (the duke of Burgundy was their brother-in-law), and so a failure by them to pay Mar what he expected might explain his piracy.

There may also have been a more personal reason. Wyntoun states that Mar, after being commended for his prowess, wedded a lady ‘great of land, the Lady of Diffull in Braband’, and then returned ‘home again in his country’.¹⁹¹ Mar’s new wife was Marie van Hoorn, heiress to Duffel in Brabant and a relative of Henry van Hoorn the Liégeois leader,¹⁹² who Mar perhaps killed; so she may have been ‘given’ to Mar as a reward. However, according to Hector Boece, ‘either because she had had an earlier husband whom she had repudiated, or because the locals declined to accept a man of foreign blood ... [Mar] soon came home’ (at the beginning of 1409), leaving Marie behind in Brabant;¹⁹³ and though Mar styled himself lord of Duffel in 1410,¹⁹⁴ he never went back to her. It is impossible to say what went wrong (did Marie reject him because she discovered he was a bastard?); but his unfortunate marriage perhaps gave Mar a further grievance against the Low Countries. The obvious solution, of course, was to end the marriage. In 1415 Pope Benedict XIII granted Mar’s petition for its annulment, on the grounds that when it took place Marie was still married to her first husband; but that was during the great Schism, and the ‘antipope’ Benedict had no jurisdiction within the Low Countries.¹⁹⁵ After the Schism, a petition to Pope Martin V in 1424 was more successful.¹⁹⁶ Yet Mar took no steps to marry again until 1432 (three years before his death), when a dispensation for him to marry the widow of his late neighbour the earl of Moray was issued – and there is no evidence that that marriage ever took place¹⁹⁷ (meanwhile, Marie van Hoorn was apparently content to live in a single, though ‘married’, state, using the title *grevinne von Merre* as late as 1434).¹⁹⁸

Mar, therefore, seems to have been quite casual about his marital situation, and –

¹⁸⁹ Ditchburn, ‘Pirate, policeman and pantomime star’, 20–3; D. Ditchburn, ‘Piracy and war at sea in late medieval Scotland’, in T. C. Smout (ed.), *Scotland and the Sea* (Edinburgh, 1992); C. J. Ford, ‘Piracy or policy: The crisis in the Channel, 1400–1403’, *Transactions of the Royal Historical Society*, 5th ser., xxix (1979).

¹⁹⁰ Hector Boethius, *Scotorum Historiae* (1527; 2nd edn, Paris, 1575), now in new hypertext version in Latin and English, ed. and trans. D. G. Sutton, 2010, <<http://www.philological.bham.ac.uk/boece/>>, book 17, chapter 24.

¹⁹¹ Wyntoun, *Original Chronicle*, ed. Amours, vi, 436.

¹⁹² A. W. C. Hallen, ‘Alexander Stewart, earl of Mar’, *The Scottish Antiquary*, vii (1893), 2. The relationship is indicated by the fact that in the 1430s the lordship of Perwez belonged to her nephew and heir Johan van Hoorn.

¹⁹³ Boethius, *Scotorum Historiae*, book 17, chapter 24 (Boece garbles the details badly, but the main point is probably valid); *Rotuli Scotiae*, ed. MacPherson, ii, 190, for the return date.

¹⁹⁴ *RMS*, i, no. 935.

¹⁹⁵ *Calendar of Papal Letters to Scotland of Benedict XIII of Avignon, 1394–1419*, ed. F. McGurk (Scottish History Society, Edinburgh, 1976), 313.

¹⁹⁶ *Calendar of Scottish Supplications to Rome, 1423–1428*, ed. A. I. Dunlop (Scottish History Society, Edinburgh, 1956), 59–60.

¹⁹⁷ *Calendar of Scottish Supplications to Rome, 1428–1432*, ed. A. I. Dunlop and I. B. Cowan (Scottish History Society, Edinburgh, 1970), 209. This dispensation is the only documentary reference to his intended wife, Margaret Seton, which suggests that she may have died before the marriage could happen (or perhaps there was still a complication over Marie van Hoorn).

¹⁹⁸ *ODNB*, ‘Stewart, Alexander, earl of Mar’; style applied by Duke Philippe of Burgundy in 1432: Hallen, ‘Alexander Stewart, earl of Mar’, 2.

unlike most magnates – unworried about leaving a legitimate heir. That is perhaps because he himself was a bastard, who no doubt saw marriage as primarily a means of acquiring land. But, in addition, he himself had three illegitimate sons, and clearly regarded the eldest, Thomas (probably born in the mid-1390s), as his *de facto* heir. In 1420 he was proposing to transfer technical ownership of the earldom to Thomas (on the basis of Countess Isabella's *first* charter of the earldom, to Mar and his *assigns*).¹⁹⁹ And then in 1426, at parliament, Alexander and Thomas jointly resigned the earldom of Mar and lordship of Garioch to King James I, and received a royal charter granting these back, to be held by Alexander for life, and thereafter by Thomas and the legitimate heirs-male of his body, with reversion (if Thomas's line failed) to James himself and his heirs.²⁰⁰ Moreover, at about the same time it was arranged for Thomas to marry Elizabeth Douglas, widow of John Stewart earl of Buchan, sister of Archibald fifth earl of Douglas, and niece of James I.²⁰¹ Her north-east lands enhanced the Mar possessions; while her family status made this yet another exceptional marriage by a medieval Scottish bastard. Through Thomas and Elizabeth, Mar had consolidated and enhanced his family's long-term position within northern Scotland.

However, Thomas (like William Douglas of Nithsdale) was the bastard of a bastard. While that was obviously no disadvantage, the transactions in his favour did mean that Mar himself could not remarry, even if after 1424 he was free to do so, because if he then fathered a legitimate son it would have seriously undermined Thomas's position. During the later 1420s, when Mar was at the peak of his power, that would not have mattered. In early 1430, however, Thomas died, which completely transformed the situation.²⁰² This explains the marriage dispensation that he obtained in 1432²⁰³ – but it was too late. By now Mar was in his sixties, and he died in 1435. After his death, the reversion clause of the 1426 charter was invoked, and the earldom of Mar and lordship of Garioch finished up in the crown's possession.²⁰⁴

During his life, Alexander Stewart had made himself into one of medieval Scotland's most important magnates – and, given his European reputation, probably the greatest medieval Scottish bastard of them all. Moreover, had Thomas Stewart succeeded, presumably he would have continued the domination of northern Scotland for another twenty or so years, and, quite probably, have left a legitimate heir. In that case fifteenth-century Scottish history would have been very different indeed – there would not have

¹⁹⁹ In other words, make a deferred grant to Thomas, which would take full effect after Alexander's death. Receiving permission for that was part of Mar's indenture with Duke Murdoch of Albany: *Antiquities of Aberdeen and Banff*, ed. Robertson, iv, 181–2. For Isabella's first charter, above, at note 165.

²⁰⁰ *Antiquities of Aberdeen and Banff*, ed. Robertson, iv, 183–4; abbreviated in *RMS*, ii, no. 53. The full text shows that Alexander and Thomas were regarded as holding Mar and Garioch jointly before the resignation, which indicates that the previous transaction with Duke Murdoch *had* been carried out – as was stated in the Scottish Exchequer in 1456: *Exchequer Rolls*, ed. Burnett, vi, 267–8. For a valuable discussion of the technicalities and legality of James I's charter, *ibid.*, pp. cxvii–cxx.

²⁰¹ A dispensation for the marriage was issued in 1427: *Scottish Supplications to Rome, 1423–1428*, 156–7. But, as Brown, *James I*, 82, shows, it was almost certainly agreed in 1426. (John Stewart earl of Buchan was the second son of Robert duke of Albany, had been in command at the Scottish victory at Baugé in 1421, but had died at Verneuil in 1424 along with his father-in-law the fourth earl of Douglas.)

²⁰² What happened to Mar's other two bastard sons is unknown. They were 'earmarked for ecclesiastical careers' (*ODNB*, 'Stewart, Alexander, earl of Mar'), and probably died young; but even if they had been alive when Thomas died, they were outside the agreement made with James I, and therefore had no rights to the earldom.

²⁰³ Above, at note 197.

²⁰⁴ Brown, *James I*, 156–8 (except that, as Brown notes, Garioch and a third of Mar appear to have stayed for some time in the possession of Thomas Stewart's widow Elizabeth Douglas; the terms of her endowment in 1426/7 are missing).

been a struggle to fill the regional vacuum left by Mar, the Lords of the Isles would not have taken over the eastern Highlands, and the earls of Douglas might not have become so (fatally) overmighty. In their deaths, the two bastards Alexander and Thomas Stewart were just as significant as they had been in their lifetimes.²⁰⁵

Conclusion: The ‘Great Scottish Bastards’ in a Broader Context

Following the theme of ‘bastardy and the exercise of power’, this chapter has focused chiefly on the most powerful Scottish bastards of the fourteenth and fifteenth centuries. The ‘great bastards’ who have been highlighted would all have exercised significant regional power within, and in some cases beyond, their provincial earldoms and lordships (though sometimes for only a short period, curtailed by untimely deaths) – power which can safely be said to have been far more significant than that wielded by any of their English counterparts. And, as already noted, the comparison with France and Burgundy is also telling: the six Scottish bastards with extensive regional powers actually outnumber their five French and Burgundian contemporaries.²⁰⁶

But in that respect Alexander Stewart earl of Mar was the last of his kind. Between his death and the end of the century, only one other bastard – Andrew Stewart, Lord Avandale – achieved a high political position. Admittedly, Avandale was given the life-tenancy of the lands of the earldom of Lennox in 1471, but he was never its earl, and probably exercised little authority within the earldom. Instead, his main influence was at the centre of government. However, that included assisting James II in the killing of the eighth earl of Douglas in 1452, and in the late 1450s he was Warden of the West March and called *Gardianus Regis*, presumably commander of the royal bodyguard, which suggests that he rose through military service, just like Archibald the Grim in the 1360s; but this appears to have lapsed after he was made Chancellor of Scotland in 1460, an office he held for the next twenty-two years.²⁰⁷ For the main part of his career, therefore, the basis of Avandale’s power was not the same as that of the six ‘great bastards’ examined above. Not until the early modern era can any equivalents to those be found: James Stewart (1500–44/5), bastard son of King James, who was made earl of Moray in 1501, and acted as such from about 1520; James Stewart (1531/2–70), bastard son of King James V, who became earl of Moray in 1562; and Robert Stewart (1533–93), another bastard son of James V, who became earl of Orkney in 1581.²⁰⁸ Yet, since those three were all the sons of kings, they are not really comparable to their late medieval predecessors.²⁰⁹ Moreover, during the sixteenth century only one other bastard was raised to the peerage, and merely to the level of ‘lord of parliament’.²¹⁰ Thus after 1435 there was clearly a change.²¹¹ Not only was

²⁰⁵ These counter-factual musings develop Michael Brown’s stimulating points (*ibid.*, 160), in the light of my own understanding of the politics of the period, as outlined in Grant, *Independence and Nationhood*, 191–6, 217–20.

²⁰⁶ Above, at note 78.

²⁰⁷ ODNB, ‘Stewart, Andrew, Lord Avondale’; C. McGladdery, *James II* (Edinburgh, 1990), 67, 106, 111, 165; N. Macdougall, *James III*, revised edn (Edinburgh, 2009), 25, 138–9, and index; RMS, ii, nos. 744–7 (witness no. 196).

²⁰⁸ *Scots Peerage*, ed. Paul, i, 22, 24; vi, 311–16, 572–3; ODNB, ‘Stewart, James, earl of Moray (1500–1544/5)’; ‘Stewart, James, first earl of Moray (1531/2–1570)’; ‘Stewart, Robert, first earl of Orkney (1533–1593)’. See also ODNB, ‘Stewart, Alexander (c.1493–1513)’, for James IV’s elder bastard son, who was made archbishop of St Andrews.

²⁰⁹ Among whom only one was the son of a king – and he was born before his father took the throne.

²¹⁰ Sir Andrew Keith, bastard son of a brother of William Keith, fourth earl Marischal: created Lord Dingwall in 1584, because of his diplomatic activities: *Scots Peerage*, ed. Paul, iii, 115–16.

Alexander Stewart's death highly significant in political terms, but in addition it brought a major chapter in the history of Scottish bastardy to a close.

The absence of regionally powerful Scottish bastards in the middle and later years of the fifteenth century, however, is also in marked contrast to the situation in France and Burgundy. Whereas from 1306 to 1435 the Scottish total was six and the French/Burgundian five,²¹² between 1435 and 1500 none can be found in Scotland, while there were no fewer than sixteen in France and Burgundy, from eight different magnate houses and holding twenty-eight separate offices.²¹³ Thus, although in the earlier part of the period covered by this chapter Scotland appears to have conformed to what could be regarded as the Franco-Burgundian model, during the later part it deviated strikingly. Exploring possible reasons for that deviation will help to contextualise the 'great bastards' of late medieval Scotland.

Ideally, the first point to investigate should be whether the overall incidence of bastardy among Scotland's landowning classes as a whole fluctuated significantly during the later Middle Ages. Unfortunately – because, as was noted at the beginning of this chapter, Scottish bastards were not distinguished from their legitimate kinsmen by nomenclature or heraldry – it is impossible to do that systematically. However, a search through the *Scots Peerage* for references to illegitimate sons of prominent nobles between 1325 and 1500 produces the following result:²¹⁴ 1325–59, 5 bastards; 1360–74, 16; 1375–99, 20; 1400–24, 11; 1425–49, 10; 1450–74, 13; 1475–1500, 8. Now, it must be stressed that the *Scots Peerage* data is limited; the nineteenth-century compilers did not use all the sources that are now available, and they probably missed many bastards or counted them as legitimate. On the other hand, such errors were no doubt fairly consistent across the period – or even perhaps less serious for the later fifteenth century than for earlier decades, because late fifteenth-century Scottish records are much fuller. Yet the totals do not reflect that; instead, the numbers of bastards are significantly higher between 1350 and 1400 – the heyday of the 'great bastards' – than they are for the fifteenth century. Thus, even if the actual statistics are not precise, it is clear that bastardy was particularly evident in later fourteenth-century Scotland.

Secondly, the overall demography of the late medieval Scottish nobility should be

²¹¹ The grant of earldoms to three of the royal bastards of sixteenth-century Scotland probably reflects a general trend. In fourteenth- and fifteenth-century France and England, the bastard sons of monarchs did not become prominent, unlike the bastards of royal cadets and other magnates. But in the early modern era, king's bastards became much more prominent in all three kingdoms. Note also that, in Scotland, James IV's other bastard was made archbishop of St Andrews at the age of eleven: *ODNB*, 'Alexander Stewart, archbishop-designate of St Andrews' (both James IV's bastards, incidentally, were sent to study with Erasmus). And each of James V's six surviving bastard sons (including the two future earls) was put in charge of at least one abbey or priory – which gave them both income and extensive local power: *Scots Peerage*, ed. Paul, i, 24–5.

²¹² Above, at note 78.

²¹³ Harsgor, 'L'essor des bâtards nobles', 320–3 (again, that counts only individuals with lay powers. Note that the famous Jean de Dunois, bastard of Orléans, occurs in the pre-1440 list as well; but most of his offices dated from after 1440.

²¹⁴ By 'prominent nobles' I mean those who belonged to the Scottish peerage (in which the lowest rank was lords of parliament) after this emerged in the 1440s, together with all those who could be regarded as being of equivalent status during the previous 120 years. The families included within this definition are listed in the appendix to A. Grant, 'Extinction of direct male lines among Scottish noble families in the fourteenth and fifteenth centuries', in K. J. Stringer (ed.), *Essays on the Nobility of Medieval Scotland* (Edinburgh, 1985), 225–31. The totals come from *Scots Peerage*, ed. Paul, i–viii, *passim*. The figures show the numbers of bastards who are known or can reasonably be assumed to have been born during each 25-year period.

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considered. Again the source problem – especially for the first half of the fourteenth century – means that the figures given here must not be taken as absolutely accurate. Nevertheless, analysis of the *Scots Peerage* material again produces a striking result. Two counts have been done for each 25-year period between 1325 and 1500: first, the number of heads of prominent families who died in each period, and second, the number of sons that each deceased noble had.²¹⁵ The results are as follows:

1325–1349	39 fathers	56 sons	(1.4 sons per father)
1350–1374	34 fathers	44 sons	(1.3 sons per father)
1375–1399	31 fathers	53 sons	(1.7 sons per father)
1400–1424	45 fathers	106 sons	(2.4 sons per father)
1425–1449	44 fathers	95 sons	(2.2 sons per father)
1450–1474	45 fathers	112 sons	(2.5 sons per father)
1475–1500	46 fathers	106 sons	(2.3 sons per father).

Thus in the fifteenth century the important Scottish landowners had much more success in producing legitimate sons than in the fourteenth century. And they were also remarkably successful in maintaining their lineages across the generations. Extinction rates in the direct male line for these prominent noble families were: 1325–49, 28%; 1350–74, 24%; 1375–99, 16%; 1400–24, 13%; 1425–49, 15%; 1450–74, 10%; 1475–1500, 10%.²¹⁶ By contrast, extinction rates for comparable English noble families were around or over 25% throughout the whole of the fourteenth and fifteenth centuries;²¹⁷ and much the same can probably be said for France.²¹⁸

Now, when these three sets of figures are taken together, they indicate an inverse relationship in late medieval Scotland between the occurrence of bastardy and the maintenance of legitimate families. And that leads to the obvious conclusion that when legitimate lines were dying out, or when legitimate families were smaller, there was more opportunity for bastards to do well – as seen especially with the ‘great bastards’ before 1435. But as Scottish noble families became larger during the fifteenth century, there would have been fewer opportunities for their bastard sons. This raises the question, of course, of why the extinction rates of prominent noble families fell so much in Scotland, in contrast to England and (probably) France. Unfortunately, that seems to be unanswerable. One factor, however, is clear. The Scottish nobility suffered severely in warfare with England, particularly in the disastrous battles of the early fourteenth century, at Dupplin (1332), Halidon Hill (1333) and Neville’s Cross (1346). But thereafter the warfare slackened off, and though there were fresh disasters at Humbledon Hill (1402) and Verneuill (1424), there were longer periods of truce from the mid-fourteenth century onwards, while the later battles appear not to have been quite so deadly. This easing of the pressure of war surely had an important effect on Scottish noble demography.

But the issue of warfare is significant in another way. One of Mikhaël Harsgor’s major arguments is that warfare provided great opportunities for French and Burgundian

²¹⁵ The latter count is simply of sons, irrespective of whether they died before or after their fathers. However, where the heir to a family predeceased his father, and his own son then succeeded, he and all his sons have been included in the totals – which can thus be seen, in effect, as focusing on the head of each generation, even though possession of the family estates sometimes jumped from grandfather to grandson.

²¹⁶ Grant, ‘Extinction of direct male lines’, 211–16, figure from Table 8 (p. 216).

²¹⁷ K. B. McFarlane, *The Nobility of Later Medieval England* (Oxford, 1973), 141–76.

²¹⁸ Judging by E. Perroy, ‘Social mobility among the French *noblesse* in the later Middle Ages’, *Past and Present*, xxi (1962), 25–38.

bastards to flourish.²¹⁹ That was certainly the case with the ‘great bastards’ of late medieval Scotland: in five out of six cases, warfare was vital for their careers, both negatively (in removing legitimate kinsmen) and positively (letting them show military prowess). But in the fifteenth century, there were not the same military opportunities for Scottish bastards as there were for their French and Burgundian counterparts (though Lord Avandale’s early career should not be forgotten). Moreover, the growth of regular paid armies would have given many new openings for ambitious French and Burgundian bastards, even in times of relative peace – which the much simpler and more *ad hoc* Scottish military system would not have presented.

Also, on a more peaceful note, the Scottish administrative system likewise did not offer the same opportunities to bastards. Although late medieval Scotland’s ‘great bastards’ can be seen as provincial rulers alongside those of France and Burgundy, there was one very important difference between them: the Scots were actually the landlords of the territories they ran, whereas the French and Burgundians were administrators. That reflected the difference between the systems of government; Scotland’s could still be described as largely ‘feudal’. Thus whereas in France and especially Burgundy it made sense for rulers to employ reliable bastards as local or regional administrators – Harsgor’s ‘véritable bâtardocratie’²²⁰ – in Scotland almost all local administration was still carried out by hereditary landowners. Consequently, unless there were exceptional circumstances, government agents (whether bastards or not) could not have been imposed upon the various regions of the country.²²¹

Thus in late medieval Scotland there were not the same kinds of roles for bastards as there were in France and Burgundy – and so, as warfare slackened off and legitimate kindreds expanded, there were few opportunities for them. And that is where the sympathetic Scottish attitude to bastardy becomes particularly significant. As stressed at the beginning of this chapter, in Scotland bastards were basically treated as normal members of the family or kin – not particularly disadvantaged, but not highlighted in any special way, either. They were, indeed, much the same as legitimate cadet members of noble families. But in that case – given the way Scotland’s military and administrative systems operated – they rarely had the chance to find careers that were any different from those of their legitimate kinsmen – which meant that, unless they were especially able or lucky, they would merely follow the ‘normal’ life of a minor member of a landowning family. In other words, the most important point about late medieval Scottish bastards is that they were *not* important, nor indeed special in any way. Instead, they were simply ordinary – except, that is, for the six *extra*-ordinary ‘great Scottish bastards’ examined in the main part of this chapter.

²¹⁹ Harsgor, ‘L’essor des bâtards nobles’, 333–5.

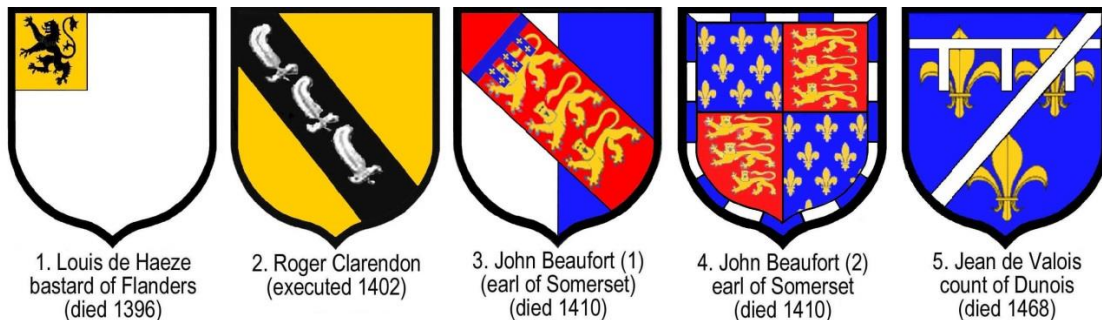
²²⁰ *Ibid.*, 335–41.

²²¹ For a sketch of Scottish military and administrative systems, Grant, *Independence and Nationhood*, chapter 6, ‘The machinery of government’.

Appendix: Heraldry and Genealogy

Part of the reason for concluding that late medieval Scottish bastards were ‘simply ordinary’ is heraldic: as briefly mentioned above, unlike in France and Burgundy there was nothing specially distinctive about their coats of arms. To develop that point, the heraldry of the Scottish bastards is examined separately, in this appendix. And in its final part, the main bastards’ genealogies are presented in two tables, for those of royal descent (especially Stewarts) and for members of the house of Douglas.

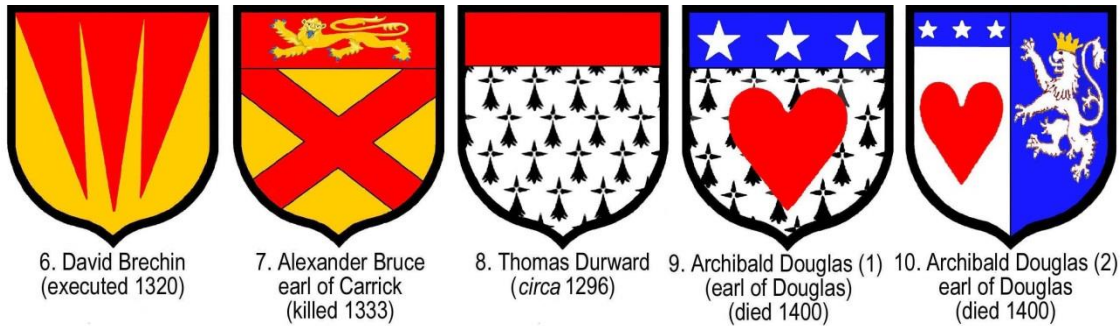
The Broader Context



As Laurent Hablot has demonstrated, the general thirteenth-century practice made no distinction between bastards and legitimate younger sons: they all bore paternal arms with some ‘difference’.²²² Fourteenth-century bastards, however, tended to use a plain shield with a small version of the father’s arms or emblem, commonly in a canton (*franc quartier*) or a bend (*bande*) – as on the shields of Louis de Haeze, son of Louis de Male count of Flanders, and Roger Clarendon (d.1402), son of Edward Prince of Wales (nos. 1, 2). Though paternity is shown, the plain shield proclaims the bastard’s broader kinlessness. The contrast between the pre- and post-legitimation shields of John of Gaunt’s son, John Beaufort (nos. 3, 4), shows this well. The first had Gaunt’s heraldic devices on the bend plus his silver and blue livery colours on the field, and so linked Beaufort tightly to his father; whereas the second, after 1397, had the English royal arms within a silver/blue bordure compony. Such a bordure was a standard indicator of cadet descent, and its colours maintained the link with Gaunt – but the overall effect located Beaufort within the much wider (royal) kindred. And the fifteenth-century trend was in that direction. The plain shield was abandoned; instead, bastards reverted to using full-size paternal/family arms on their shields, but these were now specially differentiated or debruised by a ‘sinister’ bend (*barre*), bendlet or riband running from top right to bottom left – as on the shield of Jean count of Dunois, son of Louis duke of Orléans (no. 5). These arms ignored the bastards’ theoretical kinlessness, and indeed, as Hablot argues, positively highlighted their status.²²³

²²² Hablot, ‘L’emblématique des bâtards’. See also J.-C. Loutsch, ‘Généralités sur les brisures des bâtards: Conceptions suivant les pays d’après la littérature héraldique’; and C. Boudreau, ‘Théories et discours des anciens sur les brisures de bâtardise (XIV^e–XVIII^e siècles)’; both in *Acts of the Eighth Colloquium of the Académie internationale d’héraldique*, ed. C. Humphery-Smith, Canterbury, 1995.

²²³ For all these arms, see Hablot, ‘L’emblématique des bâtards’. De Haeze’s arms are in the Gelre Armorial (a modern version of which is online), fo. 106r. Clarendon’s and Beaufort’s are from a sixteenth-century

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In Scottish heraldry such developments did not take place. Bastards continued to bear the same kind of arms as normal cadets, and in default of legitimate descendants could even use the undifferenced family arms, as in the case of the anti-Robert I conspirator David Brechin (no. 6), who had the same shield as his great-grandfather David earl of Huntingdon. It must have been taken over by the senior illegitimate line (descended from Earl David's elder bastard Henry, whose own arms were no doubt differenced) after the earl's legitimate son and successor died without children – which meant that David Brechin's shield proclaimed his direct male descent from Earl David, and hence from the original royal line.²²⁴ Alexander Bruce (no. 7), bastard son of Edward Bruce earl of Carrick, provides another example of that practice. By 1333 he had gained his father's earldom, and the arms recorded in the so-called 'Balliol Roll' of 1334 – the traditional Bruce red saltire and chief on a gold field, with a lion passant to represent Carrick, as borne by his grandfather the first Bruce earl of Carrick – are presumably what Alexander used.²²⁵ In his case, once the former head of the legitimate line, David Bruce (who was now king) had transferred Carrick to him, he now headed both the Bruce and the earldom's kindreds, and hence was entitled to bear the undifferenced arms despite his illegitimacy. As can be seen from the fifteenth-century arms of the Douglasses of Cavers (no. 19, below), that principle

compilation of medieval English arms; I give the original form of Beaufort's second arms, before the change to three fleur de lys that occurred in English heraldry after 1403 (J. A. Montagu, *A Guide to the Study of Heraldry* (London, 1840), 42–4; J. H. and R. V. Pinches, *The Royal Heraldry of England* (London, 1974), 60, 81, 88). Dunois's arms appear in various contemporary manuscripts.

²²⁴ For David Brechin, above, at note 48. His own, his father's, and Earl David's arms are known from their seals (the piles are said to be either 'in point' or 'conjoined at the base', but that applies to all three, and so there is no doubt that they all used the same device): K. J. Stringer, *Earl David of Huntingdon* (Edinburgh, 1985), 216; Macdonald, *Scottish Armorial Seals*, nos. 238–41. Note that throughout this appendix I use this work – available online through 'archive.org' – for seals, rather than the more recent but rare J. W. Stevenson and M. Wood, *Scottish Heraldic Seals* (Glasgow, 1940). I have, however, compared the two works: there is only one instance where Stevenson and Wood record a relevant seal that was not included by Macdonald (see note 252). As for the colours, red and gold are attested for Earl David in the thirteenth century and for the lord of Brechin in the fourteenth: McAndrew, *Scotland's Heraldry*, 75, 167.

²²⁵ For Alexander Bruce, see above, from note 85. His arms are from *The Balliol Roll*, ed. B. McAndrew (Boston, Mass., 2002), no. 5; McAndrew, *Scotland's Heraldry*, 55, 137–8. For the first Bruce earl of Carrick, Macdonald, *Scottish Armorial Seals*, nos. 275–8. McAndrew argues that the 'Balliol Roll' (which starts with Edward Balliol as king of Scots) shows Balliol supporters, and concludes that Alexander was either already an earl when he sided with Balliol in 1332, or was promoted by him. But the roll gives arms for every Scottish earl, including the vehemently anti-Balliol earl of Moray; so the Carrick arms are not necessarily politically significant. Nevertheless, it is highly likely that Alexander used those arms – though his uncle Robert Bruce (Robert I) may not have had the lion passant on *his* arms as earl of Carrick (*ibid.*, no. 279), while the arms of Alexander's father Edward Bruce are not recorded.

continued to operate in Scotland throughout the later Middle Ages.

Where a legitimate line did still exist, however, a bastard or his descendants could not adopt the main family arms; instead, differentiation was required. A common way of doing that was to alter an element or significant colour. That would presumably have happened with the ‘royal arms’ granted to Robert I’s bastard Robert Bruce just before Bannockburn. Unfortunately, what they were is not known – but perhaps the gold field of the well-known Scottish arms (the lion rampant within a red double flowered tressure, both red) was changed to silver.²²⁶ Such a change of field is found with Thomas Durward (no. 8), bastard son of the thirteenth-century magnate Alan Durward: whereas Alan’s arms were a red chief on a silver field, in Thomas’s (as recorded in 1296) the field was now ermine.²²⁷ And in the mid-fourteenth century the change from silver to ermine again occurred in a bastard’s arms, those of the much more prominent Archibald Douglas the Grim (no. 9).²²⁸ Interestingly, although Archibald acquired the Murray inheritance through marriage in 1362, and gained the lordship of Galloway in 1369/72, he continued to use those essentially personal arms – recorded by the Gelre herald as belonging simply to ‘Syr Archibaut’ – until he succeeded to the earldom of Douglas itself in 1389. But once he became earl and hence head of the Douglas kindred, he made the ermine field revert back to silver, and also now combined the main Douglas arms with those of the great ancient lordship of Galloway, presumably to proclaim that he was more than ‘just’ the earl of Douglas (no. 10).²²⁹ Interestingly, unlike the first two earls of Douglas, who after 1377 were among the first in Scotland to combine arms by ‘quartering’ them, Archibald used the older method of dividing the shield into two halves, known as ‘impaling’²³⁰ – but despite being old-fashioned, there was of course no suggestion of junior status, let alone illegitimacy.

Robert Stewart’s Bastards



11. Thomas Stewart
archdeacon of St Andrews
(died 1430)



12. John Stewart
sheriff of Bute
(died 1445/1449)



13. John Stewart
(Robert III)
seal 1



14. John Stewart
(Robert III)
seal 2

We turn now to that prolific begetter of bastards, Robert Stewart (King Robert II after 1371)²³¹, though only two of the eight who were not legitimated had arms which are now

²²⁶ For Robert Bruce, above, from note 79. I suggest the change of colour on the field, because the obvious alternative, to incorporate a version of the Bruce arms on a bend or canton, would be impossible heraldically, since both the royal and the Bruce arms were red on gold.

²²⁷ McAndrew, *Scotland’s Heraldry*, 112–13, 266.

²²⁸ For Archibald Douglas, above, from note 96. For his arms, McAndrew, *Scotland’s Heraldry*, 134, 183–7, and Gelre Armorial, fo. 64^v (both of which also show Walter Leslie, a legitimate cadet, replacing silver with ermine); Macdonald, *Scottish Armorial Seals*, nos. 661–3; and above, at note 120.

²²⁹ McAndrew, *Scotland’s Heraldry*, 183–4; Macdonald, *Scottish Armorial Seals*, nos. 664–5.

²³⁰ For impaling and quartering (which Scotland adopted late), McAndrew, *Scotland’s Heraldry*, 149–52, 183, 187. For the Douglas quartering (Douglas and Mar), see illustration no. 19, below.

²³¹ For Robert II’s bastards, above, from notes 33, 51, 63.

known. The first is Thomas, archdeacon of St Andrews (no. 11), whose shield had the Scottish royal arms surmounted by a checked bend, which reflects the Stewarts' silver and blue fess chequy (*fesce échiquetée*); there are clear parallels with the post-legitimation arms of the English John Beaufort, except that Thomas was not legitimated.²³² The other is John Stewart of Bute (no. 12), whose arms must be those carved on a tomb in Rothesay (the main town of the Isle of Bute).²³³ These quarter the Stewart fess chequy (with a lion's head emerging from it) and the royal arms, indicating a Stewart father and royal mother and so presumably referring to Robert Stewart himself (who used the fess with lion's head on his seal in 1370). But it is obviously not Robert's tomb, and his legitimate sons had very different shields – combining different sets of arms without quartering. It is therefore extremely unlikely that Robert Stewart would have used quartered arms before 1371.²³⁴ On the other hand John (probably Robert's eldest bastard) was made sheriff of Bute by his father in 1385; he administered the island for the next sixty years from his base in Rothesay, and there is no reason to believe he was not buried there. Thus these arms should be seen as being created for Robert II's senior bastard either when he was put in charge of Bute, or at some later date, combining his father's paternal and maternal arms (no longer so relevant to Robert himself after he became king) in the new quartered style, and without any indication of illegitimacy.

In a different way, the arms of Robert's most important – if temporary – bastard, his eldest son John,²³⁵ eventually Robert III, are also significant. These, as shown on his two pre-1371 seals,²³⁶ do not of course suggest bastardy, but they do demonstrate an intense ambition that may be connected with the uncertain status of his birth. His first seal, dating from as early as 1361, bore the standard Stewart fess chequy, but to differentiate it from his father's he used not the normal eldest-son label but the royal double tressure (no. 13) – asserting royal blood years before he was made earl of Carrick. And once he did get that earldom in 1368, he used a new seal with an even more pointed message (no. 14); it depicts the royal Scottish lion rising out of the Stewart fess chequy, surely proclaiming John's own view of himself as David II's heir-presumptive (note that John's second seal seems to be earlier than the lion's head seal used by his father in 1371, which has important political implications).²³⁷

²³² Thomas did, however, have a papal dispensation allowing him to hold benefices despite being illegitimate. Arms from his seal, Macdonald, *Scottish Armorial Seals*, no. 2589. Here, and in other arms found only on seals, the colours given are conjectural but obvious.

²³³ Unfortunately, McAndrew, *Scotland's Heraldry*, does not discuss them. The carvings are now eroded, but were drawn and discussed by J. C. Roger, 'Notices of ancient monuments in the ruined church of St Mary, Rothesay', *Proceedings of the Society of Antiquaries of Scotland*, ii (1854–7), 466–81. Roger argued that the effigy represented Robert II, and that the tomb was made for him before he became king; John Stewart was discounted because there was no special indication of bastardy. This is followed in the modern account of the tomb and church by D. Pringle, 'The medieval parish churches of the Isle of Bute: St Blane's, Kingarth, and St Mary's, Rothesay', *Scottish Archaeological Journal*, xxii (2000), 140–51. But that argument is of course invalid. Instead, I agree with former Lyon King of Arms, Sir Thomas Innes: 'the monument is evidently that of the first ... Sheriff of Bute': T. Innes, *Scots Heraldry*, 2nd edn (Edinburgh, 1956), 27.

²³⁴ Above, at note 230.

²³⁵ Above, from note 53.

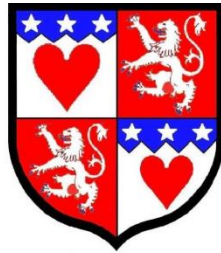
²³⁶ Macdonald, *Scottish Armorial Seals*, nos. 2549–50.

²³⁷ The latter is not found until 1370, and has more limited imagery. Also, the document bearing John's half-lion seal in 1369 has a seal of Robert as well, showing only a straightforward fess. So Robert's new lion's head seal followed John's, but less spectacularly. For the politics, above, from note 53.

Other “Great Scottish Bastards”



15. William Douglas
lord of Nithsdale
(killed 1391)



16. George Douglas
earl of Angus
(died circa 1403)



17. Alexander Stewart
earl of Mar
(died 1435)



18. Thomas Stewart
(of Garioch)
(died 1430)

So far the heraldry of three of the six “great Scottish bastards” has been considered. With the rest (from the next generation), the effect of the introduction of quartering is striking. Their shields all display paternal arms in the first and fourth quarters, and arms relating to their acquired territories in the second and third: silver lions rampant on black and red fields for Nithsdale and Angus respectively, gold cross-crosslets and a bend on a blue field for Mar. Since William and George Douglas were junior members of the house of Douglas, the Douglas quarters (but only those) were differentiated: by a gold bend for William (no. 15),²³⁸ and an indented instead of straight chief for George (no. 16).²³⁹ Again, these are standard indications of cadet status, irrespective of legitimacy – though after the fall of the main ‘Black Douglas’ line in the mid-fifteenth century subsequent earls of Angus (George’s descendants) headed the house of Douglas, and the indented chief was straightened.²⁴⁰

As for Alexander Stewart (no. 17),²⁴¹ the second and third quarters of his shield bore the arms of the earls of Mar, gained through his wife, Countess Isabella; but the first and fourth quarters are more problematic. Although technically Alexander was earl of Mar and lord of Garioch, the words ‘lord of’ were dropped from his style, and by the 1440s Garioch was regarded as an earldom – so that his arms were thought to represent two earldoms. The inclusion in about 1440 of arms for the ‘earl’ of Garioch in the Grand Armorial of the Toison d’Or apparently confirmed this (no. 18) – assuming that the ducal coronets which it depicted were a mistake for open crowns. The silver and blue fess chequy, however, is the Stewart emblem, and since no Stewarts possessed Garioch before Alexander, it must refer to his own parentage. But if the crowns on their own represented Garioch, why did the Stewart fess not appear on the Mar quarters as well? Clearly, the three crowns with fess chequy are the arms of Alexander Stewart himself – and so the ‘Garioch’ arms in the Toison d’Or Armorial are presumably those of his son Thomas (who probably held Garioch from his father), with coronets replacing crowns to indicate their relationship.

²³⁸ For William Douglas, above, from note 121. Full shield as recorded for Douglas of Nithsdale in the Armorial of Sir David Lindsay of the Mount (1542) and the Hague Roll (1592): McAndrew, *Scotland’s Heraldry*, 211. Unfortunately, there and on p. 267 McAndrew followed Campbell, ‘Scottish arms in the Armorial Equestre’, 173–4, in equating the Douglas of Nithsdale arms with those of ‘the b[astard] of Douglas’ (discussed below), and then partly confused them.

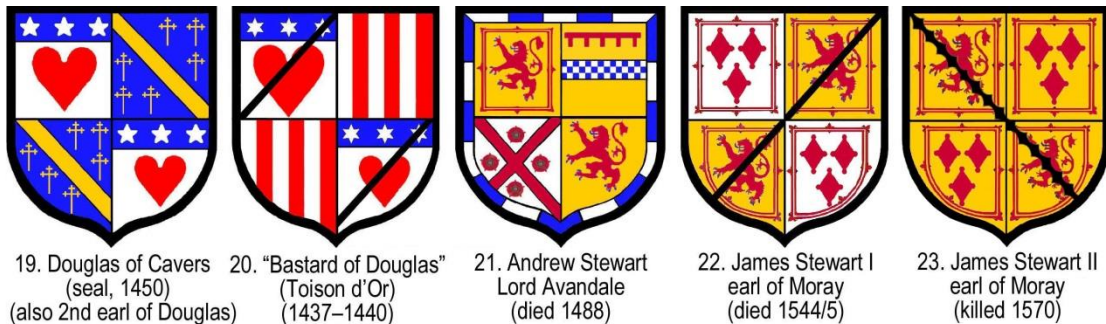
²³⁹ For George Douglas, above, from note 136. Full shield as recorded for George’s son and successor William in the Grand Armorial of the Toison d’Or (c.1440): McAndrew, *Scotland’s Heraldry*, 182, 213, 267.

²⁴⁰ *Ibid.*, 210, 213. Thereafter, the earls of Angus’s quarterings became increasingly complex.

²⁴¹ For Alexander Stewart, above, from note 152.

What was the origin of Alexander's three crowns? He may have chosen them himself, but more probably they belonged to his father, Alexander lord of Badenoch and earl of Buchan. The latter's arms are not known, but a red territorial emblem on a gold field surmounted by the silver and blue fess chequy was used by two of his brothers,²⁴² and it is likely that Alexander did so as well. He probably adopted the three crowns in preference to the arms of the previous Comyn lords of Badenoch, who had been forfeited for opposing Robert I and siding with England; and since three crowns appear on the arms of some of the leading families within his sphere of influence, they may have had a regional significance.²⁴³ So, as with other bastards, the younger Alexander would have inherited his father's arms in the absence of legitimate sons – and they would have gone to his bastard son and heir Thomas if the latter had survived.

Later Scottish Bastards



While Alexander earl of Mar was the last magnate bastard of the fifteenth century, there were of course many others with lesser status. One was Sir Archibald Douglas of Cavers – son of James, second earl of Douglas (d.1388) – who lived until the later 1450s. The arms given here (no. 19), quartering Douglas and Mar, are from the seal of Archibald's son (to whom he had transferred formal ownership of Cavers) on a document dated 1450.²⁴⁴ They were presumably Archibald's arms as well, and are identical to those of Earl James: since the latter had no legitimate sons and both his earldoms went to other lines, they must have been adopted by his bastard, giving another example of that Scottish practice.²⁴⁵

In contrast, the Grand Armorial of the Toison d'Or (in which most Scottish entries

²⁴² In the arms of Robert Stewart earl of Fife and David Stewart earl of Strathearn: McAndrew, *Scotland's Heraldry*, 179–80; Macdonald, *Scottish Armorial Seals*, nos. 2563, 2570. The Gelre Armorial, fo. 64r, gives Strathearn's arms correctly (no. 683), but otherwise it muddles the Stewart brothers. The crest and supporters of no. 680 apply to Robert earl of Fife, as would the shield if the royal tressure was removed; but it is designated 'earl of Ross', perhaps through confusion with Alexander lord of Badenoch, who married the countess of Ross. There is a 'Sir Alexander Stewart' (fo. 64v, no. 702), for whom only the basic Stewart shield is given, but he is likely to have been head of the Darnley Stewarts, now the main non-royal line – so the lord of Badenoch's arms seem to have been omitted.

²⁴³ Namely Grants, Frasers, and probably Bissets: McAndrew, *Scotland's Heraldry*, 460–3.

²⁴⁴ For Archibald of Cavers, above, at notes 24, 160, 168; and Fraser, *Douglas Book*, iii, nos. 76, 82, 89, 364, 394, 409. For the seal, Historical Manuscripts Commission, *Fourteenth Report*, part 3 (London, 1894), 11, no. 8; also, for his grandson's, Macdonald, *Scottish Armorial Seals*, no. 700.

²⁴⁵ Note however, that Archibald was Earl James's *younger* bastard; the elder got Drumlanrig (above, at note 24). But the Douglasses of Drumlanrig also bore the Douglas and Mar arms in various formats. Later armorials show both families using single-coloured bordures round their arms, but that cannot be proved for the fifteenth century. McAndrew, *Scotland's Heraldry*, 267, 544–5.

date from 1437–40) depicts a very different practice. It has an entry for *le b. de douglais* (no. 20), showing quarterings where the main Douglas arms (though with six- rather than five-pointed stars) are debruised with a black riband sinister – the only known application of that sign of bastardy to fifteenth-century Scotland. The author of the armorial was well informed about Scotland, but he did make mistakes, and was Burgundian, which explains his formula for the bastard's style; so it is quite likely that the original arms had a normal riband, which the author changed in accordance with new Franco-Burgundian practice. Identifying the Douglas bastard is also problematic. He was clearly the son of an earl of Douglas, and there is only one recorded candidate: 'John of Douglas, a bastard son to Archibald earl Douglas', who according to a contemporary chronicle helped the Lord of the Isles ravage part of Renfrewshire in 1454, as part of the great Douglas–crown conflict.²⁴⁶ But which Earl Archibald? John Douglas has been linked with the fourth earl's grant of land to his mistress and the son(s) to be begotten between them.²⁴⁷ There is no evidence, however, that such a son was ever born, and John's father could have been the fifth earl, also Archibald (in which case he might have been born in France, where this Archibald campaigned between 1419 and 1423). Be that as it may, one strange point is that the bastard John Douglas is not recorded as possessing any land, in striking contrast to earlier Douglas bastards.

The shadowy figure of 'the bastard of Douglas' is followed by the best-known bastard of later fifteenth-century Scotland: the major royal servant Andrew Stewart, Lord Avandale (no. 21), who became Chancellor and was the first to receive royal legitimation.²⁴⁸ The main part of his shield had four sets of arms, those of Scotland and the earldoms of Fife and Menteith in the first, second and fourth quarters, denoting his grandfather's parentage, and those of the earldom of Lennox in the third, denoting his grandmother's – 'surely among the most prestigious arms ever borne by a Scottish peer', as Bruce McAndrew has remarked.²⁴⁹ But the silver/blue bordure compony is the most significant element. It is the same as that used by the English Beauforts, and since both they and Avandale were illegitimate, it was believed in early modern Scotland that this bordure indicated bastardy – indeed it eventually came to be the standard Scottish heraldic mark of illegitimacy.²⁵⁰ But with the Beauforts, it meant the opposite: they used it only *after* they were legitimated. Admittedly the same does not apply to Avandale, because it appears on his arms in the 'Scots Roll', which dates from 1455–8,²⁵¹ well before his legitimation. On the other hand, in 1464 the bordure compony occurs on the seal of the unquestionably legitimate James Stewart, half-brother of James I through the second marriage of his queen, Joan Beaufort – who was a daughter of John Beaufort earl of Somerset, and who used the bordure compony on her own seal as queen of Scots.²⁵² James Stewart's use of it would surely have derived from his mother's arms. And so, though Andrew Stewart was *not* related to Queen Joan, it can be suggested that his use of the same bordure compony as the Beauforts reflects the close personal (and bodyguard) ties that he had established with the half-

²⁴⁶ From the 'Auchinleck Chronicle', in McGladdery, *James II*, 167–8.

²⁴⁷ Above, at note 23; Brown, *Douglases*, 304, following Fraser, *Douglas Book*, i, 398.

²⁴⁸ Above, at note 29.

²⁴⁹ McAndrew, *Scotland's Heraldry*, 199.

²⁵⁰ *Ibid.*, 267; Innes, *Scots Heraldry*, 103, 108–9; A. C. Fox-Davies, *A Complete Guide to Heraldry* (London, 1909), 513.

²⁵¹ McAndrew, *Scotland's Heraldry*, 195, 199, 267, and plate 10.

²⁵² *Ibid.*, 196, 281; Stevenson and Wood, *Scottish Heraldic Seals*, iii, 612; Pinches and Pinches, *Royal Heraldry of England*, 84.

Beaufort James II by the early 1450s.²⁵³ Certainly the idea that the later Scottish association of the bordure compony with illegitimacy derived from Avandale's arms is erroneous; it did not have that meaning in the fifteenth century.

This discussion of heraldry can be rounded off with the arms of the greatest bastards of the sixteenth century: the two James Stewarts earls of Moray, one a son of James IV, the other a son of James V (nos. 22, 23). The first James became earl in 1501 when he was two years old, and the shield illustrated above was on his seal in 1520. It quarters the Scottish royal arms debruised by a black riband with those of the previous earls of Moray, but the paternal arms (the Scottish lion and double tressure) are in the second and third quarters, not the usual first and fourth, and even more significantly the riband is sinister.²⁵⁴ The arms on this seal, therefore, go against usual Scottish practice. On the other hand, they do correspond to those of major bastards elsewhere, as borne for instance by Antoine the 'great bastard' of Burgundy or Henry VIII's son Henry Fitzroy duke of Richmond, on which, since the paternal arms were in the second and third quarters, the bend or riband sinister that traversed them ran straight across the whole shield. It seems clear, therefore, that the arms on Moray's seal were, remarkably, following heraldic practices elsewhere, on the Franco-Burgundian model. And the likeliest explanation for this surprising non-Scottish heraldic usage is that Moray was very close to John duke of Albany, heir-presumptive and governor of Scotland in 1515–24 (part of James V's minority): Albany had been born and brought up in France and was in effect a French noble; and when he returned there for a time in 1517–19 he was accompanied by the teenage earl of Moray,²⁵⁵ who would no doubt have seen French heraldic practice and presumably have appreciated the positive effect given by the special sinister stripe. However, when not long before Moray's death (without legitimate children) his arms were recorded in the armorial of Sir David Lindsay, Lyon King of Arms, the Scottish arms are in the first and fourth quarters, and the riband is *not* sinister, but the usual dexter²⁵⁶ – in accordance with normal Scottish practice. It is tempting, therefore, to conclude that Lindsay would not accept the riband or bend sinister as a significant Scottish heraldic element.

Thus it is not surprising that when in the next generation another royal bastard called James became earl of Moray in 1562, his shield was different. Across the Scotland quarters (first and fourth) there was a black riband running in the normal, dexter, direction – though it was individualised by being 'engrailed' (that is, with curved indentations), and the silver fields on the Moray quarters were now gold.²⁵⁷ And while that change of field is relatively unimportant, the direction of the riband and the quarterings are highly significant. They conformed to what was still the usual Scottish practice, not to what had become the norm for bastards in fifteenth- and sixteenth-century Europe. The heraldry of Scottish bastardy – like Scottish attitudes in general – was still rejecting that norm.

²⁵³ He began witnessing royal charters regularly in 1450 (*ODNB*, 'Stewart, Andrew, Lord Avondale'), and (as noted above, at note 207) took part in the killing of the eighth earl of Douglas, and was almost certainly captain of the royal bodyguard in the later 1450s.

²⁵⁴ That cannot have been a mistake by the seal engraver, because his half-sister, another of James IV's bastards, also had a riband sinister across the Scotland quarters on her seal. For both seals, Macdonald, *Scottish Armorial Seals*, nos. 2593, 2594.

²⁵⁵ *ODNB*, 'Stewart, John, second [*sic*] duke of Albany'; *ODNB*, 'Stewart, James, earl of Moray'.

²⁵⁶ McAndrew, *Scotland's Heraldry*, 269, 278, 281.

²⁵⁷ *Ibid.*, 268–70 (noting the engrailed riband in the 'Forman-Workman Roll' of 1566); but showing a normal riband on p. 268, from the later 'Hague Roll' (1592). Moray's seals show the riband engrailed (Macdonald, *Scottish Armorial Seals*, nos. 2599–600), so that is what is depicted here.

ROYAL AND MAGNATE BASTARDS

Genealogy

Finally, genealogical tables for ‘Royal Family Bastards’ and ‘Douglas Bastards’ are given overleaf. They cover all the ‘great Scottish bastards’, together with almost all the others mentioned in this chapter (though it was not always possible to represent known maternal details and relationships). The following abbreviations are employed: ‘d.’ for died naturally, ‘k.’ for killed (in battle or otherwise), ‘ex.’ for executed; and ‘dk.’ for duke, ‘e.’ for earl, ‘ld.’ for lord, ‘abp.’ for archbishop. Bastards’ names are given in bold italics, and their paternity is denoted by a broken line. An asterisk (*) means that the bastard was legitimated; a question mark (?) indicates uncertainty over parentage; a line below a name means that the individual died without surviving sons to continue his direct genealogical line (in most cases there were no daughters, either); and an equals sign (=) indicates marriage (or, with an oblique stroke, an illegitimate relationship).²⁵⁸

²⁵⁸ This is a much-extended version of a paper presented at the conference on *La bâtardise et l'exercice du pouvoir (XIIIe–début XVIe siècle)* in Liège in October 2008. It will also eventually appear as a chapter in the book of the same title, edited by Éric Bousmar, Alain Marchandisse, Christophe Masson and Bertrand Schnerb, which is to be published by the Université Saint-Louis (formerly the Facultés Universitaires Saint-Louis), Brussels.

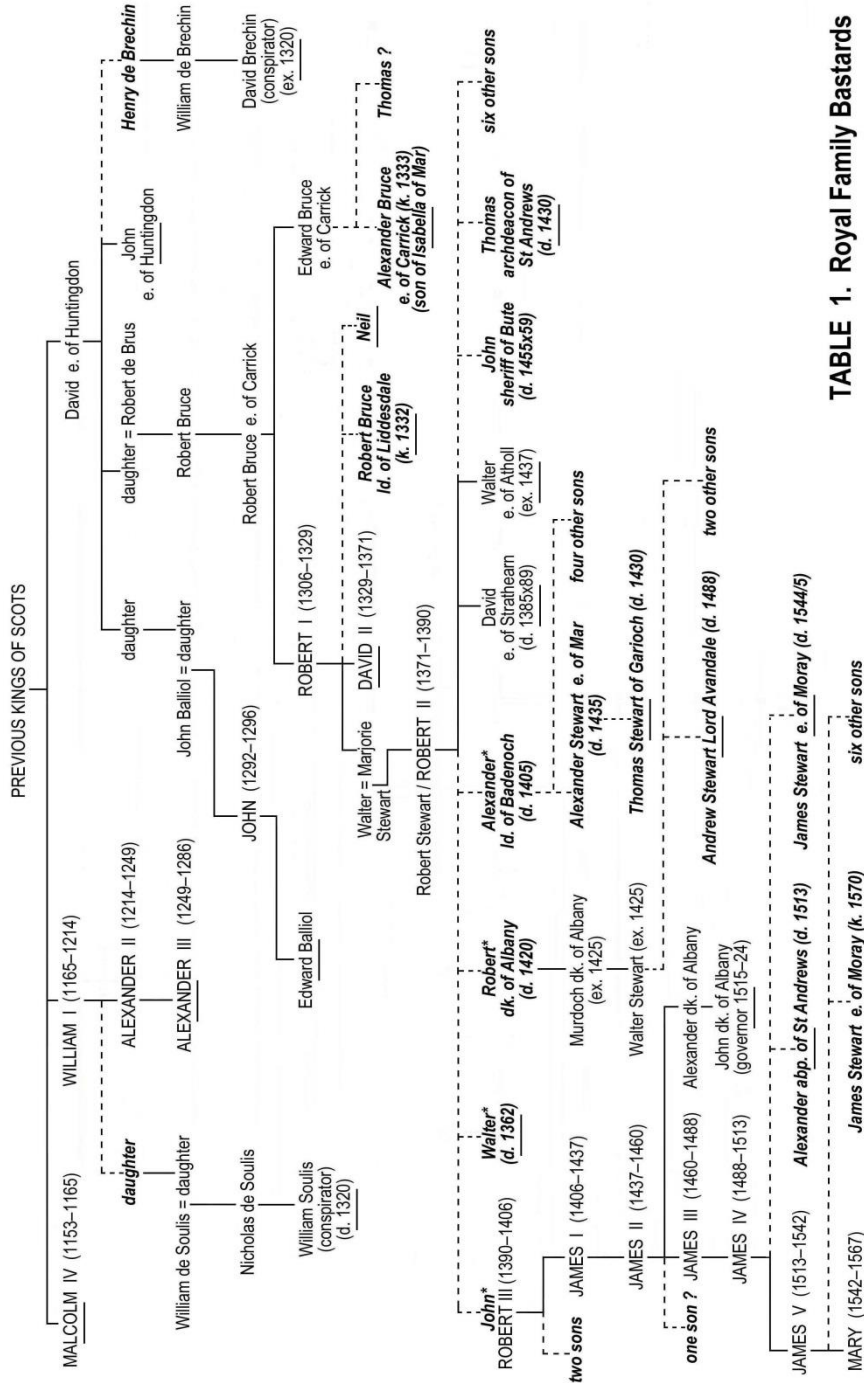


TABLE 1. Royal Family Bastards

ROYAL AND MAGNATE BASTARDS

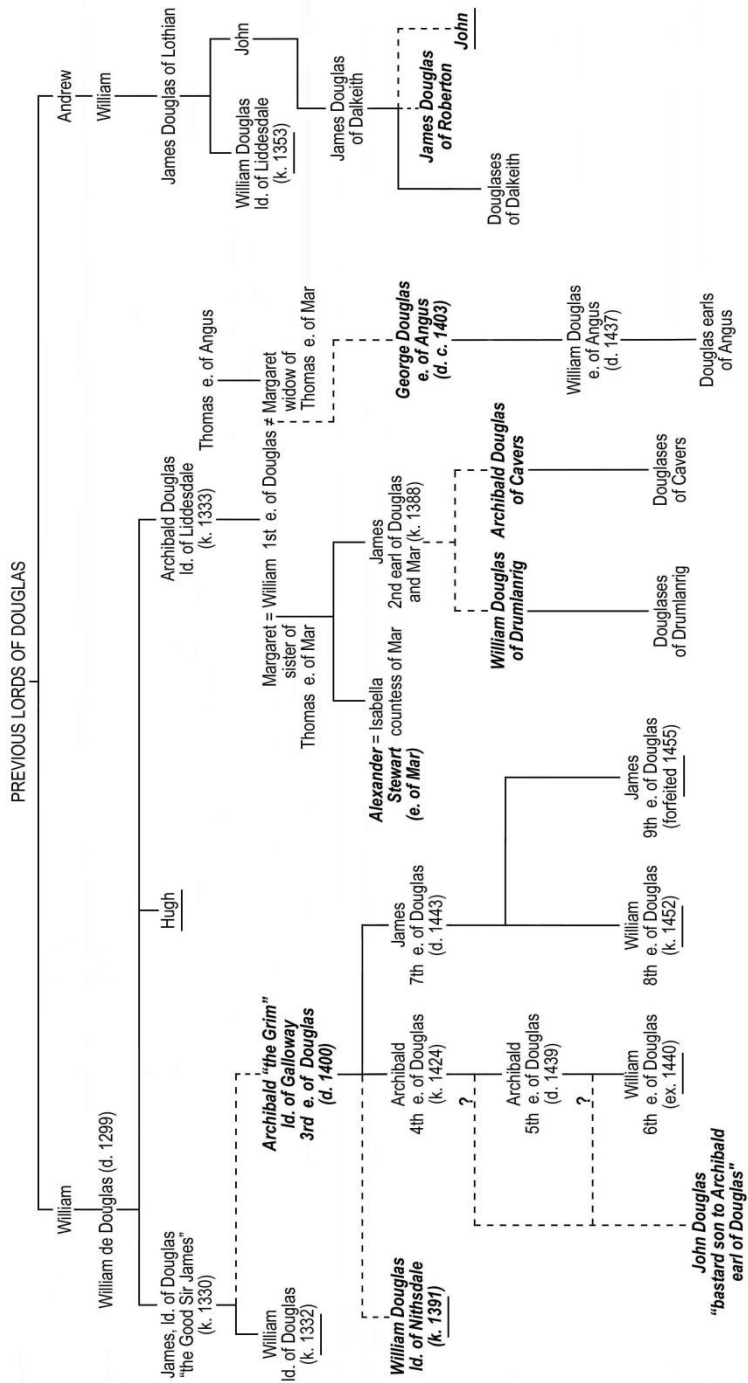


TABLE 2. Douglas Bastards