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**A History of the Kennedy
Earls of Cassillis before 1576**

Brian Brennan

BSc MA MLitt

**Submitted in fulfilment of the requirements for the
Degree of Doctor of Philosophy (Arts)**

School of Humanities

College of Arts

University of Glasgow

Abstract

This thesis will study the Kennedy family, beginning with its origins as a minor cadet branch of the lineage that ruled Galloway in the twelfth century, and trace its history until the death of the fourth earl of Cassillis in 1576. A study of how the Kennedys extended their influence across south-west Scotland and acquired an earldom has never been undertaken. This thesis aims to fill the significant gap in our understanding of how lordship operated in this region. In particular, analysis of the interactions between the Kennedys and the earls of Carrick, usually the monarch or his heir, demonstrates that the key factor in their success was their policy of close alignment and support of the crown.

The Kennedy kindred were the dominant force in Carrick in south-west Scotland from the middle of the fourteenth century. Their first appearance in the historical record in the late twelfth century makes it likely that the Kennedys were connected to the kindred of Fergus, Lord of Galloway. His grandson Duncan became the first earl of Carrick when that territory was separated from Galloway. Duncan's lineage was known as the 'de Carricks' and the Bruce family gained the earldom through marriage to a 'de Carrick' heiress. The earldom of Carrick then became connected to the crown and, when the male line of the 'de Carricks' failed, Robert II recognised John Kennedy of Dunure as the rightful leader of the kindreds within Carrick. For over two hundred years the principal Kennedy line exerted a powerful lordship in Carrick which later extended into western Galloway. The family's dominance in the area and their loyalty to the crown was recognised when the head of the Kennedys was made a lord of parliament in 1458. The Kennedy chief was granted a comital title in 1509 and the Kennedy earls of Cassillis were highly influential during the reigns of James V and Mary Queen of Scots.

The power and influence of the Kennedy chiefs has been acknowledged by historians but there has been limited study of the kindred. As bailies to the earls of Carrick, usually the monarch or the heir to the throne, the Kennedys may have been seen as playing a secondary role within the province. Studies have examined the life of individual Kennedys and the mechanisms used by some Kennedy chiefs to exert their lordship in an area where Gaelic kinship practices still operated. However, until now the history of the Kennedy dynasty has never been subjected to in-depth analysis.

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Author's Declaration

I declare that, except where explicit reference is made to the contribution of others, that this dissertation is the result of my own work, and has not been submitted for any other degree at the University of Glasgow or any other institutions.

Signature: _____

Printed name:

Conventions and Abbreviations

All dates are given assuming the new year begins on 1 January.

All sums of money are in pounds Scots or merks. A merk is equivalent to two thirds of a pound Scots.

A merkland is land valued in ‘auld extent’ at that sum and is equivalent, on average, to around 35 acres but the actual area is dependent on the productive capacity of the land.¹

Gaelic was prevalent in south-west Scotland during this period and it is likely that the names of individuals were often Gaelic in form. However, the sources for the period covered by this thesis are primarily in Scots or Latin and generally use anglicised versions of both forenames and surnames. For consistency, and to avoid the confusion of different names for the same individual, these anglicised forms will be utilised. Where an anglicised form is not provided the name is given as it appears in the source.

Unless otherwise indicated, place-names are given in the form in which they appear on modern Ordnance Survey 1:50000 maps.

All quotations from primary sources have kept the original spelling.

Contractions and abbreviations in manuscripts have been silently expanded.

The following abbreviations have been used:

<i>ADCP</i>	<i>Acts of the Lords of Council in Public Affairs, 1501-1554: Selections from Acta Dominorum Concilii</i> , ed. R. K. Hannay (Edinburgh, 1932)
<i>AILSA</i>	Papers of the Kennedy Family, Earls of Cassillis (Ailsa Muniments)
<i>Bargany</i>	Papers of the family of Dalrymple-Hamilton of Bargany, Ayrshire (Bargany Muniments)
<i>Buchanan, History</i>	Buchanan, George, <i>The History of Scotland</i> , ed. & trans. J. Aikman (Glasgow, 1827).

¹ Cosmo Innes, *Lectures on Scotch Legal Antiquities* (Edinburgh, 1872), pp.282-5.

<i>Crossraguel Chrs.</i>	<i>Charters of the Abbey of Crosraguel</i> , ed. F. C. Hunter Blair (Edinburgh, Ayrshire and Galloway Archaeological Society, 1886), vol.1.
<i>CDS</i>	<i>Calendar of Documents relating to Scotland</i> ed. J. Bain, vols.1-4 (Edinburgh, 1881-8).
<i>CPL</i>	Calendar of entries in the Papal registers <i>relating to Great Britain and Ireland: Papal Letters</i> , vols. 4,8,10, ed. W.H. Bliss, J.A. Twemlow <i>et al</i> (London, HMSO, 1893-1909).
<i>CSP Scot.</i>	<i>Calendar of the State Papers relating to Scotland and Mary, Queen of Scots, 1547-1603</i> , vols.1-5, ed. J. Bain <i>et al.</i> (Edinburgh, 1898-1903)
<i>CSPVB</i>	Agnew, Robert Vans, <i>Correspondence of Sir Patrick Waus of Barnbarroch, Knight; Part 1 1540-1584</i> (Edinburgh, Ayr and Galloway Archaeological Association, 1887).
<i>CSSR</i>	<i>Calendar of Scottish Supplications to Rome</i> , vols.3-5, ed. A. I. Dunlop <i>et al</i> (Edinburgh/Glasgow, 1970-1997).
<i>Diurnal of Occurrents</i>	<i>A Diurnal of Remarkable Occurrents that have passed within the country of Scotland since the death of King James the Fourth till the year MDLXXV</i> , ed. T. Thomson (Edinburgh, Bannatyne Club, 1833)
<i>ER</i>	<i>The Exchequer Rolls of Scotland</i> , ed. J. Stuart <i>et al.</i> , 23 vols. (Edinburgh, General Register House, 1878-1908).
<i>Foedera</i>	Thomas Rhymer ed., <i>Foedera, Conventiones, Literae et cujuscunque generis Acta Publica inter Reges Angliae et alios quosvis Imperatores, Reges, Pontifices, Principes, vel Communitates Habita aut Tractata</i> (London, 1712).
<i>Hamilton Papers</i>	<i>The Hamilton Papers</i> , ed. J. Bain (Edinburgh, 1890-92).
<i>Herries, Memoirs</i>	<i>Historical Memoirs of the Reign of Mary, Queen of Scots and a Portion of the Reign of King James VI by Lord Herries</i> , ed. R. Pitcairn (Edinburgh, Abbotsford Club, 1836).
<i>HMSO</i>	His (or Her) Majesty's Stationery Office
<i>LPHenryVIII</i>	<i>Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII</i> , ed. J. S. Brewer <i>et al</i> (London, 1862-1932).
<i>Melrose Liber</i>	<i>Liber Sancte Marie de Melrose: munimenta vetustiora monasterii cisterciensis de Melros</i> , ed. Cosmo Innes (Edinburgh, Bannatyne Club, 1837), vols.1&2.
<i>NRS</i>	National Records of Scotland
<i>NLS</i>	National Library of Scotland

<i>ODNB</i>	<i>Oxford Dictionary of National Biography</i> (Oxford University Press, 2004) [http://www.oxforddnb.com].
<i>Pitcairn, Trials</i>	<i>Ancient criminal trials in Scotland; compiled from the original records and MSS</i> , ed. Robert Pitcairn (Edinburgh, 1833), vol.1.
<i>RCAHMS</i>	Royal Commission on the Ancient and Historic Monuments of Scotland.
<i>RMS</i>	<i>Registrum Magni Sigilli Regum Scotorum</i> , ed. J.M. Thomson <i>et al</i> (Edinburgh, 1882-1914).
<i>Rotuli Scotiae</i>	<i>Rotuli Scotiae in Turri Londiniensi et in Domo Capitulari Westmonasteriensi Asservati</i> , ed. D. MacPherson (London, 1814-19).
<i>RPC</i>	<i>The Register of the Privy Council of Scotland 1545-1625</i> , ed. J. Hill Burton and D. Masson (Edinburgh, 1877-98).
<i>RPS</i>	<i>The Records of the Parliaments of Scotland to 1707</i> , ed. K.M. Brown <i>et al</i> (St Andrews, 2007-2013) < http://www.rps.ac.uk/ >.
<i>RSS</i>	<i>Registrum Secreti Sigilli Regum Scotorum</i> , ed. M. Livingstone <i>et al</i> (Edinburgh, 1908-).
<i>SHR</i>	<i>The Scottish Historical Review</i>
<i>SHS</i>	Scottish History Society
<i>SPHenryVIII</i>	<i>State papers published under the authority of His Majesty's Commission. King Henry the Eighth</i> (London, 1836), vols.4&5, part IV.
<i>TA</i>	<i>Accounts of the Lord High Treasurer of Scotland</i> , 11 vols, ed. T. Dickson and Sir J. Balfour Paul (Edinburgh, 1877-1916).
<i>Teulet, Inventaire</i>	<i>Inventaire chronologique des documents relatifs a l'histoire d'Ecosse</i> , ed. Alexandre Teulet (Edinburgh, Abbotsford Club, 1839).

Introduction

In the twelfth century the lords of Galloway dominated south-west Scotland. At that time Galloway was Gaelic speaking and included the province of Carrick or South Ayrshire. Although Galloway lies well south of the Highland line, the Gaelic language was prevalent there until the sixteenth century. Disputes between the sons of Fergus, Lord of Galloway, Gillebrigte and Uhtred, led to a splitting of the inheritance, with Uhtred controlling all of the lands east of the River Cree and Gillebrigte controlling western Galloway including Carrick. Fighting between the two lines continued until, in 1190, the Scottish king, William I, resolved the dispute. Perhaps formalising the extent of each side's territorial control, he separated Carrick from Galloway and appointed Duncan (son of Gillebrigte son of Fergus) as its earl while recognising Uhtred's son Roland as the rightful Lord of Galloway.¹ Duncan appointed the head of the Kennedys as heritable steward of the earldom. This makes it likely that the Kennedys were a cadet branch of the kindred of his grandfather Fergus, Lord of Galloway, the Gaelic name for which is unknown. The Kennedys continued as stewards and supporters to the earls of Carrick when the earldom passed to the Bruces in the 1270s, and by the mid-fourteenth century the title had become attached to the crown. When Duncan's lineage failed in the male line, John Kennedy was acknowledged as the rightful head of the kindreds of Carrick and he was appointed heritable bailie of the earl who was either the reigning monarch or his heir. He is the first Kennedy in the historical record who can be proven to be a direct ancestor of the Kennedy earls. Through service to the crown the Kennedys grew in influence and James II made their chief a Lord of Parliament in 1458. James IV rewarded their loyalty and recognised their dominance in the south-west with the creation of a new earldom, Cassillis, for David, Lord Kennedy, in 1509. The period that followed, until the death of the fourth earl in 1576, was one of the most turbulent in Scottish history with extended periods of regency, wars with England, civil wars, the Reformation and the forced abdication of a monarch. Despite this, by the time of the fourth earl's death the Kennedy chiefs had managed to extend their influence beyond Carrick and controlled all of western Galloway. In effect they had recreated the dominion once held by their ancestor Gillebrigte son of Fergus, Lord of Galloway.

Relatively little has been written about the Kennedys and no academic works have studied the development of their power and influence across this period. The south-west of

¹ Bower, Walter, *Scotichronicon*, ed. D. E. R. Watt *et al* (Aberdeen, Aberdeen University Press, 1987-1998), vol.4, pp.365-9; Richard Oram, *The lordship of Galloway* (Edinburgh, John Donald, 2000), pp.57-8, 90, 100.

Scotland and the Kennedys are generally treated as peripheral to a historiography which is mainly concerned with problems and intrigues between the crown and major magnates. Perhaps because Gaelic has become exclusively synonymous with the Highlands, historians of Gaelic Scotland have also shown little interest in south-west Scotland, although the Gaelic language and Gaelic kinship practices survived there until the sixteenth century. For several centuries the Kennedy chiefs dominated the region, extending their landholdings and influence. On several occasions, particularly after they gained comital rank, they made a significant impact on the wider political kingdom. This thesis will examine how this was achieved and address the gaps in our understanding of the evolution of the Kennedy kindred. The study begins in the twelfth century and ends in 1576. It thus spans the Wars of Independence, the Renaissance and the beginning of the Reformation, all three of which are acknowledged as breakpoints in Scottish historiography. The transitions between these different periods will be considered to determine whether they occasioned any discernible change in the policies of the Kennedys.

The central question this thesis will address is: in the Kennedys' rise to dominance in Carrick and western Galloway, what policies did their chiefs follow and what were the primary relationships they used to achieve this? The study focusses on the ruling lineage of the Kennedy kindred and considers the durability of its power over several centuries and the threats it faced. Consideration is also given to the main cadet branches of the kindred and their role in the exercise of Kennedy lordship. The connections between the Kennedy chiefs and the crown, other magnates and the church are explored. This thesis will show that the Kennedys' genealogical connection to the original ruling lineage in Carrick was crucial to their emergence as the dominant kindred in the area. Their subsequent success in south-west Scotland in the late medieval and early modern periods was achieved through a policy of loyalty and cooperation with the crown. When this policy was not followed or failed, it usually led directly to disputes between the Kennedy chief and the main cadet branches of the kindred.

Historiography

The earliest surviving history of the Kennedy family is a chronicle called the 'Historie of the Kennedyis' dating from the early years of the seventeenth century. Robert Pitcairn published this document in 1830 along with additional notes and illustrations to help explain its contents.² The text of the chronicle is hostile in tone towards the earls of

² 'Historie of the Kennedyis' in *Historical and Genealogical Account of the Principal Families of the Name of Kennedy*, ed. Robert Pitcairn (Edinburgh, Bannatyne Club, 1830).

Cassillis, and Pitcairn believed that its anonymous author must have been someone with ‘considerable influence in Carrick’ who was a ‘zealous antagonist’ of the fifth earl.³ The Kennedys of Bargany were engaged in a long-running feud with the Kennedy chief at that time and it was probably written by one of their supporters.⁴ Most of the chronicle refers to events after 1576 and only the first eight pages make reference to the family history before that date. Stephen Boardman describes the ‘Historie of the Kennedyis’ as garbled in terms of chronology and personnel, although he believes that it may occasionally have some basis in fact.⁵ In 1849 a family history, the *Historical Account of the Noble Family of Kennedy, Marquess of Ailsa and Earl of Cassillis*, attributed to David Cowan, was published in Edinburgh. This study concentrates on the genealogy of the family with brief outlines of the main events in each chief’s life, and lists of their offspring, their marriages and lands. The history of the kindred until 1576 is covered in less than forty pages.⁶

Studies that have addressed the kindred have either used the earliest period to examine tensions between Scots law and the different laws still in use in Carrick and Galloway, or have scrutinised the life of individual Kennedys. In 2003, Hector MacQueen published a chapter in *The exercise of power in Medieval Scotland c.1200 – 1500*, edited by Steve Boardman and Alasdair Ross, that examined the Kennedys. MacQueen sought to explain, or at least to understand, how a Gaelic kindred could flourish in the south-west of medieval Scotland without ‘denying or abandoning its roots’. His well-researched material concentrated on problems concerning succession within the principal line of the Kennedy kindred in the fifteenth century.⁷ In an earlier study in 1993, MacQueen used fifteenth-century disputes involving the family to highlight clashes between the early Scots legal code and older Gaelic kinship practices that coexisted in south-west Scotland.⁸

Additionally, in his PhD thesis Stephen Boardman examined how the Kennedys used bonds of manrent to resolve these same fifteenth-century disputes.⁹ Beyond these works, the south-west has been virtually ignored by historians of late medieval Scotland, possibly

³ *Ibid*, pp. iv-v.

⁴ Hector MacQueen, ‘Survival and success: The Kennedys of Dunure’ in *The exercise of power in Medieval Scotland c.1200 – 1500*, ed. Steve Boardman and Alasdair Ross (Dublin, Four Courts, 2003), p.69.

⁵ Stephen I. Boardman, ‘Politics and Feud in Late Mediaeval Scotland’ (unpublished doctoral thesis. University of St Andrews, 1989), p.12.

⁶ David Cowan, *Historical Account of the Noble Family of Kennedy, Marquess of Ailsa and Earl of Cassillis* (Edinburgh, Advocates Library, 1849).

⁷ Hector MacQueen, ‘Survival and success: The Kennedys of Dunure’ in *The exercise of power in Medieval Scotland c.1200 – 1500*, ed. Steve Boardman and Alasdair Ross (Dublin, Four Courts, 2003).

⁸ Hector MacQueen, ‘The Kin of Kennedy, ‘Kenkynnot’ and the Common Law’ in *Medieval Scotland: Crown, Lordship and Community: essays presented to G.W.S. Barrow*, ed. A. Grant and K. J. Stringer (Edinburgh, Edinburgh University Press, 1993).; Hector MacQueen, ‘The Laws of Galloway: a preliminary survey’ in *Galloway: Land and Lordship*, ed. R.D. Oram and G.P. Stell (Edinburgh, Scottish Society for Northern Studies, 2001).

⁹ Boardman, ‘Politics and Feud’, pp.7-16.

because of its anomalous position as a peripheral Gaelic-speaking area that was not Highland. Furthermore, despite MacQueen's identification of the Gaelic practices that continued there, Gaelic historians have produced no studies of the lordship of the Kennedys.

Modern histories of the Bruce and Stewart monarchs have tended to treat the Kennedys, and other provincial lords, as only being important when their activities impinged on the ambitions and actions of the crown.¹⁰ Other historical studies of the period similarly make little reference to the Kennedys, and tend to concentrate on the centre and deal with the periphery only as it impacts events there.¹¹ The lives of several individual Kennedys who achieved prominence at the centre have been studied. Annie Dunlop produced a detailed biography of James Kennedy (1408-1465), bishop of St Andrews, who served in the governments of James II and James III.¹² Norman Macdougall wrote a reassessment of his career in 1983 which concluded that Bishop Kennedy had been less influential than Dunlop claimed and that she had rather over-praised the bishop's achievements.¹³ Ishbel Barnes published a study in 2007 that focussed on Janet Kennedy, the mistress of James V.¹⁴ Marcus Merriman's history of *The Rough Wooings* makes frequent references to Gilbert Kennedy, the third earl of Cassillis, who was heavily involved in intrigue with Henry VIII. Elsewhere, Merriman portrays the earl as an English agent who was prepared to betray his own country for money.¹⁵ This depiction of the earl as a traitor needs to be reconsidered based on a detailed study of his actions, not his intrigues, and has to take into account the rewards he received for his loyalty to Regent Arran.

¹⁰ Michael Penman, *David II* (East Linton, Tuckwell Press, 2004); Stephen Boardman, *The Early Stewart Kings: Robert II and Robert III, 1371–1406* (East Linton, Tuckwell Press, 1996); Michael Brown, *James I* (Edinburgh, Canongate, 1994); Christine McGladdery, *James II* (Edinburgh, John Donald, 1990); Norman Macdougall, *James III: A Political Study* (Edinburgh: John Donald, 2009); Norman Macdougall, *James IV* (East Linton, Tuckwell Press, 1997); Jamie Cameron, *James V: The Personal Rule 1528-1542*, ed. Norman Macdougall (East Linton, Tuckwell Press, 1998).

¹¹ Margaret Sanderson, *Cardinal of Scotland* (Edinburgh, John Donald, 1986); George R. Hewitt, *Scotland under Morton 1572-80* (Edinburgh, John Donald, 1982); Jane Dawson, *The Politics of Religion in the Age of Mary, Queen of Scots* (Cambridge, Cambridge University Press, 2002); Thomas Rae, *The Administration of the Scottish Frontier 1513:1603* (Edinburgh, Edinburgh University Press, 1966); I. D. McFarlane, *Buchanan* (London, Duckworth, 1981).

¹² A.I. Dunlop, *The life and times of James Kennedy, bishop of St Andrews* (Edinburgh, Oliver & Boyd, 1950).

¹³ N. Macdougall, 'Bishop James Kennedy of St Andrews: a reassessment of his political career' in *Church, Politics and Society: Scotland, 1408–1929*, ed. N. Macdougall (Edinburgh, John Donald, 1983).

¹⁴ Ishbel M. Barnes, *Janet Kennedy, Royal Mistress: Marriage and Divorce at the Courts of James IV and V* (Edinburgh, John Donald, 2007).

¹⁵ Marcus Merriman, *The Rough Wooings Mary Queen of Scots, 1542-51* (East Linton, Tuckwell Press, 2000); Marcus Merriman, 'Kennedy, Gilbert, third earl of Cassillis (c.1517–1558)', *ODNB* [<http://www.oxforddnb.com/view/article/15368>, accessed 24 July 2014].

Although these studies have been collectively productive there remains a considerable gap in our understanding of the Kennedy kindred. Studying the lives or actions of individual Kennedys, or considering particular issues their careers highlight, has done little to explain the progression of the Kennedy kindred overall in Scottish political life. Alexander Grant points out that, while the characters and competence of individual leaders are important, it is advisable to study family groups and their interactions with each other and the crown.¹⁶ Successful modern studies of prominent late-medieval Scottish kindreds include Michael Brown's *The Black Douglases* and Stephen Boardman's *The Campbells*.¹⁷ Several unpublished PhD theses have examined other lineages, including Michael Kelley's 'The Douglas Earls of Angus 1389-1557' in 1973, Martin MacGregor's 'A political history of the MacGregors before 1571' in 1989, and David Cochrane-Yu's 'The Earldom of Ross, 1215-1517' in 2016. Most of these cover Highland kindreds and the studies of the Douglases concern kindreds from the south and east of the Lowlands. Other works by Anna Groundwater, Maureen Meikle and Alison Cathcart have examined kinship and power in the eastern and central borders and the Highlands.¹⁸ To date, there have been no modern studies of major kindreds from the south-west of Scotland.

Michael Lynch and Stephen Boardman argue that the end of the fifteenth century marks a clear break in the historiography, with study of the previous two hundred years dominated by consideration of the political relationship between the crown and the nobility, while that of the sixteenth century was chiefly concerned with the Renaissance and the Reformation. They doubt whether this break is merited.¹⁹ Jenny Wormald's work shows that there was much greater continuity between the two periods, and that the nobility's attitudes and concerns did not significantly change throughout most of the sixteenth century.²⁰ Work by Julian Goodare and Keith Brown broadly supports this view,

¹⁶ Alexander Grant, *Independence and Nationhood: Scotland 1306-1469* (Edinburgh, Edinburgh University Press, 1984), pp.173-4.

¹⁷ Michael Brown, *The Black Douglases: War and Lordship in Late Medieval Scotland, 1300-1455* (East Linton, Tuckwell Press, 1998); Stephen Boardman, *The Campbells, 1250-1513* (Edinburgh, John Donald, 2006).

¹⁸ Anna Groundwater, *The Scottish Middle March, 1573-1625; Power, Kinship, Allegiance* (Woodbridge, 2000); Maureen Meikle, *A British Frontier? Lairds and Gentlemen in the Eastern Borders, 1540-1603* (East Linton, Tuckwell Press, 2004); Alison Cathcart, *Kinship and Clientage: Highland Clanship, 1451-1609* (Leiden, 2006).

¹⁹ Stephen Boardman and Michael Lynch, 'The State of Late Medieval and Early Modern Scottish History' in *Freedom and Authority: Scotland c. 1050 – c. 1650*, ed. David Ditchburn and Terry Brotherstone (East Linton, Tuckwell Press, 2000).

²⁰ Jenny Wormald, 'Bloodfeud, Kindred and Government in Early Modern Scotland', *Past & Present*, 87 (1980), 54-97; *Court, Kirk, and Community: Scotland 1470-1625* (Edinburgh, Edinburgh University Press, 1981); 'Taming the Magnates?' in *Essays on the Nobility of Medieval Scotland*, ed. Keith J. Stringer (Edinburgh, John Donald, 1985), pp. 270-80; 'Lords and Lairds in Fifteenth-Century Scotland' in *Gentry and Lesser Nobility in Late Medieval Europe*, ed. Michael Jones (Gloucester, Alan Sutton, 1986), pp. 181-220.; Jennifer M. Brown, 'Bonds of manrent in Scotland before 1603' (Ph.D.Thesis, University of Glasgow, 1974).

or at least re-locates any change in the stance and actions of the nobility to the last decades of the sixteenth century.²¹ This thesis will help to deliver a more integrated history of the fifteenth and sixteenth centuries by considering a family whose rise to power begins in the medieval period, crosses the break point around 1500 commented on by Boardman and Lynch, and extends through the Renaissance and the early Reformation. Attention will be paid to continuity throughout the period and significant areas of change will be highlighted.

Boardman describes the success of the Campbells during the fourteenth and fifteenth centuries as part of a wider process of integration of lords from Gaelic areas and backgrounds into a political community focussed upon the Scottish crown.²² This study will investigate whether this process of assimilation was experienced by the Kennedy lords of Gaelic-speaking Carrick, and the extent to which the Kennedys' power in south-west Scotland relied on cooperation with the Scottish crown. The Kennedys were connected to the ruling lineage of twelfth-century Galloway and this thesis will determine the extent to which this was a factor in the rise of the Kennedy kindred. This investigation will thus be a significant addition to our understanding of the continuity of political legitimacy across a period of several centuries.

Sources

Before 1346, direct contemporary evidence regarding the Kennedys is rare. Individual Kennedys are recorded as witnesses in several of the charters of Melrose Abbey, and they appear on assize lists. Their landholdings are not recorded although their social role is sometimes mentioned, e.g. steward to the earl. However, the paucity of the available information makes it extremely difficult to ascertain the relationship between the different individual Kennedys who are identified. Later chronicles, such as Bower and Fordun, add little, although they both record that a Henry Kennedy was prominent in the conflict in Galloway in the late twelfth century. The lack of material regarding the Kennedys during this period is not surprising as the affairs of Carrick were dominated by the earls - the 'de Carrick' lineage of Earl Duncan and then the Bruces - and as stewards to the earl the Kennedy chiefs only played a supporting role.

²¹ Keith M. Brown, *Noble Power in Scotland from the Reformation to the Revolution* (Edinburgh, Edinburgh University Press, 2011); Keith M. Brown, 'The extent and nature of feuding in Scotland, 1573-1625', (PhD Thesis, University of Glasgow, 1983); Julian Goodare, *The Government of Scotland, 1560-1625* (Oxford, Oxford University Press, 2004).

²² Boardman, *The Campbells*, p.7.

From 1346 onwards the growing prominence of the Kennedys is reflected in the increase in records referring to members of the kindred. In that year David II, who was also earl of Carrick, and the leading member of the de Carrick lineage were both captured at the battle of Neville's Cross and, in their absence, John Kennedy led the men of Carrick in battle. This thesis makes extensive use of documents from the charter chests of the Kennedy chiefs and other branches of the kindred which are held in the National Records of Scotland in Edinburgh.²³ The first two records in the Ailsa Muniments, the records of the Kennedy chiefs, are later copies of two documents from around the year 1300 regarding the de Carricks. The earliest document referencing the Kennedys is a charter by David II from 1358. Earlier records of both the de Carricks and the Kennedys were probably destroyed during the Wars of Independence when Carrick was occupied by English forces on several occasions. The Ailsa Muniments contain more than 1100 records from the period covered by this thesis. In general, the number of records for each decade increases throughout the period and more than 80% are sixteenth-century records. The majority are related to transactions concerning land including grants, leases, mortgages, escheats and apprisings, although the records also include bonds of manrent, arbitration agreements and marriage contracts. The Ailsa Muniments contain only one document for the period between 1409 and 1440 and this gap is probably due to problems caused by the long minority of John Kennedy and his subsequent arrest and forfeiture.

References to the Kennedys occur in the records of the government of Scotland including the *Exchequer Rolls*, the *Accounts of the Lord Treasurers*, *Register of the Great Seal*, *Register of the Privy Seal*, the *Records of the Parliaments of Scotland* and the *Acts of the Lords of Council*. Other sources, such as Pitcairn's *Ancient Criminal Trials of Scotland*, the *Rotuli Scotiae*, several chronicles and reports of the Historical Manuscripts Commission have also been utilised. Church records consulted include the *Calendar of Entries in the Papal Registers*, the *Calendar of Scottish Supplications to Rome* and the chartularies of several abbeys including Crossraguel and Melrose. The sources rarely comment on the motivation of individual Kennedys and this makes it very difficult to form a coherent narrative explaining their actions. However, combining the information from these sources with knowledge of the wider historiography of the period helps improve our understanding of why, for example, lands or offices were awarded or a dispute occurred.

From around the beginning of the sixteenth century a much wider range of other sources become available including the protocol books of notary publics, the *Foreign*

²³ NRS series GD25 (Ailsa Muniments), GD109 (Bargany Muniments) and GD60 (Kennedys of Bennan records).

Correspondence and the Scottish Correspondence of Marie de Lorraine Queen of Scotland, and the *Register of the Privy Council*. In the reigns of James V and his daughter Mary the French and English states were frequently involved in Scottish affairs, and sources from both countries, particularly the English State Papers, are utilised extensively in later chapters.²⁴ These sources often contain information regarding the motivation of individuals and, although consideration has to be given to the viewpoint and bias of their authors, they help to further flesh out our understanding of events.

Finally, during the nineteenth century genealogical histories of many Scottish noble houses were commissioned. They often contain useful material and those consulted include histories of the Agnews, Douglases and Wallaces and William Fraser's histories of the Maxwell, Douglas, Lennox and Montgomerie families.²⁵ They were often commissioned by the head of the family which probably explains their tendency to be rather partisan, and this potential bias has to be taken into account. Although they were not published until much later than the period covered by this thesis, when used in conjunction with other contemporary or near-contemporary material they can help to give a wider understanding of the events they record.²⁶

Scope and Structure

The Kennedy chiefs' position as bailies to the earls of Carrick gave them a rather different connection to the monarch or his heir and this, coupled with their leadership of a Gaelic-speaking kindred in south-west Scotland, makes them unique. The Kennedys are deserving of detailed investigation and the sources are substantial enough to support such research. This thesis examines the political history of the Kennedy family from the late twelfth century until the demise of the fourth earl of Cassillis in 1576 when the Kennedys

²⁴ English sources include *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII*, ed. J.S. Brewer *et al* (London, HMSO, 1862-1932), *State papers published under the authority of His Majesty's Commission. King Henry the Eighth* (London, 1830-52), *Foedera, Conventiones, Literae et cujuscunque generis Acta Publica inter Reges Angliae et alios quosvis Imperatores, Reges, Pontifices, Principes, vel Communitates Habita aut Tractata*, ed. Thomas Rhymer (London, 1712), *The Hamilton Papers*, ed. J. Bain (Edinburgh, 1890-92), *Calendar of State Papers, Foreign, Elizabeth*, eds J. Stevenson *et al.* (London, 1863-1950) and *Calendar of State Papers Relating to Scotland and Mary, Queen of Scots, 1547-1603*, eds J. Bain *et al.* (Edinburgh, 1898-1969). French sources include Jean de Beaugue's *Histoire de la Guerre D'Escosse* (Bordeaux, 1862), *Relations Politiques de la France et de L'Espagne avec L'Ecosse au XVI siecle*, ed. Alexandre Teulet (Paris, 1862) and the *Lettres, Instructions et Memoires de Marie Stuart, Reine D'Ecosse*, ed. A. Labanoff (London, 1844).

²⁵ Andrew Agnew, *The Agnews of Lochnaw: A History of the Hereditary Sheriffs of Galloway* (Edinburgh, 1864); Herbert Maxwell, *A History of the House of Douglas* (London, Freemantle, 1902); Charles Rogers, *The Book of Wallace* (Edinburgh, The Grampian Club, 1889); William Fraser, *The Book of Carlaverock: memoirs of the Maxwells, Earls of Nithsdale, Lords Maxwell and Herries* (Edinburgh, 1873), vol.1; William Fraser, *The Douglas Book* (Edinburgh, 1885), vol.2; William Fraser, *The Lennox* (Edinburgh, 1874); William Fraser, *Memorials of the Montgomeries* (Edinburgh, 1859), vol.1.

²⁶ Martin MacGregor, 'The genealogical histories of Gaelic Scotland', in *The Spoken Word: Oral Culture in Britain, 1500-1850*, eds Adam Fox and Daniel Woolf (Manchester, 2002), pp.196, 209-11, 223.

were arguably at the height of their power and influence in south-west Scotland. Themes such as the church are considered where they impact on the political history of the main line of the Kennedys. The principal mechanism used to address the thesis question is a study of the activities of the chiefs of the Kennedys, the earls of Carrick and other local magnates, in which the relationships between them and the political objectives they pursued will be considered. Their connection to the earls of Carrick meant regular interactions with the monarch or his heir when the earldom became linked to the crown. The actions of the different chiefs are scrutinised to determine whether there was any long-term continuity in the strategies they used and the objectives they strove towards. Although the substance and structure of this thesis is based primarily around the chiefs of the Kennedys, other individual Kennedys who significantly helped or hindered the fortunes of the kindred are also examined. An assessment of how widely the Kennedys were able to project their authority will reveal how the extent of their influence in south-west Scotland changed over time. The continuity of the Kennedy chiefs' policies towards the crown, other regional magnates and the kindred itself will be considered.

The thesis is structured chronologically. The first chapter considers the early history of south-west Scotland and examines the connection between individual Kennedys and the first earls of Carrick. The political history of the Kennedys from the appearance of John Kennedy as the head of the kindred in 1346 and the Kennedys' subsequent rise to dominance in the area is charted until David, Lord Kennedy, was created the first earl of Cassillis in 1509. To ensure sufficient focus is given to the political history of the Kennedys in Chapter 1, several other themes are dealt with separately. In Chapter 2 the growth of Kennedy landholdings, feuds and disputes with other kindreds and within the Kennedy kindred, and Kennedy influence within the Scottish church, are addressed across the same period. The remaining chapters deal with the first four earls of Cassillis until 1576. Chapter 3 examines the first two earls, although it mainly concerns the activities of the second earl from 1513 until he was murdered in 1527. The second earl was a noted loyalist to the regents of James V and this brought the kindred considerable benefits, but he lost influence when control of the government was seized by the earl of Angus in 1525. Chapters 4 and 5 both deal with the third earl who inherited the title as an eleven-year-old and died in France in 1558. Chapter 4 examines the events that followed the murder of his father, the resulting feud and how this was resolved. By the time he reached his majority the third earl had established himself at court and turned the tables on his father's murderer. Chapter 5 begins with the period of war with England known as the Rough Wooing. Historians like Merriman have described the activities of the third earl at this time

as treasonable. This chapter re-examines the earl's actions, and his subsequent career as a loyal and trusted supporter of the earl of Arran and Mary of Guise, the regents of Mary Queen of Scots, in order to evaluate whether the third earl has been fairly assessed as a traitor. Chapter 6 concerns the fourth earl from his inheritance of the title until his death in 1576. Knox's secretary Bannatyne vilified him for his cruelty towards the abbot of Crossraguel and the 'Historie of the Kennedyis' calls the fourth earl a greedy man who only cared about acquiring land. The fourth earl's actions are investigated to ascertain whether these contemporary opinions are an accurate assessment of his character. The Appendix examines a Gaelic song which may have been composed shortly after the second earl's death and surveys the evidence that Gaelic was still spoken in south-west Scotland in the early-sixteenth century. The content of the song is appraised to determine how well it corresponds to the historical record, and problems with its transmission and publication are also reviewed.

This thesis will examine the policies of the Kennedys across several centuries in terms of relationship to the crown and the church, relations within the kindred and territorial expansion. It is the first modern study of a noble family from south-west Scotland and will determine the extent to which their experiences matched those in other areas. The Kennedys are a Gaelic kindred and this thesis will assess whether the persistence of the Gaelic language and Gaelic laws and practices in the area had any impact on how the Kennedys asserted their lordship. The thesis will make a significant addition to our knowledge of how lordship was exercised in this region. The period considered crosses several perceived breakpoints in Scottish historiography and the effects these had on the policies of the Kennedys will be quantified.

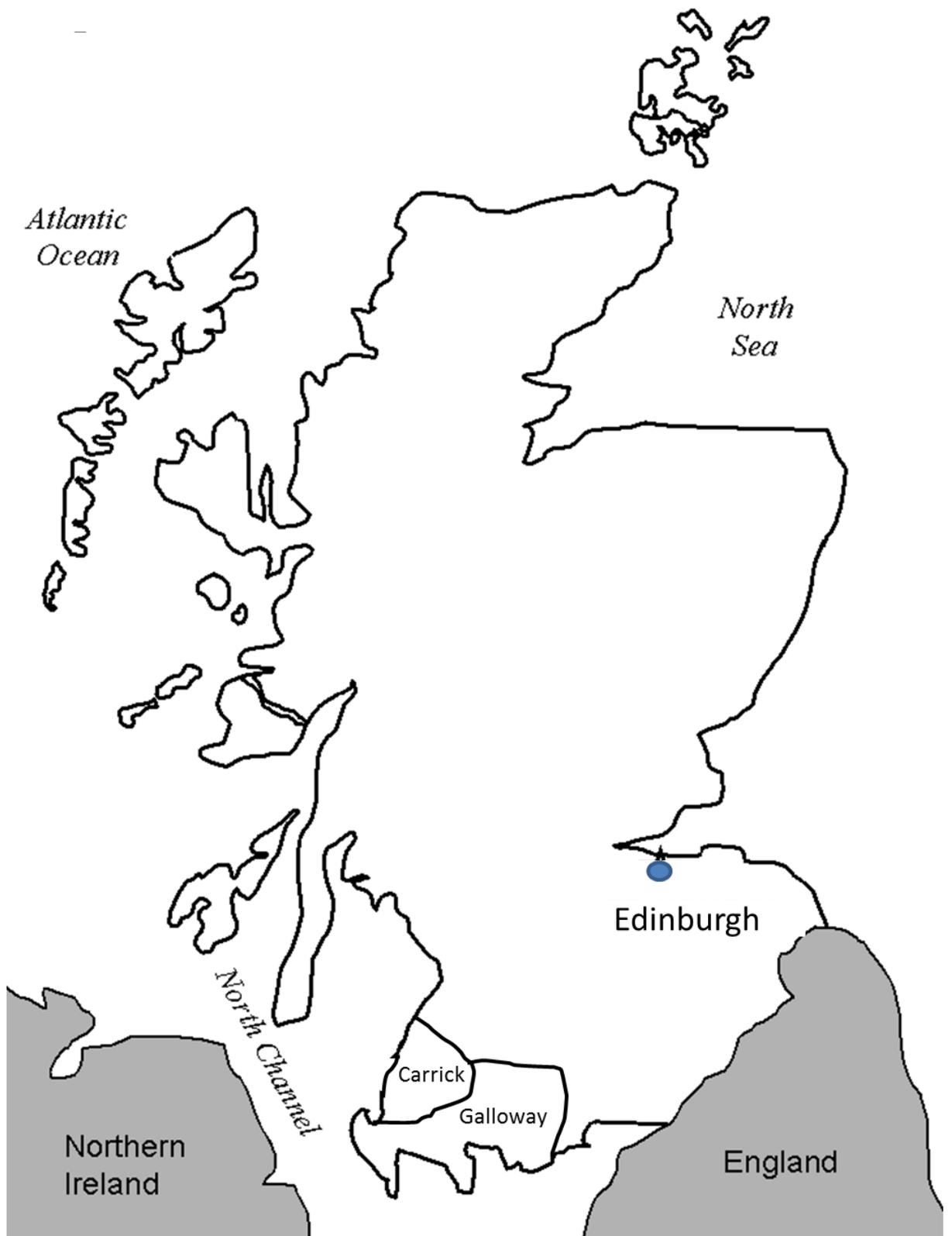


Figure 1: Scotland showing Carrick and Galloway

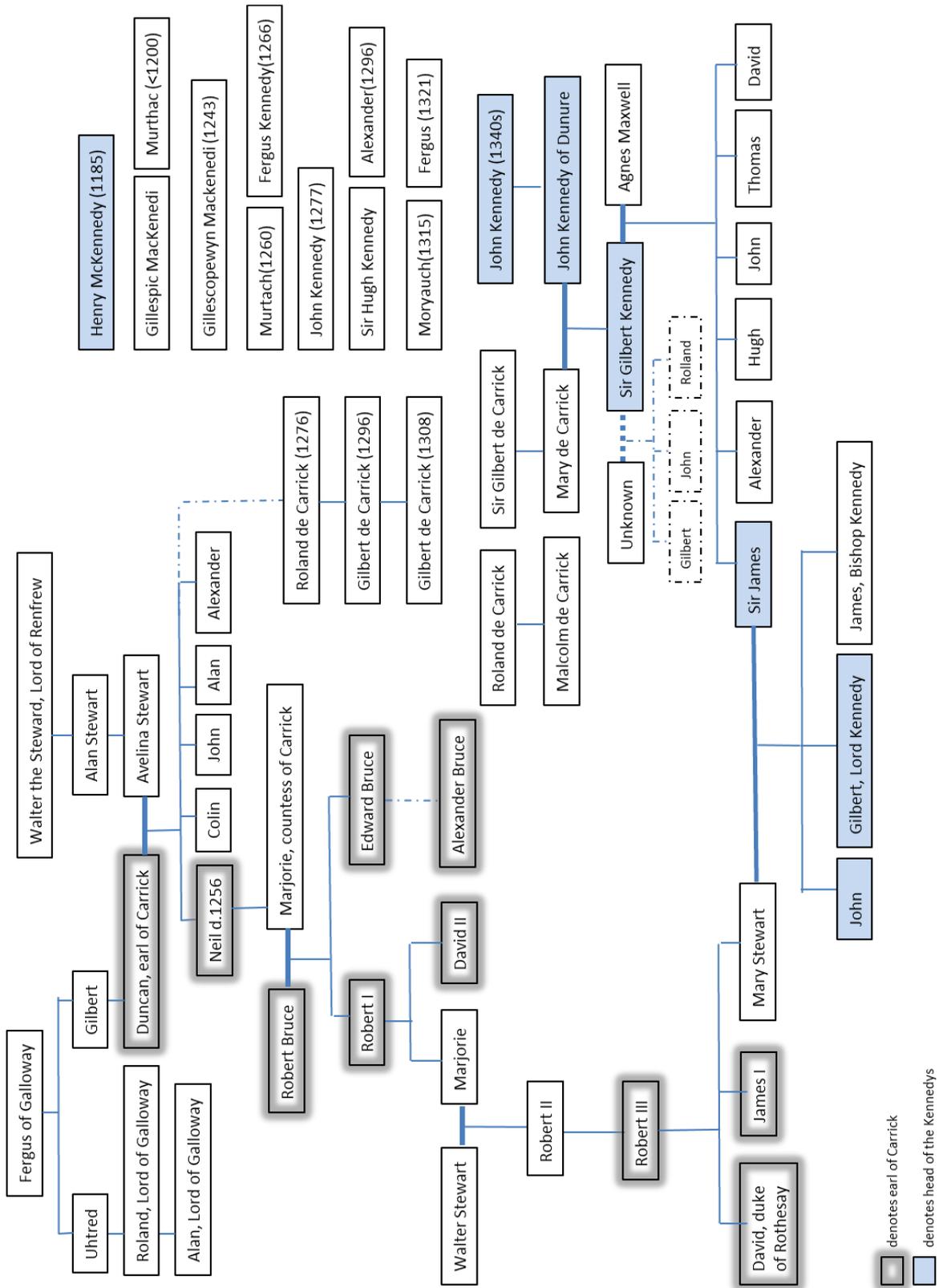


Figure 2: The early earls of Carrick and the Kennedy kindred



Figure 4: Carrick and Western Galloway

Chapter 1: The Kennedys until 1509

This chapter examines the earliest records of the Kennedys from their first mention in the late twelfth century until 1509. The activities of the Kennedys in this period will be tracked and their relationship to major magnates and the crown will be analysed. Where appropriate, parallels will be drawn with other kindreds including the Lennox and the Campbells. The Kennedys progressed from being supporters of the dominant power in south-west Scotland to the position where their chief became the undisputed leader in the region and was belted as an earl in 1509. To facilitate the discussion of how they achieved this, the period has been split into three sections. The first examines how the Kennedys moved from being one of several kindreds in Carrick¹ in the middle of the thirteenth century to a position of dominance, recognised by Robert II in 1372. The second considers the period from 1372 until 1458. The progress of the Kennedys was hampered by the early death of James Kennedy, the chief's heir, in 1408 and was further threatened when the next chief was imprisoned for treason in 1431. This section will examine what lay behind these problems and how the head of the Kennedys managed to recover the situation by 1458, when he was appointed a lord of parliament. The third section examines the period until 1509. The Kennedys were loyal servants of the crown and prospered under James III. His son James IV had a Kennedy mistress and in 1509 he demonstrated his regard for the family when he created the earldom of Cassillis for David, Lord Kennedy.

The Kennedys' rise to dominance in Carrick by 1372

Carrick is on the coast of the Firth of Clyde and is separated from Kyle in the north by the river Doon and from Galloway in the south by Glenapp and a range of hills (see Fig.4 on previous page). In the twelfth century Carrick was part of Galloway and the population consisted of kindreds governed by a 'chief' or 'captain' (Gaelic *cenn*).² From the names of places and witnesses in charters of the period, the majority of the landowners and lords of the province were apparently 'of Gaelic race and language'.³ In the late twelfth century there was a period of intense fighting between rival claimants descended from Fergus, Lord of Galloway. The Scottish king, William I, resolved the dispute around 1190 when he recognised Roland (son of Uhtred son of Fergus) as the lord of the main part of Galloway and appointed Roland's cousin Duncan (son of Gillebrigte son of Fergus) as the lord of Carrick in return for his renunciation of any further claim to Roland's lands.⁴

¹ Isabel A. Milne, 'An Extent of Carrick in 1260', *SHR*, 34 (1955), p.47; *CDS*, 1, pp.553-4.

² Hector MacQueen, 'The Laws of Galloway: a preliminary survey', p.132.

³ *Melrose Liber*, vol.1, p.xii & nos.29-32.

⁴ Bower, *Scotichronicon*, vol.4, pp.365-9; Richard Oram, *The lordship of Galloway*, pp.57-8, 90, 100.

Richard Oram suggests that the lordship of Galloway was already split between Uhtred and Gillebrigte, with Uhtred controlling lands east of the river Cree and Gillebrigte those to the west. William's solution of separating Carrick from Galloway probably took into account the existing land-holdings of the kindreds who supported Duncan.⁵

When Duncan received the title earl of Carrick is unclear, although Richard Oram dates it to before 1196 on the basis of a grant of lands to Melrose Abbey.⁶ Asearl of Carrick, Duncan held the office of *Cenn Cineoil* (in Scots 'kenkynnol', literally head of the kindred⁷) which gave him the right to lead the 'men of Carrick' in war, a position of governance over the other kindreds of Carrick. Bannerman points out that the lack of Gaelic documentation for Carrick serves to hide the true (Gaelic) surname of Duncan's family.⁸ In charters of the period they are referred to as de Carrick (of Carrick), a territorial designation, and in the discussion that follows this is treated as their surname.⁹

Following Duncan's death in 1250, he was succeeded as earl by his grandson Neil (see Fig.2 on p.21). Earl Neil had no male offspring and in the early 1250s he issued a charter which granted the office of 'kenkynnol' or 'head of the kindred' to Roland de Carrick who is thought to have been Neil's nephew.¹⁰ This charter also conferred on Roland the office of bailie of Carrick under whoever was earl, and it ensured the retention of strong locally based male leadership.¹¹ Bannerman describes this as an unambiguous example of how, in the special circumstances of a minority, a potential clash between the kin-based and feudal systems of society could be accommodated. He describes Roland's role as that of a 'mormaer', the ruler of a province in that kin-based society.¹² MacQueen states that, by the middle of the thirteenth century, under the common law of Scotland, Neil's daughter Marjorie would have succeeded him as countess. However, Isabel Milne points out that succession by a minor heiress would have caused problems if Earl Neil had not taken steps to ensure the separation of the social leadership from the feudal leadership.¹³ Neil would have been well aware that his 'cousin' Alan of Galloway's failure

⁵ Oram, *The lordship of Galloway*, pp.100,102-4, 147.

⁶ *Melrose Liber*, vol.1, no.32; Oram, *The lordship of Galloway*, pp.104,111.

⁷ John Bannerman, 'The Scots language and the kin-based society' in *Gaelic and Scots in harmony; proceedings of the Second International Conference on the Languages of Scotland*, ed. Derick Thomson (University of Glasgow, 1988), pp.5-6.

⁸ John Bannerman, 'Macduff of Fife', in *Medieval Scotland, Crown, Lordship and Community* (Edinburgh, Edinburgh University Press, 1993), p.35.

⁹ *Calendar of the Close Rolls: Edward I A.D. 1272-1279* (London, HMSO, 1900), pp.132, 196 (in English documents de Carrick is used as a surname in a similar fashion to de Brus).

¹⁰ *RMS*, 1, no.508; MacQueen, 'The Kin of Kennedy, 'Kenkynnol' and the Common Law', pp. 278-81.

¹¹ MacQueen, 'The Kin of Kennedy', pp. 278-80; MacQueen, 'Survival and success', pp.76-80.

¹² Bannerman, 'Macduff of Fife', pp.33-4, 37-8.

¹³ Milne, 'An Extent of Carrick in 1260', *SHR*, 34 (1955), p.47; MacQueen, 'The Kin of Kennedy', p.281.

to have a legitimate male heir had led to his kindred losing the Lordship of Galloway.¹⁴ The earls of Lennox used a different tactic when a similar situation occurred in the following century. Donald, the sixth earl of Lennox died around 1364, leaving an only child, Margaret, as his heir. Margaret married her cousin Walter of Faslane, described as the heir-male of the Lennox family, and this kept the earldom within the kindred.¹⁵

Following the death of the Earl Neil in 1256, the lands of the earldom of Carrick were in wardship to the crown and, around 1265, Earl Neil's heir, Marjorie, married Adam of Kilconquhar, whose kin-group was connected to the MacDuff earls of Fife.¹⁶ Marjorie's husband was probably chosen by Alexander II, as the de Carricks would surely have preferred her to marry within the kindred. Adam became earl of Carrick by right of his wife, but died without issue while on crusade in Acre in 1270. Marjorie took a second husband, Robert Bruce the younger of Annandale, who became earl of Carrick.¹⁷ Their son Robert became king in 1306 and from that point the earldom was closely associated with the monarchy (see Fig.2 on p.21).¹⁸ Although Sir Gilbert de Carrick, Roland's son, had inherited the office of 'kenkynnol', the Bruce earls seem to have led the men of Carrick in battle themselves. Sir Gilbert held the castle of Loch Doon (see Fig.4 on p.23) for the king and when it was surrendered to the English in September 1306, Christopher Seton, the king's brother-in-law, was captured and executed as a traitor.¹⁹ Sir Gilbert was blamed for the castle's inability to withstand a siege and he was forfeited. However, in 1309 the king accepted that Gilbert had not been at fault, gave him a remission 'of all our rancour' for the incident and restored his lands.²⁰

The Kennedys or McKennedys were probably a cadet branch of the initial Galloway 'super-kindred'. MacQueen suggests that Earl Duncan probably chose a Kennedy as his steward to ensure continuity within the province, and to bind the Kennedys closer to him and his successors.²¹ Although several individual Kennedys are mentioned in documents of the twelfth and thirteenth centuries (see Fig.2 on p.21), their landholdings are not given and it is impossible to ascertain the familial connection, if any, between them.²² The

¹⁴ Oram, *The lordship of Galloway*, pp.146-8.

¹⁵ William Fraser, *The Lennox*, vol.1, p.1.

¹⁶ Oram suggests that Earl Duncan's mother was a MacDuff, a daughter or sister of the earl of Fife, *The lordship of Galloway*, pp.89-90.

¹⁷ *The Scots Peerage*, ed. J. Balfour Paul (Edinburgh, David Douglas, 1905), vol.2, pp.426-7.

¹⁸ MacQueen, 'The Kin of Kennedy', pp. 278-9.

¹⁹ *CDS*, 2, nos.1819, 1841.

²⁰ *RMS*, 1, no.510.

²¹ *Melrose Liber*, vol.1, no.190; *Carte Monialium de Northberwic*, ed. Cosmo Innes (Edinburgh, Bannatyne Club, 1847), no.1; MacQueen, 'Survival and success', pp.75-6.

²² *Melrose Liber*, vol.1, no.36; *Johannis de Fordun Chronica Gentis Scottorum*, ed. W.F. Skene (Edinburgh, 1871), p.269; Walter Bower, *Scotichronicon*, ed. D.E.R. Watt *et al* (Edinburgh, James Thin, 1994), vol.4,

appearance of several Kennedy jurors in the inquiry into the extent of the lands of Carrick in 1260 implies that members of the family were prominent landholders in the province.²³ They supported the Bruce earls of Carrick during the Wars of Independence. In 1315, 'Moryauch' Kennedy captained the garrison which held the Isle of Man for Robert I. He and his men were captured by the forces of John McDougal, 'John of Argyll', who expected to receive a large ransom for him.²⁴

In 1346 Scottish forces were defeated by the English at the battle of Neville's Cross. Many prominent Scots were captured including David II (also earl of Carrick) and Sir Gilbert de Carrick who held the office of 'kenkynnol'.²⁵ This left the men of Carrick without a leader in war and the position seems to have been filled, at least temporarily, by a Kennedy. Both Bower and Andrew of Wyntoun record that following the battle a John Kennedy fought 'sturdely' against the English and Balliol's men in the south-west.²⁶ John Kennedy (?-1357) was probably among the 'chief men who were left' who gathered later that year and chose Robert, steward of Scotland, as guardian.²⁷ Only at this point in history does it become possible to identify family connections between the individual Kennedys mentioned in the records. John Kennedy is the first person who can be proven beyond doubt to be an ancestor of the later earls of Cassillis (see Fig.2 on p.21). He was sufficiently prominent by 1354 for his son and heir to be chosen as one of the twenty hostages to be detained in England until David's ransom was paid.²⁸ Many Scots lords were opposed to the king's plans to negotiate away their hard-won rights in order to secure his release.²⁹ In early 1357 John Kennedy seems to have angered the king in some way and his lands of Lenzie near Glasgow were forfeited.³⁰ He may have refused to hand over his son as a hostage, perhaps because he was aware of his own impending death.

John Kennedy died before October 1357 and his son, also John Kennedy, gained the king's favour by delivering his own son and heir, Gilbert Kennedy, to the sheriff of

pp.367; *Liber Pluscardensis*, ed. Felix J.H. Skene (Edinburgh, W. Paterson, 1877), vol.1, p.30 (Abridgement of Bower's *Scotichronicon*, sometimes at variance and with extra material).

²³ *Calendar of Inquisitions Miscellaneous (Chancery)*, vol.1 (London, HMSO, 1916), pp.89-90, no.253; Milne, 'An Extent of Carrick in 1260', pp.46-9.

²⁴ *CDS*, 3, no.421; Stephen Boardman, *The Campbells 1250-1513* (Edinburgh, John Donald, 2006), pp.48-9; Colm McNamee, *The Wars of the Bruces Scotland, England and Ireland 1306-1328* (East Linton, Tuckwell Press, 1997), p.169.

²⁵ David Dalrymple, *Annals of Scotland from 1057 to 1371* (Edinburgh, 1819), pp.384-91; Fraser, *The Lennox*, vol. II, pp.24-6.

²⁶ Bower, *Scotichronicon*, vol.7, p.269; The Historians of Scotland, vol.III, *Andrew of Wyntoun's Orygynale Cronykil of Scotland*, ed. D. Laing (Edinburgh, 1872), Vol. II, Book VIII, Ch. XL.

²⁷ *Johannis de Fordun Chronica Gentis Scottorum*, ed. W. F. Skene (Edinburgh, 1871), pp.358-9.

²⁸ *Genealogical Collections concerning Families in Scotland made by Walter MacFarlane 1750-1751*, ed. J. Toshach Clark (Edinburgh, SHS, 1900), vol.2, p.335; *CDS*, 3, no.1576.

²⁹ Michael Brown, *The Wars of Scotland* (Edinburgh, Edinburgh University Press, 2004), pp.251-3.

³⁰ William Robertson, *Index of many Records of Charters 1309-1413* (Edinburgh, 1797), p.30, no.6.

Northumberland as one of the hostages.³¹ On 18 January 1358, shortly after his return to Scotland, David II recognised the loyalty of John Kennedy the younger, his steward for the earldom of Carrick, by confirming him in all of the lands and possessions ‘belonging to or acquired by him’.³² These included the lands of Dunure, on the coast 12 miles south of Ayr (see Fig.4 on p.23), and from this time John Kennedy is usually referred to as ‘of Dunure’.³³ David II continued to show Kennedy favour, granting him the crown receipts due from the sheriffdom of Wigtonshire and some lands in Carrick in 1361.³⁴ The following year Kennedy purchased the lands and barony of Cassillis, in the north of Carrick on the south bank of the river Doon (see Fig.4), from two Montgomery heiresses.³⁵

Around this time John Kennedy of Dunure killed a priest who had apparently slandered him to the king. He was held in sufficient favour that David II granted him a pardon for this offence in 1363. However, Kennedy was excommunicated and, as part of his penance, he promised to undertake pilgrimages and was granted safe conducts to travel to the shrine of St Thomas at Canterbury and onwards to France.³⁶ There is no record of his journey, but it is likely that he took the opportunity to visit his son Gilbert, still held as a hostage for the king’s ransom, as he travelled through England.

The king’s designated heir was his nephew Robert Stewart, and in 1368 David II appointed John Stewart, Robert’s eldest son, as the earl of Carrick (see Fig.2 on p.21).³⁷ John Kennedy of Dunure (?-1385) remained in service as steward to the earl, and this brought the Kennedy kindred into closer contact with the Stewarts.³⁸ Kennedy’s loyalty was acknowledged when he was one of the 25 barons chosen to deal with the business considered by the parliament in Perth in March 1369.³⁹ John Kennedy’s son Gilbert was knighted before 1370, probably as a reward for his time spent in England, as several of the

³¹ *CDS*, 3, pp.434-5.

³² Papers of the Kennedy Family, Earls of Cassillis (Ailsa Muniments), NRS, GD25/1/3; Michael Penman, *David II* (East Linton, Tuckwell Press, 2004), p.202.

³³ *Crossraguel Chrs.*, vol.1, pp.26-8; *Carte Monialium de Northberwic*, pp.30-1; James Paterson, *History of the Counties of Ayr and Wigton* (Edinburgh, 1863), vol.2, pp.310-4.

³⁴ *ER*, 2, 75.; Penman, *David II*, p.259.

³⁵ T. Harrison Montgomery, *A Genealogical History of the Family of Montgomery* (Philadelphia, 1863), p.46.

³⁶ *Rotuli Scotiae*, vol.1 (London, 1814), p.874; Penman, *David II*, p.301n; Probably to enable one of his sons (unnamed) to acquire a church benefice, Kennedy also had to obtain a letter of rehabilitation from the pope, *CPL*, 4, pp.42,434; *CIRCLE*, A Calendar of Irish Chancery Letters 1244-1509, Trinity College Dublin website < <https://chancery.tcd.ie/images/rch?page=8>>; *RCH: Rotulorum patentium et clausorum cancellariae Hiberniae calendarium*, Hen. II–Hen. VII, ed. E. Tresham (RCI, Dublin, 1828), p.154, no.31 [accessed 12 June 2016]; *Calendar of the Patent Rolls – Richard II, A.D.1396-1399* (London, HMSO, 1909), vol.vi, p.265.

³⁷ Stephen Boardman, *The Early Stewart Kings: Robert II and Robert III, 1371–1406* (East Linton, Tuckwell Press, 1996), pp.17-8, 22.

³⁸ *ER*, 2, 293; Penman, *David II*, pp.369-70.

³⁹ John Riddell, *Inquiry into the law and practice in Scottish peerages, before, and after the Union* (Edinburgh, Thomas Clark, 1842), vol.2, pp.982-4, Kennedy’s compact to assist Queen Margaret excluded any action against the king; Penman, *David II*, pp.379-80.; *RPS*, 1369/3/4 [accessed 15 October 2017].

other hostages had also been knighted.⁴⁰ When David II died childless in February 1371, Robert II, the first Stewart monarch, came to the throne.⁴¹ As a prominent baron and his son's steward for the earldom of Carrick, John Kennedy would have been well known to the new king.

The de Carricks had operated the principal offices of the earldom for over a century. However, Sir Gilbert de Carrick, who witnessed a royal charter of David II on 16 January 1371, was the last de Carrick bailie and holder of the 'kenkynnol'. A Malcolm de Carrick granted lands in Carrick to John Kennedy of Dunure in 1370, and John de Carrick, a canon of Glasgow, was Robert II's chancellor between 1371 and 1375.⁴² Both Malcolm and Sir Gilbert de Carrick seem to have died without male issue around this time and, as John was a churchman who could not have legitimate offspring, this signalled the end of the male de Carrick line. The lack of a male de Carrick to operate the principal offices of the earldom was a major threat to the smooth governance of Carrick, and the new king had to find a solution. The Bruce earls' principal strength in Carrick was Turnberry (see Fig.4 on p.23) but the castle had fallen into disrepair and this meant that the Stewart earls of Carrick no longer had a residence in the province. This may have increased the pressure on Robert II to award the office of 'kenkynnol' to an individual acceptable to the main kindreds of Carrick. In the 1250s the principal offices of Carrick were awarded to the male leader of the de Carricks, the dominant regional kindred. In 1372, with the end of the de Carrick lineage, the offices needed to be transferred again.

A few years earlier David II had needed to impose the authority of the crown on Galloway. The kin-captains there considered the Balliols to be their legitimate lords and they looked to them for leadership. Given the lack of a suitable local candidate capable of replacing the Balliol ascendancy, David II granted the lordship of Galloway to Archibald Douglas in 1369. As an incomer, Douglas's authority was not recognised by the region's kindreds and a poem written in the fifteenth century describes how he had to assert his control through military power, by casting 'doune thar capitannis'.⁴³ Robert II had no need to make such an abrasive appointment within Carrick. The local clan of *Muntercasduff*⁴⁴ had submitted to the 'captaincy' of John Kennedy around the end of 1370 and this

⁴⁰ AILSA, GD25/1/9.; Three other witnesses were also hostages and are denoted as knights.

⁴¹ Riddell, *Inquiry into the law*, pp.985-6.

⁴² AILSA, GD25/1/8; *RMS*, 1, nos.371,381, 628-9.

⁴³ Michael Brown, *The Black Douglasses* (East Linton, Tuckwell Press, 1998), pp.62-3; Richard Holland, 'The Buke of the Howlat' in *Longer Scottish Poems*, ed. P. Bawcutt and F. Riddy (Edinburgh, Scottish Academic Press, 1987), vol.1, p.67, v.44.

⁴⁴ Possibly *muintir cas dubh*, 'people of the black feet', although Geoffrey Barrow suggested 'the household of the servants of Duff'; Hector MacQueen, 'The Laws of Galloway', footnote 13, p.140.

reinforced John's leadership role in Carrick.⁴⁵ Kirkmichael in the heart of Kennedy territory (see Fig.4 on p.23), is later referred to as Sanct Michaelis Muntercasduff.⁴⁶ This makes it likely that the Gaelic name for the Kennedy clan was *Muintir cas dubh* although a sixteenth century Gaelic song suggests *Muinntir nan Dubh-chasa*.⁴⁷

John Kennedy and his father had led the men of Carrick in battle and the Kennedys were connected to the de Carrick lineage and already had considerable status as stewards to the earls of Carrick. Robert II granted John Kennedy the office of 'kenkynnol' and appointed him as bailie of Carrick and keeper of Loch Doon Castle. After 1372, the office of steward to the earl seems to have lapsed, perhaps because it was seen to be secondary to the office of bailie.⁴⁸ Two charters on 1 October 1372 recorded that the grant of these offices made by Neil, earl of Carrick, to Roland de Carrick in the 1250s were confirmed in the name of John Kennedy, thus recognising him as the rightful heir to the de Carricks.⁴⁹ A third charter confirmed Kennedy as the heir of Gilbert de Carrick for the 'remission of rancour' given by Robert I for the surrender of Loch Doon castle in 1306. These charters could be seen as confirmation that the Kennedys were related to the de Carrick lineage.⁵⁰ However, Boardman cites a royal charter of 1369 which included an unlikely reference to the Campbell's progenitor, Duncan MacDuibne, and he believes this may have been done to establish the Campbell lord's authority as 'ancient' and long-established.⁵¹ Perhaps Robert II's portrayal of John Kennedy as a descendant of the de Carrick lineage was similarly motivated.

In a nineteenth-century history of the Kennedy family, David Cowan explained the award of these three charters by supporting the proposal that John Kennedy of Dunure had previously been a de Carrick but had changed his surname to Kennedy.⁵² This theory cannot withstand serious scrutiny. Later charters affirm that the Stewart kings perceived there was a familial connection between the Kennedys and the early earls of Carrick. In 1385 Robert II gave the lands of Nether Glenapp to the Kennedys' collegiate church in Maybole (see Fig.4 on p.23). He did so because John Kennedy of Dunure's ancestor, an earl of Carrick (probably Duncan the first earl), had given these lands to the abbey of

⁴⁵ Robertson, *Index of many Records of Charters 1309-1413*, p.57, no.29.

⁴⁶ Paterson, *History of the Counties of Ayr and Wigton*, vol.2, p.374; AILSA, GD25/1/313.

⁴⁷ *From the farthest Hebrides*, ed. Donald A. Fergusson, (London, Macmillan, 1978), pp.90-2.

⁴⁸ *ER*, 2, p.293.

⁴⁹ *RMS*, 1, nos.508-9.

⁵⁰ *Ibid*, no.510.

⁵¹ Boardman, *The Campbells*, pp.80-1.

⁵² Cowan, *Historical Account of the Noble Family of Kennedy, Marquess of Ailsa and Earl of Cassillis*, p.9; AILSA, GD25/1/13; The 1372 charter has a note added later which states John was 'the son or grandson of Gilbert de Carrick' and assumed the surname Kennedy.

Bangor in Ireland and they were now forfeit to the crown as the abbey was 'at the faith and peace of the King of England'.⁵³ Robert III acknowledged Kennedy's son Sir Gilbert as being of his own blood in a charter of 1404.⁵⁴ This probably refers to the marriage around 1200 between a daughter of Alan, the son of Walter the Steward, Lord of Renfrew, and Earl Duncan, the progenitor of the de Carrick family (see Fig.2 on p.21).⁵⁵ Taken together these demonstrate that the Kennedys were clearly seen, and saw themselves, as inheritors of the de Carrick lineage.

Paterson has argued that the linkage between the Kennedys and the de Carricks came through the marriage of John Kennedy of Dunure to Mary de Carrick who was heiress to a major part of the de Carrick estates.⁵⁶ John Kennedy's marriage probably took place in the 1340s as his son Gilbert was old enough to be a hostage in 1357. There is no direct evidence that his wife was a de Carrick heiress but it would explain how John Kennedy had acquired many of the de Carrick lands, including Dunure and the lands of Buchmonyne in Lennox, before 1358.⁵⁷ Gilbert and Roland were common forenames within the main de Carrick lineage, and following John Kennedy's marriage they are used frequently by the Kennedys.⁵⁸ MacGregor points out that in such a situation it was normal in the Campbell clan to marry the heiress back into the family.⁵⁹ Around 1364, the Ardscothnish line of the Campbells ended in an heiress, Mariota, and her landholdings were retained within the kindred by her marriage to Colin Campbell of Loch Awe.⁶⁰ In Carrick, John Kennedy was probably the obvious choice as husband. His father had already led the men of Carrick in battle in Galloway and the Kennedys were considered to be part of the wider de Carrick kindred.

By 1372 the dominance of John Kennedy of Dunure and his Kennedy kindred within the region was firmly established. The family had taken full advantage of the troubles in the fourteenth century and their rise has parallels to that of the Campbells in mid-Argyll.⁶¹ The award of the principal offices of Carrick would have required the head of the Kennedys to have frequent direct interaction with the earl, John Stewart (later Robert III),

⁵³ AILSA, GD25/1/21; RMS, 1, App.II, no.865.

⁵⁴ RMS, 2, no.378.

⁵⁵ Alan Orr Anderson, *Scottish Annals from English Chroniclers A.D. 500 to 1286* (London, 1908), p.325; A. C. Lawrie, ed., *Annals of the Reigns of Malcolm and William, Kings of Scotland, A.D.1153-1214* (Glasgow, MacLehose, 1910), pp.326-7.

⁵⁶ Paterson, *History of the Counties of Ayr and Wigton*, vol.2, pp.312-4.

⁵⁷ *Cartularium Comitatus de Levenax*, ed. J. Dennistoun (Edinburgh, Maitland Club, 1833), pp.43-5; Granted to Gilbert de Carrick before 1333, and recorded in the possession of Sir Gilbert Kennedy in 1393.

⁵⁸ *Calendar of the Laing Charters AD 854-1837* (Edinburgh, James Thin, 1899), nos.64, 71-4, pp.18, 20-1.

⁵⁹ Martin D.W. MacGregor 'A Political History of the MacGregors before 1571' (unpublished PhD Thesis, University of Edinburgh, 1989), p.39.

⁶⁰ Boardman, *The Campbells*, pp.73-4.

⁶¹ *Ibid*, pp.84-5.

the son and heir of Robert II. This brought the Kennedy chief into a much closer connection with the royal court. The royal Stewarts publicly accepted them as descendants of Duncan, the first earl of Carrick, and this gave the Kennedys a family connection to the Stewarts themselves.

From Bailie to Peerage: 1372-1459

In November 1382 Robert II confirmed the 1358 charter of David II and recognised all the lands of John Kennedy of Dunure, by whatever means obtained, as legitimate acquisitions ‘to be enjoyed and possessed by him freely and honourably’.⁶² Perhaps John, who died shortly after this in 1385, wanted his right to these lands reaffirmed by the current monarch to ensure that the accession of his son, Sir Gilbert, would be trouble-free.⁶³ Sir Gilbert had three sons from a relationship which was not considered a legal union. A 1384 charter of the lands of Lenzie names them as Gilbert, John and Roland, although the name of their mother is not given.⁶⁴ These sons would only inherit if Sir Gilbert Kennedy failed to produce male heirs from his marriage to Agnes Maxwell of Pollok in Renfrewshire, a branch of the powerful Maxwell family. Sir Gilbert and Agnes Maxwell had a large number of children including six sons and the eldest, James Kennedy, was recognised as the legitimate male heir. By September 1392 Sir Gilbert made an unspecified provision for an inheritance for his three sons from the earlier union. He placed an obligation on his chosen heir, James Kennedy, not to revoke this and recognised that it adversely affected James by paying him £200 in ‘damages’.⁶⁵ In this period, the eldest son was not always automatically the heir. In 1393, Colin Campbell chose his son Duncan as his heir, rather than his elder half-brother John from an earlier marriage. Colin decided that only his son by Mariota Campbell of Ardtornish could unite the different branches of the kindred.⁶⁶ In the case of the Kennedys it seems more likely that a condition of Sir Gilbert’s marriage contract with Agnes Maxwell was that the male heirs of their union would inherit.

When John Stewart, earl of Carrick, succeeded to the throne as Robert III in 1390 he passed the earldom of Carrick to his 12-year-old son David (see Fig.2 on p.21). In 1388 he had been declared incapable of running the kingdom as his father’s lieutenant and his

⁶² AILSA, GD25/1/3, 18.

⁶³ *Charters of the Royal Burgh of Ayr*, ed. W.S. Cooper (Edinburgh, Ayrshire and Wigtonshire Archaeological Association, 1883), pp.75-6.

⁶⁴ ‘Historie of the Kennedyis’, p.6; A. Nisbet, *A System of Heraldry* (Edinburgh, Blackwood, 1816), p.159; AILSA, GD25/1/20 & GD25/1/104.

⁶⁵ AILSA, GD25/1/24, 25.

⁶⁶ Boardman, *The Campbells*, p.104.

brother the earl of Fife was appointed guardian until February 1393. Although Robert III ostensibly took full authority from that date, in reality he governed in association with both Fife and his son David, earl of Carrick.⁶⁷ In April 1398 the king awarded Fife and Carrick new titles. Fife became the duke of Albany, and Carrick the duke of Rothesay. Several months later Robert III was forced to demit power and Rothesay was appointed lieutenant to govern the realm with the help of a council dominated by his uncle Albany.⁶⁸ Sir Gilbert Kennedy was not on this council but seems to have retained a good relationship with Rothesay. In December 1400 he resigned Dunure and other lands in Rothesay's hands (as earl of Carrick) and they were re-granted for an annual payment of a pair of gilt spurs.⁶⁹ In 1401 Rothesay took aggressive action to stop Albany's half-brother becoming bishop of St Andrews and around the end of that year Albany imprisoned his nephew. Rothesay was still held captive when he died in March 1402. Boardman suggests that Albany feared how Rothesay would act if he became king. Despite accusations that he had been responsible for Rothesay's death by starvation, Albany was absolved from blame and installed as Robert III's lieutenant.⁷⁰ The Kennedys had direct ties of service to John Stewart as earl of Carrick and they may have expected to receive some preferment when he became king. However, Robert III was marginalised while his son the new earl of Carrick vied with his uncle Albany for power. There is no record of the Kennedys acting in support of Rothesay/Carrick and they seem to have avoided being drawn into the power struggle within the royal family.

Robert III spent most of the next few years in crown lands in south-west Scotland, and issued several charters from Dundonald, the royal castle just to the north of Carrick, as he had in the early 1390s.⁷¹ Albany had forced the king to bestow crown lands and titles on his supporters and to stop further loss the king decided to place his remaining lands in the hands of his ten-year-old heir James. Before appointing his son as earl of Carrick, Robert III made sure of the allegiance of the Kennedys, as the region's foremost family. In November 1404 Sir Gilbert Kennedy resigned the lands and barony of Cassillis and the king re-granted them to Sir Gilbert and his wife 'for services used and wont'.⁷² The following month, Robert III granted his son James the extensive lands of the Stewartry of Scotland in free regality (the Stewartry lay predominantly in the south-west and included

⁶⁷ Boardman, *The Early Stewart Kings*, pp.180-214.

⁶⁸ Boardman, *The Early Stewart Kings*, pp.214-5,223.

⁶⁹ AILSA, GD25/1/25.

⁷⁰ Boardman, *The Early Stewart Kings*, pp.232-245; *RPS*, 1402/5/1, 1404/1 [accessed 11 January 2019].

⁷¹ Boardman, *The Early Stewart Kings*, pp.243-5, 255; *RMS*, 1, nos.803-4, App.1, no.158; *RMS*, 2, nos.27, 378, 379, 380, 403, 2429.

⁷² AILSA, GD25/1/27.

the lands and earldom of Carrick, the islands of Bute, Arran and the Cumbraes and the baronies of Renfrew, Cunningham and Kyle-Stewart).⁷³ As bailie of Carrick, the head of the Kennedys already operated the mechanisms of power within the earldom and this considerably extended his judicial powers. The Kennedys were bound closer to the crown when James Kennedy (~1385-1408), Sir Gilbert's heir, married Robert III's daughter Mary Stewart around the beginning of 1406 (see Fig.2 on p.21). As well as the royal connection she brought with her considerable *terce* rights to lands in Angus as she was the widow of George Douglas, earl of Angus, who had died in 1403.⁷⁴ In January 1406 Sir Gilbert Kennedy resigned the barony of Dalrymple (see Fig.4 on p.23) and his positions as 'kenkynnol', the chief of his name, and bailie of Carrick, in favour of his son James.⁷⁵ The Kennedys made a clear choice to align themselves alongside Robert III and his heir James, earl of Carrick, as they attempted to reassert the king's authority.

In mid-February 1406, Carrick was in Lothian, probably trying to assert his father's rights there. A large force of Albany's blocked his retreat west and to avoid capture he took refuge on the Bass Rock. Several weeks later he embarked from the Bass but his ship was intercepted by the English on 22 March.⁷⁶ In April 1406, only a few days after hearing that James was in English hands, Robert III died, and his brother Albany was appointed regent.⁷⁷ Given their close alignment to the king and his son the events of March and April 1406 threatened the position of the Kennedys.

With James I held captive the regent Albany moved to assert his control over the lands of the Stewartry.⁷⁸ James Kennedy died in 1408 and the circumstances of his death are unknown. The nineteenth-century history of the Kennedys states that he was killed by Gilbert, one of his half-brothers, but no evidence is given to support this.⁷⁹ Gilbert, the eldest of the half-brothers, probably died in France in 1424 and his absence from the list of witnesses to the 1406 charters suggests that he had already travelled abroad before the death of James.⁸⁰ Michael Brown believes that Albany only managed to impose his control

⁷³ *Historical Manuscripts Commission: Report on the Manuscripts of the Earl of Mar and Kellie* (London, HMSO, 1904), p.7; Boardman, *The Early Stewart Kings*, pp.281-2.

⁷⁴ Boardman, *The Early Stewart Kings*, pp.294-5.

⁷⁵ Paterson, *History*, vol.2, p.317; AILSA, GD25/1/28&29. Under the reservation of his own liferent; RMS, 1, Appendix 2, p.647, Index A, no.1953.

⁷⁶ Boardman, *The Early Stewart Kings*, pp.294-7.

⁷⁷ Bower, *Scotichronicon*, ed. D. Watt *et al* (Aberdeen, Aberdeen University Press, 1998), vol.8, p.63.

⁷⁸ Brown, *The Black Douglases*, p.108; Boardman, *The Campbells*, p.108.

⁷⁹ Paterson, *History*, vol.2, pp.317-8; Cowan, *Historical Account of the Noble Family of Kennedy*, p.16.

⁸⁰ Michel, Francisque, *Les Ecosais en France* (Paris, 1862), pp.168-9; British Library, Harleian Manuscript no.782, folio 14 where he is wrongly called Robert; AILSA, GD25/1/28&29; Brian G.H. Ditcham, 'The Employment of Foreign Mercenary Troops in the French Royal Armies 1415 – 1470' (unpublished PhD Thesis, University of Edinburgh, 1978), pp.25,57,65,67-8, 71, 182-4; *Proces de Condamnation et de Rehabilitation de Jeanne D'Arc dite La Pucelle*, ed. Jules Quicherat (Paris, 1847), vol.4, pp.121, 158.

in the region after several years of violence.⁸¹ It is likely that James Kennedy died during this turmoil and it may have been his death that forced his father Sir Gilbert to reach an accommodation with Albany. In an indenture dated November 1408, Sir Gilbert promised that he would hold his lands as if Albany, not James I, were the earl of Carrick. On his part the regent agreed a charter of tailzie which, after the decease of Sir Gilbert, would settle the Kennedy lands on the male heirs of James Kennedy who had left three infant sons, John (1406-?), Gilbert (1407-1479) and James (1408-1465).⁸² With the king captive in England and Albany governing in his place, the Kennedys might have been wiser to have reached agreement with the regent earlier.

This was Sir Gilbert Kennedy's last appearance in the historical records. He was probably over 60 years of age by 1408 and it is likely that he died within a few years of that date. Following the death of James Kennedy, his widow Mary Stewart took William, Lord of Graham, as her third husband, and she may have retained custody of the children of her second marriage during their infancy.⁸³ During the minority of James Kennedy's oldest son John, the Kennedy patrimony was probably controlled by his uncles. There is very little record of any Kennedy activity between 1409 and 1421⁸⁴, and the uncles appear to have acted as Albany's bailies within Carrick. An example of the general inaccuracy of the 'Historie of the Kennedyis' is its claim that Alexander was the youngest uncle and was killed by his brothers.⁸⁵ There is no evidence of any conflict between Alexander and his brothers. He was the eldest and he probably acted as tutor to his nephew John and would have operated in this capacity as the head of the kindred.⁸⁶ When John Kennedy reached the age of 14 in 1420 he no longer required a tutor to direct his affairs, and the following year Alexander obtained a safe conduct to join a Scottish force fighting alongside James I on the English side in France.⁸⁷ The second-eldest uncle, Hugh Kennedy, also travelled to France and distinguished himself as a captain in several battles between 1421 and 1432.⁸⁸

⁸¹ Brown, *The Black Douglases*, pp.107-9.

⁸² AILSA, GD25/1/31.

⁸³ *ER*, 4, p. clxxiv.

⁸⁴ Apart from grant/purchase of Glenstynchar in 1416 by Fergus Kennedy of cadet branch of Bonynine.

⁸⁵ 'Historie of the Kennedyis', pp.5-6.

⁸⁶ Michael Brown, 'Crown-Magnate Relations in the Personal Rule of James I of Scotland (1424-1437)', (PhD Thesis, University of St Andrews, 1991), pp.365-6.

⁸⁷ E.W.M. Balfour-Melville, *James I, King of Scots 1406-1437* (London, Methuen, 1936), pp.86-7; *Rotuli Scotiae*, vol.2 (London, 1819), pp.230-1.

⁸⁸ Brian G.H. Ditcham, 'The Employment of Foreign Mercenary Troops in the French Royal Armies 1415-1470', (unpublished PhD Thesis, University of Edinburgh, 1978), pp.25,57,65,67-8,71,182-4; *Proces de Condamnation et de Rehabilitation de Jeanne D'Arc dite La Pucelle*, ed. Jules Quicherat, vol.4, pp.121,158.

Alexander probably died overseas before 1429 as his lands in Carrick had passed to his brother Hugh by then.⁸⁹

John Kennedy was one of the Scots granted safe conduct in December 1423 to travel to Durham for the release of James I.⁹⁰ One of the conditions for the king's release was the provision of over twenty hostages as guarantors that the agreed ransom would be paid. John Kennedy was initially intended to be one of the hostages and his annual worth was estimated at 500 marks, a sum comparable to the evaluation of the earl of Angus.⁹¹ Michael Brown suggests that James I removed his nephews John Kennedy and William, earl of Angus, from the list of hostages because he placed great value on ties of blood and needed their help to assert royal authority in the south-west.⁹² When James I stopped payment of his ransom before the end of 1425, one of John Kennedy's uncles, John Kennedy of Blairquhan (see Fig.4 on p.23), was amongst the hostages detained in England, and the first record that he had returned from captivity is in March 1439.⁹³ He probably spent several years as a hostage before he either escaped or arranged payment of his own ransom.

James I was a more active and ambitious ruler than his father and Michael Brown has argued that this necessitated the development of a very different relationship between the king and his senior lords and magnates.⁹⁴ The king wished to have one set of laws across his realm and the parliament of March 1426 passed a statute which declared that none of the king's subjects were to be governed by 'particulare lawis' or 'speciale privilegis'. Nicholson and MacQueen consider that this was an attack on the laws of Galloway and of Clan MacDuff, an attempt to remove these exceptions to normal practice elsewhere. However, it may also have been aimed at Carrick where the office of 'kenkynnol' was by now unique in Scotland south of the Highland line.⁹⁵ Although previous Kennedy chiefs had been awarded the office of 'kenkynnol' there is no record of it being awarded to John Kennedy when he came of age in 1427.

⁸⁹ Bargany Muniments, NRS, GD109/267 (near Ballantrae in south Carrick).

⁹⁰ *CDS*, 4 p.191; William Fraser, *The Book of Carlaverock: memoirs of the Maxwells, Earls of Nithsdale, Lords Maxwell and Herries* (Edinburgh, 1873), vol.1, pp.128-9.

⁹¹ *Rotuli Scotiae*, vol.2, p.242.

⁹² Balfour-Melville, *James I*, Appendix D, pp.293-5.; Brown, 'Crown-Magnate Relations', p.91.

⁹³ *ER*, 4, pp. cxxxi-iv.; Balfour-Melville, *James I*, Appendix D, pp.293-5.; *Rotuli Scotiae*, vol.2, pp.261, 278.; Grant, *Independence and Nationhood: Scotland 1306-1469*, pp.49, 188; Papers of the Montgomerie Family, Earls of Eglinton, NRS, GD3/1/1/9/1.

⁹⁴ Brown, 'Crown-Magnate Relations', pp.590-2.

⁹⁵ Ranald Nicholson, *Scotland: The Later Middle Ages* (Edinburgh, Oliver and Boyd, 1974), p.309; MacQueen, 'The Laws of Galloway', pp.138-9.

The king seems to have made use of Thomas Kennedy, the fifth oldest of Sir Gilbert's legitimate sons, as his bailie to administer his royal lands in Carrick.⁹⁶ James rewarded Thomas for his service in August 1429 by combining several of his landholdings to create the free barony of Ardstinchar (see Fig.4 on p.23).⁹⁷ James I also granted Thomas's youngest brother, David, the new free barony of Kirkmichael and these grants confirmed exchanges between the brothers which consolidated their land holdings. The uncles' relationship with their three nephews seems to have been good, as they were included in the entail of the estates where John Kennedy is denoted as being in possession of the lands of Dunure and Cassillis.⁹⁸ Several months later James I awarded other lands in Carrick to Thomas Kennedy and his heirs for service he had given the king. This time Thomas's nephews were absent from the entail and Brown suggests this was a sign that relations with them had deteriorated.⁹⁹ However, if there had been a serious deterioration Thomas Kennedy would surely have resigned his barony of Ardstinchar for re-grant with his nephews' names removed from the entail.

John Kennedy's cousin the earl of Douglas considered the south-west an area of Douglas influence, and perhaps offered to assist John Kennedy to recover the hereditary offices of Carrick.¹⁰⁰ The king was suspicious that their collusion would be detrimental to his own interests.¹⁰¹ Bower's chronicle records that John Kennedy and the earl of Douglas were arrested for treason in 1431 but no reason is given.¹⁰² Hector Boece, writing in the sixteenth century, claimed that they were arrested for speaking ill of the king and that they were released from ward on the occasion of the baptism of James' twin sons.¹⁰³ However, while Douglas was freed then, Kennedy was not, which implies that somehow his offence was more serious. John Kennedy's lands were forfeited to the crown when he was imprisoned, and he was held in Stirling castle until at least 1434.¹⁰⁴ To explain Kennedy's lengthy imprisonment, Michael Brown speculates that he had mounted a violent attack on his uncle Thomas, and the king feared that his release would lead to renewed violence.¹⁰⁵ Kennedy may have attacked his uncle but the length of his incarceration surely points to

⁹⁶ Brown, 'Crown-Magnate Relations', pp.398-404.

⁹⁷ *RMS*, 2, no.128; Bargany, GD109/267 His brother Hugh had resigned Ardstinchar in his favour.

⁹⁸ *RMS*, 2, nos.128-9 (3 miles east of Maybole).

⁹⁹ *RMS*, 2, nos.140, 162; Brown, *James I*, p.133.

¹⁰⁰ In 1426 the countess of Douglas arranged the marriage of John's sister Mary to Agnew of Lochnaw.

¹⁰¹ Andrew Agnew, *The Agnews of Lochnaw: A History of the Hereditary Sheriffs of Galloway* (Edinburgh, 1864), pp.56-9; Brown, 'Crown-Magnate Relations', pp.399-401.

¹⁰² Michael Brown, *James I* (Edinburgh, Canongate, 1994), pp.133-4; Bower, *Scotichronicon*, vol.8, pp.264-5.

¹⁰³ Hector Boece, *The buik of the cronicles of Scotland, or, A metrical version of the history of Hector Boece* by William Stewart, ed. W.B. Turnbull (London, 1858), vol.3, lines 60390-60410, pp.356-7.

¹⁰⁴ *ER*, 4, p.591.

¹⁰⁵ Brown, 'Crown-Magnate Relations', pp.399-401.

something more serious. Perhaps Boece was right and John Kennedy insulted the king in such a way that he could not be forgiven.

James I had no antipathy towards the Kennedy kindred in general. By 1434, despite the forfeiture, and possibly because of appeals from his mother to her brother the king, John's younger brother Gilbert was in possession of most of the Kennedy lands. Additionally the king used Thomas Kennedy as his bailie in Carrick and other crown lands in Ayrshire, and appointed Fergus Kennedy, probably the same individual mentioned as acquiring lands in the area in 1406 and 1416, as keeper of Loch Doon castle.¹⁰⁶ No mention is made of the office of 'kenkynnol' however, and, whatever his offence had been, there was to be no reprieve for John Kennedy. The Book of Pluscarden, written several decades later, says that John Kennedy escaped from Stirling Castle and went into exile without permission, but no date is given.¹⁰⁷ In November 1434, his uncle Hugh was sent by the French king to escort James I's daughter Margaret to France to marry the dauphin.¹⁰⁸ Negotiations between the two kings dragged on and the princess with her large escort, which included John's uncles Hugh and David and his younger brother James, did not leave Scotland until March 1436.¹⁰⁹ Hugh Kennedy commanded the military escort and may have been entrusted with his nephew John's transportation abroad.¹¹⁰ Perhaps, given the timing, we can speculate that James I allowed John Kennedy to 'escape' and join the expedition to France in 1436, but with the understanding that he was not to return.

In February 1437, James I was assassinated by a coalition of disaffected nobility. During the first few years of James II's minority, those around the king maintained the status quo in Carrick. Gilbert Kennedy married Katherine Maxwell, a daughter of the first Lord Maxwell.¹¹¹ Gilbert allied himself to William, the eighth earl of Douglas and received lands from him in April 1444.¹¹² John Kennedy of Blairquhan was the first of Gilbert's uncles to acknowledge his position as head of the kindred. In early July he pledged himself and his heirs to give Gilbert service and homage.¹¹³ Perhaps his 'letter of retinue' was prompted by news that Gilbert's brother John had died and Gilbert was now the rightful head of the Kennedys.

¹⁰⁶ *ER*, 4, pp.594-6.; AILSA, GD25/1/30,32.

¹⁰⁷ *Liber Pluscardensis*, vol.1, p.377.

¹⁰⁸ Annie Dunlop, *The Life and Times of James Kennedy* (Edinburgh, Oliver&Boyd, 1950), pp.14, 16-7.; Louis Barbe, *Margaret of Scotland & the Dauphin Louis* (Glasgow, Blackie, 1917), pp.53-54; Balfour-Melville, *James I*, pp.218-9.

¹⁰⁹ Dunlop, *James Kennedy*, pp.14, 16-7.

¹¹⁰ Barbe, *Margaret of Scotland*, p.75, 82.

¹¹¹ *ER*, 5, pp.25, 84, 87; *The Scots Peerage*, vol.6, p.475.

¹¹² AILSA, GD25/1/33.

¹¹³ AILSA, GD25/1/34.

Douglas took control of the young king, who was also earl of Carrick, and by the end of August 1445 he was victorious in the brief civil war waged against the queen mother and her supporters.¹¹⁴ Douglas appointed Gilbert Kennedy as bailie of Carrick in 1447.¹¹⁵ Association with one earl of Douglas led to the downfall of his brother John and now, with the help of another, Gilbert Kennedy had begun to recover the offices held by his father. In April 1447 the family of a second uncle recognised his position when Alexander's illegitimate son gave Gilbert his bond of man-rent for his lands of Arnsheen (see Fig.4 on p.23).¹¹⁶ This was further acknowledgement that Gilbert Kennedy was chief of the kindred.

Gilbert's younger brother James had opted for an ecclesiastical career and had been supported by James I. In January 1437, only a few weeks before the king was killed, he appointed his nephew James Kennedy as bishop of Dunkeld. James assisted Pope Eugenius to resolve disputes within the wider church and in gratitude the pope appointed him commendator of the abbey of Scone in 1439 and then made him bishop of St Andrews in June 1440. Bishop Kennedy supported the queen mother in the civil war of 1444–5 but they were defeated by a faction led by Douglas and the bishop's lands in Fife were harried.¹¹⁷ Probably because his brother Gilbert was a prominent supporter of Douglas, no further action was taken against Bishop Kennedy but during the remainder of James II's minority he played no part in government.

In May 1450, shortly after James II began his personal rule, he appointed his cousin Gilbert Kennedy and his heirs as keepers of the castle of Loch Doon and its lands.¹¹⁸ Later that year the king granted Gilbert all the Kennedy lands and offices that his father and grandfather had held.¹¹⁹ This included the 'kenkynnol' which demonstrates that, while his father may have wished to discontinue this unique position, James II seems to have been happy to reinstate it. James II probably already planned to move against the earl of Douglas and these charters were intended to strengthen the allegiance of Gilbert Kennedy. In January 1451 the king tried to appropriate Douglas lands in Galloway.¹²⁰ During the king's minority Gilbert had allied himself with Douglas but James II's awards of all the offices of Carrick demonstrated how much the long-term prosperity of the Kennedys depended on the goodwill of the monarch. It must have been an easy choice and, when the

¹¹⁴ Brown, *The Black Douglases*, pp.272-5; *Auchinleck Chronicle*, f.111v (McGladdery, *James II*, Appendix 2, p.162) The bishop's lands were despoiled and he played no part in government for several years.

¹¹⁵ ER., 5, p.328

¹¹⁶ AILSA, GD25/1/35 (Arnsheen is just north of Loch Maberry on Carrick's border with Galloway).

¹¹⁷ Dunlop, *James Kennedy*, pp.19, 23, 37-9, 64-75.

¹¹⁸ AILSA, GD25/1/36.

¹¹⁹ AILSA, GD25/1/38-43.

¹²⁰ Brown, *The Black Douglases*, pp.287-9.

king and his council travelled to Ayr in February, Gilbert demonstrated his loyalty to the crown by resigning all of his offices and lands into the hands of the king who granted them all anew.¹²¹ Gilbert was now recognised by all as head of the Kennedys and his uncles Thomas and David appear on the entail of his lands of Cassillis.¹²² Gilbert may have ensured the cooperation of his uncle Thomas around this time by helping him to acquire the lands of Bargany a few miles south of Maybole (see Fig.4 on p.23).¹²³ Although it had taken twenty years, the problems stemming from the breakdown of James I's relationship with John Kennedy had been overcome through a combination of Gilbert's loyal service to James II and the accommodation he reached with his surviving uncles.

McGladdery believes that the king's advancement of Gilbert Kennedy from 1450 onwards may well have been a calculated move. Kennedy lands lay on the borders of Douglas territory and it suited James II to offset the power of the Douglasses by ensuring he had a loyal supporter in the region.¹²⁴ Douglas had made a bond with the earls of Ross and Crawford in the late 1440s. At a meeting in February 1452 he refused the king's request to take arms against Ross. This enraged the king who accused Douglas of being a traitor, drew a knife and killed him.¹²⁵ In the immediate aftermath of the murder armed bands of Douglas followers threatened to avenge him. Gilbert Kennedy offered them no support, and his brother Bishop Kennedy sheltered the pregnant queen in his castle at St Andrews where the future James III was born in May 1452. James II recognised Gilbert's loyalty in June 1452 by granting him Douglas lands around Stewarton to the north of Carrick.¹²⁶ While Gilbert was with James II in the north in August 1453 the king relieved him of any further annual payments for his lands of Cassillis.¹²⁷ In October 1454 Gilbert again resigned the offices of Carrick but this time his resignation was in favour of his eldest son John Kennedy (~1440-1509, see Fig.3 on p.22), although their administration was reserved to Gilbert until his death.¹²⁸ When the king needed support against the Douglasses his cousins Gilbert Kennedy and his brother James gave him assistance and this cemented their position of favour at James II's court.

In March 1455 the king gathered a force of the 'westland men' which probably included a large contingent from Carrick. They mounted a sustained campaign against the

¹²¹ AILSA, GD25/1/44-48; *RMS*, 2, nos.412-6.

¹²² AILSA, GD25/1/48.

¹²³ Bargany, GD109/1 (10 miles south of Cassillis. Gilbert Kennedy appears in the entail).

¹²⁴ McGladdery, *James II*, p.57.

¹²⁵ Brown, *The Black Douglasses*, pp.292-3.

¹²⁶ AILSA, GD25/1/53; *RMS*, 2, no.583.

¹²⁷ AILSA, GD25/1/56; Berwickshire and St Andrews writs, NRS, GD1/220/66.

¹²⁸ AILSA, GD25/1/58, 60, 66 Lists John's brothers as James, Gilbert, Alexander, Robert and Walter.

Douglas heartland and James, earl of Douglas, brother of the murdered earl William, fled into exile in England.¹²⁹ In February 1457 Gilbert Kennedy travelled with the king on a justice ayre around south-west Scotland.¹³⁰ In a charter he witnessed at Wigtown his name is listed immediately after that of the chancellor.¹³¹ During the reign of James II several heads of families loyal to the crown were rewarded by being created lords of parliament, and this included the Kennedys. Gilbert had been made a lord of parliament by March 1458 when the peerage is mentioned in a grant of lands to Gilbert's mother, Mary Stewart the countess of Angus.¹³² The following year Gilbert, Lord Kennedy, was operating as the justiciar of western Galloway.¹³³ The Kennedys were accepted as having a family connection to the lineage of Duncan the first earl of Carrick who had been ejected from western Galloway in 1190. They filled the vacuum left by the demise of the Douglasses, and the Kennedys may have seen their increased influence there as a reassertion of their kindred's historic rights within the province.

From Peerage to Earldom: 1460-1509

In August 1460 James II, aged only 29, was killed at the siege of Roxburgh. The king's widow, Mary of Gueldres, controlled affairs during the first three years of James III's minority.¹³⁴ During this period, Clan Donald had mounted attacks in the Firth of Clyde and occupied and laid waste the island of Arran. John MacDonald, earl of Ross and Lord of the Isles, was held to be accountable.¹³⁵ Although neither of them was part of the queen mother's administration, Gilbert, Lord Kennedy, with his brother Bishop Kennedy and several others met with Ross on the island of Bute in June 1461 and tried to resolve the dispute.¹³⁶ This reconciliation seems to have failed and another attempt to reach agreement with Ross took place before August 1463. It again involved Lord Kennedy as well as Lord Montgomery and the earl of Argyll, who was a prominent member of the queen's council.¹³⁷ The Kennedys and Montgomerys were by now allied through marriage; in 1460 Lord Kennedy's eldest son John married Lord Montgomery's daughter Elizabeth (see Fig.5 on p.71), and Montgomery's heir Alexander married Kennedy's daughter Katherine.¹³⁸ This intervention was successful as Ross made an attempt 'to rein in' the activities of his

¹²⁹ *Auchinleck Chronicle*, f.116r; McGladdery, *James II*, pp.87-8,166.).

¹³⁰ McGladdery, *James II*, pp.105-6.

¹³¹ Papers of the Stewart family, Earls of Galloway (Galloway Charters), NRS, GD138/1/4.

¹³² AILSA, GD25/1/73 In 1459 she assigned these lands of Glengennet to Lord Kennedy (Fraser, *The Douglas Book*, vol.2, pp.21-2; AILSA, GD25/2/3).

¹³³ *ER*, 6, p.574.

¹³⁴ Norman Macdougall, *James III: A Political Study* (Edinburgh, John Donald, 2009), pp.46, 52-3.

¹³⁵ Boardman, *The Campbells*, pp.181-3, 188-9.

¹³⁶ *RMS*, 2, no.1196; Boardman, *The Campbells*, p.179.

¹³⁷ *ER*, 7, p.204.

¹³⁸ William Fraser, *Memorials of the Montgomeries* (Edinburgh, 1859), vol.1, pp.25-6; *RMS* 2, nos.751, 755.

brother, Hugh of Sleat.¹³⁹ Between them, Kennedy, Argyll and Montgomery controlled the south-western seaboard and it was probably their combined strength that forced Ross to comply.

Gilbert's brother Bishop Kennedy headed a faction of those opposed to the queen mother's policy of seeking peace with England. Gilbert, Lord Kennedy, and Bishop Kennedy were the young king's closest male relatives, and when the queen died in December 1463, the bishop became the guardian of James III.¹⁴⁰ A parliament was held in early 1464 where further concerns were expressed regarding Ross, who was accused of supporting the occupation of Dunstaffnage Castle.¹⁴¹ Bishop Kennedy took James III north on an extended progress and, at Inverness in August, the earl of Ross had to appear before the Lords of Council and answer for his misdemeanours.¹⁴² Lord Kennedy benefited from his close relationship to the young king. In October 1464, he was appointed justiciar at the trial of the earl of Rothes in Edinburgh for treason, and he and Argyll acted as joint procurators for the earl of Ross at the parliament that month.¹⁴³ Other Kennedys were appointed to prestigious offices. John Kennedy of Blairquhan was steward of Kircudbright from 1463, and the sheriff of Fife in 1464 was Alexander Kennedy of Urwell, an illegitimate son of Thomas Kennedy of Bargany.¹⁴⁴ Bishop Kennedy also appointed Alexander as captain of the castle of St Andrews.¹⁴⁵ When Bishop Kennedy died in May 1465, Gilbert, Lord Kennedy, took over his role as guardian of James III. He appointed his half-brother William Edmonston of Duntreath and Kennedy of Bargany as the two justiciars south of the Forth by January 1466.¹⁴⁶ Following the death of the queen mother, Bishop Kennedy and his brother Gilbert, Lord Kennedy, leveraged their close familial connection to the young king to become dominant at court. They used their powers of patronage to award crown offices and other positions to members of the kindred and their allies.

Early in 1466 Robert, Lord Boyd, made a bond of friendship to aid, assist, supply and defend Gilbert, Lord Kennedy, as long as he had 'the keeping of the King's person' and agreed to a marriage between his eldest son and Gilbert's daughter Marian.¹⁴⁷ Six

¹³⁹ Boardman, *The Campbells*, pp.182-3& note 69, pp.198-9; AILSA, GD25/1/81.

¹⁴⁰ Macdougall, *James III*, pp.60-2.;

¹⁴¹ Boardman, *The Campbells*, p.185.

¹⁴² Nicholson, *Scotland: The Later Middle Ages*, pp.406-7; Fraser, *The Douglas Book*, vol.1, p.491.

¹⁴³ *RMS*, 2, no.812.

¹⁴⁴ *ER*, 7, p.312; *RMS*, 2, nos. 812, 1565 The Urwell lands were part of the St Andrews regality.

¹⁴⁵ Dunlop, *James Kennedy*, p.347.

¹⁴⁶ MacQueen, 'Survival and success', p.90; Nicholson, *Scotland: The Later Middle Ages*, pp.404-410; *Muniments of the Royal Burgh of Irvine* (Edinburgh, 1890), Vol.1, no.13, pp.28-9.

¹⁴⁷ AILSA, GD25/1/96.

months later, despite this bond, Lord Boyd and his brother Alexander led a coup which displaced Gilbert from his position of political power. In July 1466, the king was abducted while he was hunting near Linlithgow. Buchanan relates that, when Lord Kennedy tried to intervene, he was injured by a blow to his head from Alexander Boyd which caused him to bleed.¹⁴⁸ Boyd had used Kennedy and cast him aside as soon as he took possession of the person of the king.¹⁴⁹ Kennedy was briefly imprisoned in Stirling, a royal castle where, rather ironically, he had previously held the office of keeper.¹⁵⁰ Boyd's dominance lasted for only three years before James III assumed personal control of the government in 1469, and Boyd and several of his allies were forfeited.¹⁵¹ Unsurprisingly, given Lord Boyd's subsequent treachery the marriage alliance agreed between the Kennedys and the Boyds in 1466 never took place. James III took no action against Lord Kennedy for his initial alliance with Lord Boyd, probably because it was obvious that he had been duped by the Boyds.

Norman Macdougall describes the coup as the 'eclipse of the Kennedys'.¹⁵² However, although Lord Kennedy no longer played a major role in government, he certainly retained the regard of James III. He remained chamberlain of the lands held by the king as earl of Carrick, as well as Leswalt, Menybrig, and Barquhany in Galloway (see Fig.4 on p.23), and other lands in Ayrshire.¹⁵³ Lord Kennedy continued to spend time in Edinburgh where he witnessed royal charters and attended parliament regularly until his death in August 1479 when he was over the age of 70.¹⁵⁴ His son John Kennedy operated as the bailie of Carrick from 1469 onwards and on his father's death he became the second Lord Kennedy.¹⁵⁵

In the early 1480s James III was faced with severe challenges to his authority. His truce with England had broken down and the two countries were at war. James could look for no assistance from France as the French and English kings had renewed their truce in October 1481. His brother, Alexander duke of Albany, had been a fugitive in France for several years but in May 1482 he travelled to England where Edward IV agreed to assist

¹⁴⁸ Buchanan, *History*, vol.2, p.187.

¹⁴⁹ Macdougall, *James III*, pp.73-4.

¹⁵⁰ MacQueen, 'Survival and success', pp.91-2; ER, 7, pp.443, 458.

¹⁵¹ Roland J. Tanner, 'Boyd family (*per. c.* 1300–*c.* 1480)', *ODNB* [<http://www.oxforddnb.com/view/article/3115>, accessed 8 Aug 2016].

¹⁵² Macdougall, *James III*, p.83.

¹⁵³ ER, 8, pp.72, 297.

¹⁵⁴ *Fourth Report of the Royal Commission on Historical Manuscripts* (London, HMSO, 1874), Part 1, p.471; MacQueen, 'Survival and success', p.92; *Charters of the Friars Preachers of Ayr*, ed. R. W. Cochran-Patrick (Edinburgh, Ayrshire and Wigtonshire Archaeological Association, 1881), pp.55-59.

¹⁵⁵ AILSA, GD25/1/58, 60, 66; ER, 7, p.646.

Albany to obtain the Scottish crown.¹⁵⁶ Albany joined a large English force which planned to ravage the borders and take Berwick. The Scottish host was summoned to assemble at Lauder to face the invaders and it was there on 22 July that James III was seized by some of his senior peers, taken to Edinburgh and held in custody in the castle.¹⁵⁷ John, Lord Kennedy, played no part in the coup and the conspirators though unknown, probably included the bishop of Moray and the earls of Atholl and Buchan, the king's three half-uncles, who may have had genuine fears regarding the likely outcome of all-out war with England. In early August the English army entered Edinburgh unopposed and a peace settlement was quickly agreed which gave Albany a full pardon and all the lands and offices he had previously held.¹⁵⁸ When the coup took place, Kennedy was probably in Carrick gathering his forces for the muster at Lauder. Subsequently, Lord Kennedy and the other loyalists would have been powerless to assist as the king was in the hands of the conspirators.

James reached an accommodation with his brother Albany and he was freed at the end of September.¹⁵⁹ Despite this Lord Kennedy and several other allies of the king did not attend the December parliament.¹⁶⁰ However, shortly afterwards many of Albany's supporters left his side because of fears that he planned to seize James III and place him in captivity again. In early 1483 the king surrounded himself with allies like Lord Kennedy who witnessed several royal charters, and he and his wife were granted lands in Carrick and Galloway.¹⁶¹ With the king free his supporters were able to flock to his side while many of Albany's followers deserted him to avoid involvement in any further action against James III.

James III called a parliament for March 1483 which was packed with his supporters and included John, Lord Kennedy.¹⁶² The king reached a compromise with his brother Albany, who sealed an indenture on 19 March which promised, among other things, that he would never again make treasonable leagues with the English king.¹⁶³ Despite his promise, Albany was again in negotiations with the English in April 1483 and, when his treason was discovered, his life and possessions were forfeited and Albany fled.¹⁶⁴ Lord Kennedy was

¹⁵⁶ Macdougall, *James III*, p.152.

¹⁵⁷ Nicholson, *Scotland: The Later Middle Ages*, p.505.

¹⁵⁸ Macdougall, *James III*, pp.164-8.

¹⁵⁹ Macdougall, *James III*, pp.171-4.

¹⁶⁰ *RPS*, 1482/12/2 Sederunt [accessed 15 March 2018] Colin Kennedy, abbot of Crossraguel was present.

¹⁶¹ Macdougall, *James III*, pp.175-80; AILSA, GD25/1/141; Title deeds relating to the lands of Carnock and Plean, NRS, GD17/16.; Papers of the Leslie family, Earls of Leven and Melville, NRS, GD26/3/1010.

¹⁶² *RPS*, 1483/3/142,148,150. [accessed 21 November 2017].

¹⁶³ Nicholson, *Scotland: The Later Middle Ages*, pp.511-2; Macdougall, *James III*, pp.184-5.

¹⁶⁴ Macdougall, *James III*, pp.185-9.

appointed as one of the ambassadors who agreed a truce with England at Nottingham in September 1484, and another Kennedy, John of Blairquhan, was one of the Scottish conservators of this peace.¹⁶⁵ Lord Kennedy travelled to England in 1485 to draw up terms of peace and was part of the embassy who concluded a new three-year suspension of hostilities in July 1486.¹⁶⁶ James III showed his appreciation for Lord Kennedy's support by appointing his second son, Alexander, as an usher of the king's chamber.¹⁶⁷ Around this time, Kennedy's eldest son David (~1462-1513, see Fig.5 on p.71) married Agnes Borthwick whose father was Lord Borthwick, the master of James III's household.¹⁶⁸ Lord Kennedy clearly used his position of favour to make this alliance with one of the king's principal office-holders.

Many of the nobility opposed James III's plans for peace with England. The parliament of October 1487 was prorogued with a warning that failure to attend its continuation in January would incur the king's 'indignacioun and displesance'.¹⁶⁹ Despite this several prominent lords did not appear at the parliament of January 1488.¹⁷⁰ John, Lord Kennedy, and his son David attended and Kennedy of Blairquhan was amongst the many lairds who also came to support the king. At the close of parliament on 29 January James III created his second son duke of Ross and showed his gratitude to the lairds for their loyalty by knighting one and creating four of them lords. Additionally he knighted David Kennedy.¹⁷¹ Stevenson points out that, against a backdrop of dissent from the nobility, these knighthoods were public recognition and reward for families loyal to the king.¹⁷² The Kennedys were thus among the most prominent of those families whose loyalty to the monarch was unquestioned.

The outcome of the parliament did not pacify the situation, and on 2 February the keeper of Stirling Castle released James III's eldest son, James, duke of Rothesay and earl of Carrick, into the hands of the king's opponents.¹⁷³ Macdougall suggests that the prince may already have had grievances because of his father's attitude towards him.¹⁷⁴ The prince had been kept away from parliament and held in Stirling virtually as a prisoner and he

¹⁶⁵ *Rotuli Scotiae*, vol.2 (London, 1819), pp.467-8; Macdougall, *James III*, p.214; *CDS*, 4, no.1505, The peers were referred to as the Scottish ambassadors.

¹⁶⁶ Lang, *A History of Scotland from the Roman Occupation* (Edinburgh, Blackwood, 1900), vol.1, p.348; *Rotuli Scotiae*, vol.2, p.473; Fraser, *The Book of Carliaverock*, p.158.

¹⁶⁷ *RMS*, 2, no.1718; Nicholson, *Scotland: The Later Middle Ages*, p.515.

¹⁶⁸ Papers of the Leslie Family, NRS, GD26/3/8.

¹⁶⁹ *RPS*, 1487/10/25 [accessed 11 January 2019].

¹⁷⁰ Nicholson, *Scotland: The Later Middle Ages*, p.523.

¹⁷¹ *RPS*, 1488/1/8 [accessed 11 January 2019]; Macdougall, *James III*, p.237.

¹⁷² K. Stevenson, *Chivalry and Knighthood in Scotland, 1424-1513* (Woodbridge, Boydell Press, 2006), p.48.

¹⁷³ Macdougall, *James III*, p.238. He was a relative of the Homes.

¹⁷⁴ *Ibid*, p.220.

seems to have quickly agreed to join the king's opponents. The insurrection grew throughout February, and by the middle of March James III was increasingly beleaguered within Edinburgh castle. He took no direct action against the rebels but sent ambassadors to seek assistance from Henry VII of England to quell the rebellion.¹⁷⁵ Throughout this period Lord Kennedy was with the king in Edinburgh and he witnessed several charters, the last on 23 March, a day or so before James III fled the rebel forces marshalled around the capital.¹⁷⁶ Over the next few months the king gathered his support before facing his opponents on the field at Sauchieburn near Stirling in June 1488. In the confused aftermath of the battle James III was killed and his son became King James IV.¹⁷⁷ Lord Kennedy had faced an invidious choice. Since 1431, first his father and then John himself had followed a course of undeviating loyalty to adult Stewart monarchs, and this policy had proved very successful in advancing the affairs of the Kennedy kindred. Although Lord Kennedy could continue to support James III, the challenger in this conflict was not only the earl of Carrick but the legitimate heir to the throne with wide support amongst the nobility. The outcome was uncertain, and the wrong choice meant potentially the loss of the Kennedy lands and titles. With the stakes so high John, Lord Kennedy, seems to have decided that inactivity was the best policy and the Kennedys supported neither side at Sauchieburn.

Many of those who fought for James III at Sauchieburn were tried for treason. These included Lord Bothwell and the Lord Advocate John Ross of Mountgreenan, who were both forfeited and lost their estates.¹⁷⁸ Although he had not supported James III in the field Lord Kennedy may have been concerned regarding James IV's attitude towards individuals, like himself, who had previously been noted loyalists of his father. Although no action was taken against him, Lord Kennedy was never again asked to witness royal charters. In July 1489 he resigned the office of bailie of Carrick in favour of his heir Sir David Kennedy. Unusually, John, Lord Kennedy, did not retain the operation of this office during his own lifetime. Instead, it passed immediately to his heir, and this may be an indication that the resignation had been requested by James IV.¹⁷⁹ Lord Kennedy was present at the parliaments of 1489 and 1490 but neither he nor his heir Sir David Kennedy attended parliament for the rest of the decade.¹⁸⁰ The loss of favour showed in other ways. In 1480, James III had asked for Lord Kennedy's assistance in gathering the royal rents in Arran which had been devastated by 'islanders', probably men from Kintyre and the

¹⁷⁵ Nicholson, *Scotland: The Later Middle Ages*, pp.524-7.; Macdougall, *James III*, p.239.

¹⁷⁶ Macdougall, *James III*, p.240; *RMS*, 2, nos.1707-8,1714-5,1718-22.

¹⁷⁷ Macdougall, *James III*, pp.262-3; Nicholson, *Scotland: The Later Middle Ages*, pp.524-30.

¹⁷⁸ Pitcairn, *Trials*, vol.1, pp.2-11.

¹⁷⁹ AILSA, GD25/1/149,150,152.

¹⁸⁰ *RPS*, 1489/1/14, 1490/2/2 [accessed 10 September 2017].

western isles. Although John Kennedy had agreed to become the principal lessee of Arran the damage inflicted on the lands meant it was difficult to gather the rents. His payments were frequently in arrears but during the reign of James III this was tolerated.¹⁸¹ The first decade of the reign of James IV was a period of high taxation and his government took a much harder line regarding Kennedy's debts.¹⁸² He was fined for failure to pay the Exchequer in 1495 and, following a complaint by the Lord Comptroller, was compelled to pay £80 which was due for lands in Arran.¹⁸³ In 1495, he owed the earl of Lennox £300 and had to pledge lands in Ayrshire as security for payment of the debt.¹⁸⁴ James III had apparently accepted that Arran no longer generated sufficient rental income and was happy with whatever Lord Kennedy could gather. James IV's exchequer seem to have taken the view that by this time, more than a decade after Arran's devastation, Lord Kennedy should have managed to return the rental income from the island to its previous levels.

There is no record of either Lord Kennedy or his heir Sir David attending the court of James IV during the 1490s. However, towards the end of the decade Lord Kennedy's daughter Janet was the king's mistress and Lord Kennedy's brother Walter also spent time at court. Walter Kennedy was a graduate of the university of Glasgow and acted as a deputy bailie of Carrick for Lord Kennedy in 1492.¹⁸⁵ There is no record of when he first attended the court of James IV. He was a prominent poet and is most famous for his part in *The Flyting of Dunbar and Kennedy*, compiled around 1500, where the poets took turns disparaging each other through abusive verse. In the poem, which was probably performed in front of the king, Kennedy remarked on his family's kinship with the royal Stewarts and made derogatory remarks about Dunbar's name and his family.¹⁸⁶ The Kennedys were obviously proud of their connection to the Stewarts.

Janet Kennedy married a son of Gordon of Lochinvar in 1492 but the marriage failed, and by 1498 she had become the mistress of Archibald Douglas, earl of Angus, one of the most powerful men in the kingdom.¹⁸⁷ Angus granted her lands and baronies in Lanarkshire and, as Lord Kennedy and Sir David, witnessed these charters they must have

¹⁸¹ *ER*, 10, pp.476, 478, 548, 551; *ER*, 9, pp. xxii,122, 195, 273, 408, 495.

¹⁸² Norman Macdougall, *James IV* (East Linton, Tuckwell Press, 1997), pp.148-9.

¹⁸³ *Acts of the Lords of Council in Civil Causes 1496-1501*, ed. George Neilson and Henry Paton (Edinburgh, HMSO, 1918), pp.63-4.

¹⁸⁴ Album of Lennox charters and letters, NRS, GD220/2/1/96.

¹⁸⁵ *Acta Dominorum Concilii*, NRS, CS5/3, 26 Feb. 1492

¹⁸⁶ Priscilla Bawcutt. 'The art of flyting', *Scottish Literary Journal*, 10(2) (1983), pp.6-7; Priscilla Bawcutt, *Dunbar the Makar* (Oxford, Clarendon Press, 1992), pp.233-5; Ian Simpson Ross, *William Dunbar* (Leiden, Brill, 1981), pp.79-80; J.W. Baxter, *William Dunbar* (Edinburgh, Oliver and Boyd, 1952), pp.70-6.

¹⁸⁷ *Protocol Book of James Young, 1485-1515*, ed. G. Donaldson (Edinburgh, Scottish Records Society, 1952), pp.539-40. They had a daughter Janet around 1496; *RMS*, 3, no.163; Fraser, *The Douglas Book*, vol.2, p.107.

approved of the relationship.¹⁸⁸ During 1499 Janet transferred her affections from Angus to James IV.¹⁸⁹ Macdougall believes that Angus was in decline probably because of his strong pro-English affiliation.¹⁹⁰ Given this, Lord Kennedy may well have encouraged Janet to become the king's mistress. In March 1500 James IV granted Janet the lordship of Menteith and the castle of Doune. She and James IV had a son, James Stewart, in 1501 and the king gave Janet the lands and castle of Darnaway in Moray and appointed their son to the earldom of Moray.¹⁹¹ Janet Kennedy is clearly denoted as the daughter of John, Lord Kennedy, in these charters and this implies that he supported her attachment to the king. Despite his marriage to Margaret Tudor, James IV continued to visit Janet several times a year, often at the castle of Darnaway, and in 1504 she bore him a daughter.¹⁹² The king's affair with Janet Kennedy undoubtedly improved his relationship with Lord Kennedy and his son.

The Kennedy reconciliation with James IV was also assisted by a naval expedition in 1498. Several vessels were assembled, and the fleet embarked from Ayr with both the king and John, Lord Kennedy, on board Kennedy's ship, which seems to have been the principal vessel of the flotilla. They spent over a week visiting the king's new castle at Kilkerran and Tarbert before returning, via the isle of Arran, to Ayr.¹⁹³ Lord Kennedy appears to have paid the king's expenses during this trip.¹⁹⁴ In May 1499 Lord Kennedy is recorded as a vice-admiral of Scotland under Patrick earl Bothwell, high admiral of Scotland. It is not known when Kennedy acquired this office, but it may well have been conferred on him for his part in the previous year's naval expedition.¹⁹⁵ Signs of a better relationship between the leaders of the Kennedy kindred and the crown can be glimpsed in the Exchequer Rolls. In the period from James IV's accession until 1497 there are several references to arrears and fines for Lord Kennedy and Sir David, but by the end of the century their financial affairs had improved somewhat, probably helped by the grant in 1498 of a lease of extensive crown lands in Carrick including Turnberry.¹⁹⁶ If the king had

¹⁸⁸ *RMS*, 2, nos.2434, 2457; *RSS*, 1, no.28; *NRS*, RH1/2/304.

¹⁸⁹ *RSS*, 1, no.258.

¹⁹⁰ Macdougall, *James IV*, pp.162-3; David Hume of Godscroft, *History of the House and Race of Douglas and Angus* (Edinburgh, 1743), vol.2, pp.52-3; A. Strickland, *Lives of the Queens of Scotland* (Edinburgh, 1852), vol.1, p.70; Norman Macdougall, 'Douglas, Archibald, fifth earl of Angus (c.1449–1513)', *ODNB*, [<http://www.oxforddnb.com/view/article/7864>, accessed 3 Feb 2016].

¹⁹¹ *RSS*, 1, no.495; *RMS*, 2, nos.2585-6; *ER*, 12 (1502-1507), p.xlv.

¹⁹² Ishbel C.M. Barnes, *Janet Kennedy, Royal Mistress* (Edinburgh, Birlinn, 2007), pp.39-40; *Protocol Book of John Foular*, Edinburgh Burgh: Protocol Books, *NRS*, B22/1/1, vol. i, part ii, no.508.

¹⁹³ *Accounts of the Lord High Treasurer of Scotland*, ed. Thomas Dickson and James Balfour Paul (Edinburgh, H.M. General Register House, 1877-1902), vol.1, pp. clxiv-clxv, 378-382.

¹⁹⁴ *ER*, 11, p.198.

¹⁹⁵ *Liber Protocolorum M. Cuthberti Simonis: Notarii Publici et Scribae Capituli Glasguensis A.D. 1499-1513* ed. J. Bain, C. Rogers (London, Grampian Club, 1875), vol.1, pp.274-6.

¹⁹⁶ *ER*, 10, pp.29, 476, 478, 548; *RSS*, 1, nos.218, 1450.

any reservations regarding the loyalty of Lord Kennedy they seem to have been removed by the combination of his relationship with Janet Kennedy and interactions with other members of the kindred, including John, Lord Kennedy, himself.

In February 1502 Lord Kennedy resigned the bulk of his lands in favour of his son Sir David Kennedy, although their liferent was reserved to Lord Kennedy until his death.¹⁹⁷ Sir David operated as bailie of Carrick from 1503 and, by the time his father died in early 1509, he had effectively been in charge of Kennedy affairs for several years.¹⁹⁸ Later that year, David, Lord Kennedy, married James IV's widowed cousin, Margaret Boyd, a daughter of the earl of Arran and the princess Mary. In early August, David, Lord Kennedy, granted the lands of Stewarton to Margaret Boyd 'before the completion' of their marriage.¹⁹⁹ This additional linkage between the Kennedys and the Stewarts further elevated the social position of the Kennedys.

Several weeks after the marriage, David, the third Lord Kennedy, was belted as an earl. In the sederunts of the Lords of Council he appears on 22 October as Lord Kennedy, and on 24 October 1509 he is styled as Earl of Cassillis.²⁰⁰ The name chosen for the earldom, Cassillis, was a barony by the river Doon in the north of Carrick which had been acquired by the Kennedys in 1362 and had become the principal seat of the Kennedy chief. A nineteenth-century history of the Hamilton family states that the earldom was David Kennedy's reward for marrying the king's cousin.²⁰¹ Margaret Boyd seems to have brought no lands or money to the marriage, and perhaps the award of the comital title could be considered as her dowry. The timing of the creation of the earldom may have been the combination of David's wedding and the birth of James IV's son and heir, Arthur, a few days previously. David's elevation may have been, at least in part, a recognition that the Kennedys had been acting as the de facto earls of the province for a considerable period. The award of the earldom to their chief cemented the Kennedy kindred's place at the highest level of Scottish society.

Conclusion

There can be little doubt that the Kennedys had a familial connection to the lineage of Duncan the first earl of Carrick. This relationship probably pre-dated Duncan's acquisition of the province of Carrick and he subsequently recognised the importance of

¹⁹⁷ AILSA, GD25/1/179-82,186,204,215.

¹⁹⁸ *RMS*, 2, no.2691; *RPS*, 1504/3/2 [accessed 10 September 2017].

¹⁹⁹ John Anderson, *Historical and Genealogical Memoirs of the House of Hamilton* (Edinburgh, John Anderson, 1825), p.64; Boyd Papers, Burgh of Kilmarnock, NRS, GD8/33-4. (Probably Sept. or Oct.).

²⁰⁰ *Acta Dominorum Concilii et Sessionis*, NRS, CS5/21, xxi, 3; *The Scots Peerage*, vol.2, p.460.

²⁰¹ Anderson, *Historical and Genealogical Memoirs*, p.64.

the kindred by appointing a Kennedy as the heritable steward of his earldom. Although there are no records of their land holdings in the twelfth or thirteenth centuries they seem to have been based in the north of Carrick, a few miles south of the burgh of Ayr.

When the earldom of Carrick was acquired by the Bruce family its principal offices were retained by the de Carricks, descendants of the first earl. These included the positions of bailie to the earl and the 'kenkynnol', the right to lead the men of Carrick in battle. Following the battle of Neville's Cross in 1346, John Kennedy led the men of Carrick against the king's enemies in Galloway, and during this period he acquired considerable wealth. Through a combination of service to the crown, marriage and purchase, his son, John Kennedy of Dunure, acquired extensive lands and firmly established the Kennedys as the dominant kindred in Carrick. By the time the Stewarts acquired the crown, the title 'earl of Carrick' was held by the monarch or the heir to the throne. Robert II acknowledged the position of the Kennedys by awarding John Kennedy of Dunure the major offices of the earldom. These gave him effective control of the region and meant that, from 1372 onwards, the chief of the Kennedys effectively acted within Carrick as if he was the earl.²⁰²

The Kennedys were acknowledged as kinsmen of the royal family through the marriage of Duncan the first earl of Carrick to a Stewart.²⁰³ Their connection to royalty was strengthened when James Kennedy, heir to Sir Gilbert Kennedy of Dunure, married a daughter of Robert III. James Kennedy was probably killed fighting against the imposition of Regent Albany's control in the south-west. As bailies of the non-resident earls of Carrick, the monarch or his heir, the Kennedy chiefs had a direct connection to the crown. This connection was threatened when James Kennedy's eldest son John was not awarded the major offices of Carrick when he came of age. This seems to have led to a breakdown in his relationship with James I and he was imprisoned and later escaped into exile. This seems to have strengthened the Kennedys' policy of loyal service to the monarch, and their experience with Albany caused them to extend it to include loyalty to lawfully appointed regents.

James II rewarded Gilbert, James Kennedy's second son, for his support against the Douglases in the 1450s. The king granted Gilbert the offices denied to his elder brother and appointed him a lord of parliament. The Kennedys acquired some of the Douglas lands and the removal of Douglas influence in the region facilitated Kennedy expansion into

²⁰² Boardman, *The Early Stewart Kings*, pp.22, 57, 198–99, 282, 294.

²⁰³ Stephen Boardman, 'Robert II (1371-1390)' in *Scottish Kingship, 1306-1542: Essays in Honour of Norman Macdougall*, ed. M. Brown and R. Tanner (Edinburgh, John Donald, 2008), p.78.

Galloway. Gilbert, Lord Kennedy, and his brother James the bishop of St Andrews attained considerable recognition at the centre of Scottish affairs during the minority of James III.

The Kennedys' policy of loyal support of the crown or its agents generally worked well but it could not deal with all eventualities. James III was faced with revolt by rebels including his eldest son. Faced by an invidious choice between supporting either the current or the future monarch, John, Lord Kennedy, decided to support neither. The Kennedy chief may well have calculated that the potential rewards for supporting the victor were greatly outweighed by the likely penalties for assisting the loser. Their loyalty to his father may have caused James IV to initially regard the Kennedys with some suspicion. Lord Kennedy's daughter Janet acquired considerable lands and influence as the mistress of James IV for several years, and she bore him a son who was made earl of Moray. Over time the king's regard for Janet and the continued loyalty of the Kennedy chiefs helped them to recover royal favour, and this was clearly signalled by David Kennedy's marriage to the king's cousin in 1509 and the subsequent creation of the earldom of Cassillis.

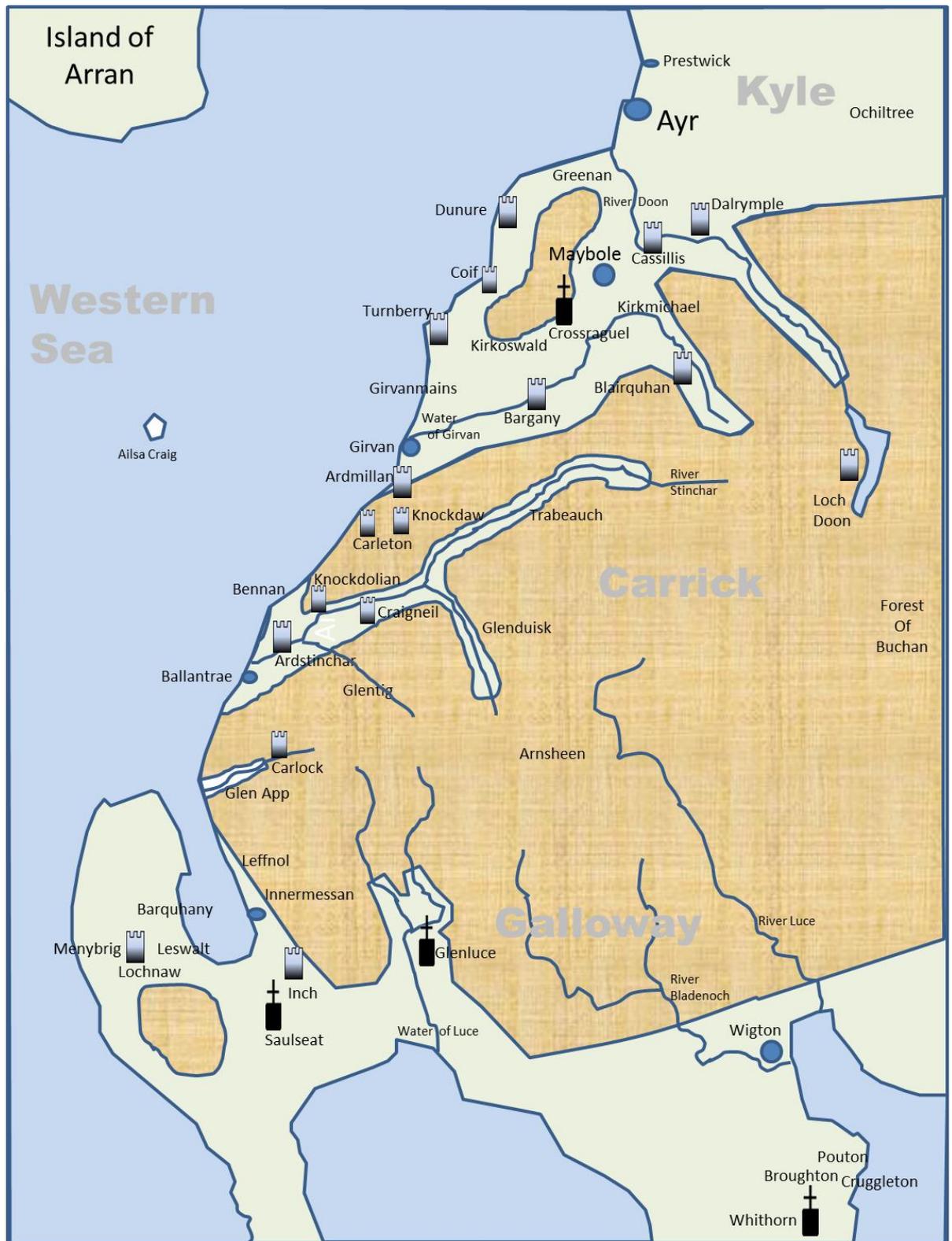


Figure 4: Carrick and Western Galloway

Chapter 2: Land, Kindred, Disputes and the Church

This chapter examines the same period as the previous chapter, from the first mention of the Kennedys in the late twelfth century until their chief was belted as an earl in 1509. The previous chapter examined the progress of the Kennedys in terms of their interaction with the crown and other magnates over a period of more than three centuries. Four different views of the progress of the Kennedy kindred will be examined here. The first section will consider their development through analysis of the growth of the landed patrimony of the principal line of the Kennedys and that of the main cadet branches of the family. The map at the beginning of this chapter shows the position of the main Kennedy lands in Carrick and Galloway. The second section addresses the dynamics of the Kennedy kindred and how it dealt with internal disputes. The third examines how the activities of the Kennedys led to disputes and feuds outside the kindred. Finally, the Kennedys' interaction with the church will be examined, both in terms of their ecclesiastical patronage generally and the achievements and influence of one individual, James Kennedy (1407-1466), who rose to the bishopric of St Andrews and used his position to advance Kennedy interests. This examination of the territorial expansion of the Kennedys, their involvement in disputes and their connections to the church will provide other viewpoints to help assess their progress during this period.

Landholding and expansion of the kindred

Although the earliest records which connect any of the Kennedys to specific lands do not appear until the second half of the fourteenth century, by 1400 the head of the family, Sir Gilbert Kennedy, possessed huge estates within Ayrshire. These lands had been acquired by a variety of means including royal grants in reward for loyal service. In the aftermath of the wars against Balliol and his supporters, the leading Kennedys purchased several properties, and it is possible that they acquired the necessary funds through plunder or the ransom of captured English noblemen. The rationale for Kennedy possession of some of their lands, including Dunure, is obscure, although we can speculate that they were inherited from the de Carrick lineage in some fashion. The first landholdings were in the north of Carrick and, although the kindred spread throughout the province, this continued to be their main power centre, probably because this part of the region had the most fertile soils and was close to the royal burgh of Ayr.

David II issued a charter in January 1358 which confirmed John Kennedy in all of his lands. The lands are not listed and a later charter by Robert II confirmed them as

legitimate acquisitions.¹ They seem to have included the previously de Carrick lands of Dunure on the coast 12 miles south of Ayr and Buchmonyn in Lennox which had passed to the ownership of John Kennedy by this time.² In 1361 David II granted him Balmaclanachan near Girvan (see Fig.4 on p.23), and the following year Kennedy purchased the lands of Cassillis from two Montgomery heiresses.³ The 'Historie' claims that John Kennedy of Dunure obtained Cassillis by underhand means. Kennedy is supposed to have promised to marry the heiress of Cassillis if she resigned the lands in his favour.⁴ The allegation makes no sense as John Kennedy had been married for at least 15 years and his wife Mary was still alive in 1371.⁵ In 1363 he also purchased the lands of Dalmorton near Cassillis.⁶ John Kennedy appears to have had considerable funds and much of his wealth, like his lands, had probably been acquired through warfare.

John Kennedy of Dunure founded a chapel in Maybole in the north of Carrick in November or December 1371. The chapel was to be the burial place of his lineage and its priest and three chaplains were to offer up prayers for Kennedy, his wife Mary and his ancestors and successors. Kennedy endowed the chapel with over 500 acres of land in the area and annual rents from other properties.⁷ In 1384 the chapel received papal approval and was restructured as one of the earliest collegiate churches in Scotland.⁸ Boardman points out that the foundation of these collegiate churches 'reflected the social pretensions' of an emerging 'new' aristocratic elite, and that they were seen as a demonstration of social prominence.⁹ Gould suggests that such establishments marked the readiness of founders to lavish funds on churches which their family might hope to dominate. As patron, the head of the family was able to appoint the provost and chaplains of the church.¹⁰ Gilbert Kennedy presented a John Kennedy, probably an illegitimate son, for the position of provost in 1439.¹¹ In May 1451, Gilbert gave thanks for the consolidation of his position in Carrick by expanding the collegiate church through the donation of lands for an additional

¹ AILSA, GD25/1/3, 18.

² Michael Penman, *David II* (East Linton, Tuckwell Press, 2004), p.202; *Crossraguel Chrs.*, vol.1, pp.26-8; *Carte Monialium de Northberwic*, pp.30-1; Paterson, *History*, vol.2, pp.306-7,381; *Cartularium Comitatus de Levenax*, pp.43-5, 71.

³ T. Harrison Montgomery, *A Genealogical History of the Family of Montgomery*, p.46. Marjory sr. and Marjory the daughter of Marjory sr.'s cousin John Montgomery of Stair-Montgomery and Cassillis.

⁴ 'Historie of the Kennedyis', pp.5-6; J. Kevan McDowall, *Carrick Gallovidian* (Ayr, 1947), pp.342-3.

⁵ AILSA, GD25/1/11.

⁶ *RMS*, 1, no.135; AILSA, GD25/1/3, 4, 6; Paterson, *History*, vol.2, p.313; *NRS*, RH1/2/127.

⁷ AILSA, GD25/1/11.

⁸ AILSA, GD25/1/19; Mackenzie Walcott, *Scoti-Monasticon: The Ancient Church of Scotland* (London, 1874), vol.1, pp.355-75.

⁹ Boardman, *The Campbells*, pp.142-3.

¹⁰ J.A. Gould, 'The Religious Orders and Collegiate Churches in Scotland, C. 1450-1560: Popular Perceptions and Reactions', (unpublished PhD Thesis, University of Glasgow, 1996), vol.1, p.30.

¹¹ *CSSR*, 4, no.940.

chaplain.¹² Other provosts included Eustace Maxwell, a relative of the first wife of Gilbert, Lord Kennedy, in the 1460s and a Gilbert Kennedy who held the post in 1503.¹³ The choice of Maybole as the location for the Kennedy's collegiate church underlined that this part of Carrick was their main power centre. The creation of such an establishment was a clear signal of their pre-eminent position in south-west Scotland.

For several years, John Kennedy of Dunure's son Gilbert was a hostage in England for David II. In January 1365, possibly to mark Gilbert's return to Scotland, John resigned lands in Galloway in his favour. These lands north of Whithorn included the castle and lands of Cruggleton (see Fig.4 on p.52), and appear to have been taken forcibly from supporters of Edward Balliol during John Kennedy's conquest in Galloway.¹⁴ When Archibald Douglas asserted his lordship over Galloway a few years later these lands were transferred to his ownership.¹⁵ As Cruggleton had been a stronghold of previous lords of Galloway the Kennedys may have granted it to Douglas in exchange for other lands in the south-west.

Under the Stewart kings, the Kennedys continued to increase their landholdings. In two separate charters, the first only a few days after his coronation, Robert II granted John Kennedy the barony of Dalrymple, not far from Cassillis on the river Doon, for 'services used and wont'.¹⁶ Thomas Fleming, earl of Wigtown, was a hostage for David II when the king suspended his ransom payments in 1360. Fleming's subsequent financial difficulties possibly stemmed from the expense of securing his own release from captivity. In 1375 Fleming mortgaged Kirkintilloch and other lands in the barony of Lenzie to John Kennedy of Dunure.¹⁷ This demonstrates that Kennedy still had excess funds at that point.

There are traces of other branches of the Kennedys expanding their land holdings in Carrick around this time. John Kennedy's cousin Roland Kennedy purchased Blairquhan, a few miles south of Cassillis, and Roland's brothers, Gilbert and Thomas, witnessed the charter. Gilbert had recently acquired Knockdolian, three miles north-east of Ballantrae in southern Carrick (see Fig.4 on p.52).¹⁸ John Kennedy of Dunure also held properties in Ayr

¹² AILSA, GD25/1/50.

¹³ AILSA, GD25/1/107,184.

¹⁴ AILSA, GD25/1/7; *RMS*, 1, no.223; (also Pouton & the Broughtons); *CDS*, 3, pp.288-9.

¹⁵ R.C. Reid. 'Cruggleton Castle', *Dumfriesshire and Galloway Natural History & Antiquarian Society: Transactions and Journal of Proceedings*, Third Series, 16 (1929-30), p.156.

¹⁶ AILSA, GD25/1/10, 17.

¹⁷ AILSA, GD25/1/9, 15; Richard D. Oram, 'Fleming, Malcolm, first earl of Wigtown (d. in or before 1363)', *ODNB* [<http://www.oxforddnb.com/view/article/54185>, accessed 18 Sept 2017].

¹⁸ *Calendar of the Laing Charters*, no.64, p.18; Papers of Lord Torpichen, NRS, GD119/159.

which were gifted to the burgesses on his demise around the end of 1385.¹⁹ His cousin Roland also acquired lands at Straiton and around 1386 he resigned all of his estates in favour of his cousin Sir Thomas Kennedy of Gultree who already held Dalmorton (all of these lands are close to Maybole (see Fig.4 on p.52)).²⁰ One of his properties had previously been held by the hereditary harpists of the Bruce family.²¹ Bannerman thought it likely that, following the death of David Bruce, they had lost their position as the king's harpist as the Stewarts probably had their own musicians.²² By the end of the century all of these lands were in the hands of Sir Gilbert Kennedy of Dunure as chief of the Kennedy kindred.²³ Almost certainly Sir Thomas had died without issue and Sir Gilbert had inherited his lands by the terms of the entail.

Sir Gilbert had six legitimate sons from his marriage to Agnes Maxwell (see Fig.2 on p.21). While his eldest son James inherited the main estates, Sir Gilbert gave his sons, Alexander, John, Thomas and David the lands of Ardstinchar, Blairquhan, Kirkoswald and Kirkmichael respectively (see Fig.4 on p.52). The remaining son Hugh had entered a monastery. Additionally, two of Sir Gilbert's illegitimate sons, John and Roland, held the lands of Lenzie and Leffnol (on the coast of Loch Ryan just north of Innermessan). John Kennedy of Blairquhan was of sufficient wealth and landholding to be one of the hostages for James I. Thomas and David helped the king to administer his lands in the south-west and they were rewarded for their service with additional lands in Carrick. When Alexander died, probably fighting in France, his lands of Ardstinchar passed to his brother Hugh who then granted them to Thomas. Thomas Kennedy had also acquired the lands of Bargany a few miles south of Maybole and James I combined his lands of Ardstinchar, Kirkoswald and Bargany in the barony of Bargany. Other branches of the kindred acquired property including the lands of Bennan, Craigneil, Knockreoch, Dalfask, Carlock, Culzean, Greenan and Coif (see Fig.4 on p.52).²⁴ By the middle years of the fifteenth century the Kennedys of Bargany, Blairquhan and Kirkmichael were established as the main cadet branches of the kindred (see Fig.3 on p.22).

Despite the forfeiture of his brother John in 1431, and the grants of land made by his grandfather to his uncles, Gilbert Kennedy still found himself in possession of a substantial patrimony. In 1454, he was able to list his landholdings as comprising Kirkintilloch, lying

¹⁹ *Charters of the Royal Burgh of Ayr*, pp.75-6.

²⁰ *Laing Charters*, nos.71-2, p.20.

²¹ *Laing Charters*, nos. 40, 69, pp.11, 19-20.

²² Bannerman, 'The Residence of the King's Poet', *Scottish Gaelic Studies*, 17(1996), pp.32-3.

²³ *Laing Charters*, nos. 68, 71-4, pp.19-21.

²⁴ AILSA, GD25/1/30, 71, 116.

in the Barony of Lenzie, the Barony of Dalrymple, the Barony of Cassillis and the lands of Dunure, Girvan, Arnsheen, Glen App and Glenduisk.²⁵ By the end of 1458, as well as making Gilbert a lord of parliament, James II had granted him the baronies of Traboyack and Glenstinchar on the upper reaches of the River Stinchar in the south of Carrick as well as the lands of Stewarton in Ayrshire.²⁶ Gilbert benefitted greatly from the fall of the Black Douglases and as well as inheriting the lands and offices of his grandfather he extended Kennedy landholdings in the south-west.

Other families held lands in Carrick but their holdings were a fraction of those held by the Kennedys. The largest non-Kennedy estate was Carleton on the coast between Girvan and Ballantrae. Although it was held by a cadet branch of Lord Cathcart's family most of its 2000 acres of grazing land seems to have been tenanted by Kennedys.²⁷ John, Lord Kennedy, was rewarded for his support of James III against his brother Albany in the early months of 1483. James III awarded him Turnberry and Girvanhead in Carrick as well as the lands of Barquhany, Slewdonald and the Loch of Inch in the west of Galloway (see Fig.4 on p.52).²⁸ George Douglas of Leswalt (north-west of Stranraer), who was a half-brother of Gilbert, Lord Kennedy, died in 1463. Gilbert claimed his lands on the grounds of their shared ancestry and in 1483 James III granted him Leswalt and Menybrig in western Galloway.²⁹ John, Lord Kennedy, passed most of his lands to his son and heir David, and also awarded over a thousand acres in Carrick to his son Alexander.³⁰ Bargany expanded his holdings in Carrick by almost 1000 acres and in 1508 he acquired several hundred acres in Galloway.³¹ Blairquhan also acquired several properties in Galloway and when he resigned his lands in favour of his heir in March 1505 he had around 2000 acres in Carrick, and his landholdings in Galloway were even larger.³²

By the time Gilbert Kennedy had been elevated to the peerage in 1458, the Kennedys had acquired lands throughout the length and breadth of Carrick. The head of the family had the biggest estate and most of his lands were held directly from the king or the earl of Carrick. The cadet branches of Bargany, Blairquhan and Kirkmichael had considerable estates, most of which were held from the chief. Other Kennedys also held lands under the chief or one of the cadet branches as overlords. The family continued to add to their estates

²⁵ AILSA, GD25/1/59.

²⁶ AILSA, GD25/1/44, 49, 53, 67, GD25/2/3.

²⁷ RMS, 2, no.2899.

²⁸ P.H. McKerlie, *History of the Lands and their Owners in Galloway* (Paisley, William Paterson, 1906), vol.1, pp.414-5, 521; AILSA, GD25/1/141.

²⁹ ER, 7, pp.271, 389, 451-2, 562-3; RMS, 2, nos.762, 2954.

³⁰ AILSA, GD25/1/135-6, GD25/2/8.

³¹ RMS, 2, nos.2109, 2123, 2918, 3051, 3084, 3640.

³² AILSA, GD25/1/197-9.; RMS 2, nos.1162, 1336-7, 2829, 2943.

in Carrick while the fall of the Black Douglases in the 1450s assisted their expansion into Galloway. Over the course of the next fifty years the chief and the Kennedys of Bargany and Blairquhan acquired extensive properties in the west of Galloway and their appearance as major landholders in the region caused tension with other kindreds there. In most years the region must have generated a surplus of arable crops, mainly barley and oats, as well as fish and sheep and cattle, and it is likely that these were traded through the nearest burghs of Ayr and Wigtown. However, there are no records of how and where the produce from Kennedy lands or waters was traded, or of the funds it generated.

Kindred dynamics

The kindred was a powerful force in social and political life in late medieval Scotland.³³ Disputes between or within kindreds were by no means uncommon in late medieval and early modern Scotland. Keith Brown defines feud as a relationship between two groups ‘occasioned by some grievance or competition between them, and conducted through the exchange of violence, or by mediation, or both together’. These ‘groups’ were formed through ties of kinship and locality. Lordship ordered these kindreds and gave them a distinct identity.³⁴ The contemporary understanding of ‘feud’ covered civil disputes with no bloodshed as well as violent clashes resulting in many deaths.³⁵ Keith Brown shows that most disputes were over land or rights pertaining to it or arguments over jurisdictions.³⁶ Lords were aware they had a responsibility to help resolve disputes between their followers, and Wormald argues that the use of a private settlement to resolve feuds was a practical method of dealing with the problem which did not conflict with public justice.³⁷ This section examines whether the experience of the Kennedys, from their emergence as an identifiable kindred until the creation of the earldom of Cassillis in 1509, agrees with these historians’ findings.

In 1372 John Kennedy of Dunure obtained from Robert II a confirmation that he was covered by the ‘remission of rancour’ given by Robert I to Gilbert de Carrick for the surrender of Loch Doon castle in 1306.³⁸ Kennedy probably requested the confirmation to bolster his position as the effective successor to the de Carrick lineage and to reduce the chance of any legal action challenging his inheritance.

³³ J. Wormald, ‘Bloodfeud, Kindred and Government in Early Modern Scotland’, *Past & Present*, 87 (1980), 54-97, p.67.

³⁴ Keith M. Brown, ‘The extent and nature of feuding in Scotland, 1573-1625’, (PhD Thesis, University of Glasgow, 1983), pp.8-9.

³⁵ J. Wormald, *Court, Kirk, and Community* (London, Edward Arnold, 1981), p.37.

³⁶ Brown, ‘The extent and nature of feuding in Scotland, 1573-1625’, pp.23-4.

³⁷ Wormald, ‘Bloodfeud, Kindred and Government’, p.72.

³⁸ *RMS*, 1, no.510.

MacQueen speculates that in the early fifteenth century the Kennedy kindred might have expected to approve or elect the holder of the 'kenkynnol' in some way.³⁹ By the end of 1450, James II had awarded Gilbert Kennedy all of the lands and offices held by his father and grandfather, including the office of 'kenkynnol'.⁴⁰ This seems to have settled the matter as far as the main cadet branches of the kindred were concerned. However, Gilbert's grandfather had three illegitimate sons by his first union, Gilbert, John and Roland, and, in the kin-based society of the Kennedys, they and their male heirs had a valid claim on Gilbert's lands and offices. All three were dead by this point and only Roland had left a legitimate male heir, Gibboun Kennedy of Leffnol. In 1454 Leffnol agreed, on behalf of himself and his heirs, not to 'impede or trouble' Gilbert Kennedy of Dunure or his heirs in his lands, possessions and offices. His quitclaim included a promise not to pursue the office of 'kenkynnol' through legal means and the penalty for breaking any part of this agreement was set at the huge sum of £6000.⁴¹ By securing this agreement Gilbert demonstrated that he took Leffnol's potential claims seriously. Although no mention is made regarding any payment to Leffnol for the quitclaim it is likely that he received some concession.

Sir John Kennedy of Blairquhan was the fourth of Sir Gilbert Kennedy's legitimate sons, and he was the first of Gilbert's uncles to openly acknowledge him as his superior. In 1444, he obliged himself and his heir to give service and homage to Gilbert for the space of ten years.⁴² By the 1450s the branches of the kindred led by Gilbert Kennedy's three surviving uncles, John Kennedy of Blairquhan, Thomas Kennedy of Bargany and David Kennedy of Kirkmichael were established as the principal cadet branches of the Kennedys. However, Blairquhan's name is missing from the tailzies of royal charters regarding grants to the principal Kennedy line, although his younger brothers, Thomas Kennedy of Bargany and David Kennedy of Kirkmichael are included.⁴³ Additionally, although the Kennedys of Blairquhan are included on witness lists, the Kennedys of Bargany are given precedence over them and, when the cadet branch of Blairquhan does reappear on the tailzie in 1541 it is positioned after Kennedy of Bargany.⁴⁴ In 1473, James III wished to acquire the Kennedys' rights of patronage to the college of St Salvator in St Andrews. To do so, he had to get the consent of not only Lord Kennedy but also the heads of the three main cadet

³⁹ MacQueen, 'The Kin of Kennedy', p.292-4.

⁴⁰ AILSA, GD25/1/38-43.

⁴¹ AILSA, GD25/1/59,120.

⁴² AILSA, GD25/1/34; Jenny Wormald, *Lords and Men in Scotland: Bonds of Manrent, 1442-1603* (Edinburgh, John Donald, 1985), pp.50-51, 62. Wormald notes this document and considers it a transient form between older oaths of homage and the new bond of manrent with its formalised obligations of service.

⁴³ AILSA, GD25/1/56,66.

⁴⁴ AILSA, GD25/1/89, 103, 135-6.

branches, presumably because the patronage was considered to belong to the kindred rather than being a personal possession of the chief. Bargany, Blairquhan and Kirkmichael gave their consent and once again Bargany is given precedence over Blairquhan.⁴⁵ Although the records contain no rationale for this, we can speculate that Blairquhan had been forced to give Gilbert his bond in 1444 because of some act of disloyalty. It was serious enough that the Kennedys of Blairquhan were removed from the entail of the principal Kennedy line and this would effectively have reduced their branch's status within the Kennedy kindred.

Two modern local historians have claimed that the Bargany line came from Sir Gilbert Kennedy's illegitimate union.⁴⁶ However, they offer no proof for this and charters in the Kennedy records clearly demonstrate that the first of the Bargany line, Thomas Kennedy, was the fifth son of Sir Gilbert Kennedy's legitimate marriage.⁴⁷ What is clear, however, is that there was a dispute and possibly violence between John Kennedy and his uncle Thomas before John's arrest in 1431.⁴⁸ The dispute was not fully resolved and must have put considerable strain on the cohesion of the kindred over the next twenty years. However, in 1450 when James II recognised Gilbert Kennedy as head of the kindred, Thomas Kennedy cooperated, or at least caused no overt problems.⁴⁹

A clear sign of earlier difficulties between the Kennedys of Bargany and their chief was the settlement reached between the two sides in September 1465. Following the death of Thomas Kennedy of Bargany, Gilbert, Lord Kennedy, and his son John made an agreement with Thomas's son, Gilbert Kennedy of Bargany, which involved intermarriage between the two lines and a mutual bond of assistance. John's son and heir David would marry Bargany's daughter Marion and Bargany's son and heir Thomas would marry John's daughter Katharine. They agreed arbiters to whom they would submit if any differences arose between them.⁵⁰ The agreement reached is very similar to the settlement of a feud between Lord Kennedy and William Wallace of Craigie (a few miles south of Kilmarnock) several years earlier. In 1459 Gilbert, Lord Kennedy, had been involved in 'wars and disputes' with Wallace of Craigie and James II approved their plan to reconcile the two sides by marrying Gilbert's daughter Marian to Craigie's son and heir.⁵¹

⁴⁵ *RMS*, 2, no.1128.

⁴⁶ McDowall, *Carrick Gallovidian*, pp.342-3; Paterson, *History*, vol.2, p. ix.

⁴⁷ AILSA, GD25/1/56, 66.

⁴⁸ Brown, 'Crown-Magnate Relations', pp.399-401.

⁴⁹ AILSA, GD25/1/36, 38-43.

⁵⁰ AILSA, GD25/1/91 Those to be married were still children and only one of the marriages took place as Bargany's daughter Marion does not seem to have reached adulthood.

⁵¹ AILSA, GD25/1/76; R. Douglas, *The Peerage of Scotland* (Edinburgh, 1764), vol.1, p.135; *RMS* 2, no.692 (Craigie lies just to the north of Carrick).

Gilbert, Lord Kennedy, was the guardian of James III and at the height of his power. As chief of the Kennedys, he might have expected Bargany to give him a bond of manrent. However, he probably realised that the price of ending the dispute amicably was his acceptance of a mutual bond of assistance. By January 1466 Bargany was operating as one of the king's justiciars south of the Forth, an appointment probably made by Lord Kennedy as a reward for Bargany's cooperation.⁵² The combination of the mutual bond and Bargany's appointment as justiciar effectively acknowledged that the Kennedys of Bargany were next in importance behind the principal line.

Following the successful reconciliation between Lord Kennedy and Kennedy of Bargany, the only major problems discernible within the Kennedy kindred seem to have been connected to the financial problems of John, Lord Kennedy. In 1498 John, Lord Kennedy, accused Kennedy of Blairquhan of owing him money. Less than two years later he claimed that Blairquhan had refused to handover a gold chain and several items of silver, which had been surety for £180 that Blairquhan owed to him. Blairquhan's procurator was able to prove to the Lords of Council that the money had been repaid and the case went no further.⁵³ It was probably to help repair the damage caused by Lord Kennedy's accusations against Blairquhan that a marriage was arranged between Christian, a daughter of David, Lord Kennedy, and John Kennedy, the son and heir of Kennedy of Blairquhan.⁵⁴ Other records demonstrate that the financial problems of John, Lord Kennedy, were serious and ongoing and in February 1500 the king himself became involved.⁵⁵ In 1488 John, Lord Kennedy, had resigned the barony and lands of Leswalt in Galloway in favour of his second son Alexander, although they were reserved to Lord Kennedy during his lifetime.⁵⁶ Alexander was concerned that his lands would be lost because of his father's failure to pay the feu due to the crown for these lands. The king promised Alexander that, if his father did not pay what he owed, it 'salbe na hurt nor prejudice' to Alexander until he was able to collect the profits from the land himself.⁵⁷ Alexander's sister Janet was James IV's mistress and this may have influenced the king's decision to protect Alexander from suffering any disadvantage because of his father's refusal or inability to pay what was due for these lands.

⁵² *Muniments of the Royal Burgh of Irvine* (Edinburgh, 1890), vol.1, no.13, pp.28-9.

⁵³ ADCC, pp.279, 360 (Guiltree and Blairquhan are a few miles east of Maybole).

⁵⁴ Papers of the Cuninghame Family of Caprington, NRS, GD149/8; *The Scots Peerage*, vol.2, p.464.

⁵⁵ ADCC, pp.301, 393.

⁵⁶ RMS, 2, no.1718.

⁵⁷ RMS, 2, no.2525; RSS, 1, no.483.

John, Lord Kennedy, used the marriages of some of his daughters to help build relationships or bind allies closer to the kindred. As well as Katherine's union with Bargany's heir, his daughter Helen married Graham of Knockdolian, and subsequently Adam Boyd of Penkill, two lairds in the north of Carrick who supported the Kennedys.⁵⁸ Another daughter Elizabeth married Sir William Colville of Ochiltree (ten miles east of Ayr).

Within the kindred, the Kennedys typically used private settlements to bring disputes to an end, conforming to the findings of Jenny Wormald. This method of resolving difficulties was usually successful. They only resorted to the use of authorities or courts outwith Kennedy jurisdiction when absolutely necessary, when the nature of the problem meant that one or both sides of the dispute had no trust that the arbiters would give an unbiased decision. The kindred seem to have been relatively free of any serious or long-running disputes and this is probably a mark of successful Kennedy lordship throughout this period.

Disputes with other kindreds

During his brief period of ascendancy in the 1460s, Gilbert, Lord Kennedy, made a claim for the lands of Kirkintilloch which his grandfather had held many years earlier. Lord Fleming obstructed him from taking possession of these lands, and Lord Kennedy embarked upon lengthy litigation to recover them. Fleming's case was that Gilbert's brother, John Kennedy, had been infeft in the lands and as he had forfeited them through treason in 1431 the lands should revert to Fleming as overlord.⁵⁹ Kennedy's case was that his grandfather, Sir Gilbert, had died still infeft in these lands and they had never been granted to either Gilbert's father James or to his elder brother John.⁶⁰ He claimed them as the rightful heir to his grandfather Sir Gilbert Kennedy. John Kennedy certainly held the lands of Cassillis and Dunure by August 1429 but there is no record of his ever possessing Kirkintilloch.⁶¹ To win the case, Fleming had to show that Lord Kennedy's brother had been granted sasine of the lands of Kirkintilloch. In February 1466, in return for Gilbert's agreement that the case would be heard in Fleming's barony court, Fleming granted Gilbert the barony of Thankerton in Lanarkshire.⁶² However it was considered at a justice ayre in

⁵⁸ *The Scots Peerage*, vol.2, p.460.

⁵⁹ MacQueen, 'The Kin of Kennedy', p.288.

⁶⁰ MacQueen, 'The Kin of Kennedy', p.289.

⁶¹ *RMS*, 2, nos.128-9; Bargany, GD109/267; AILSA, GD25/1/103 Depending on the quality of the soil the size in acres of a merk land could vary from 20 acres to 35 acres, Kirkintilloch was certainly over 1000 acres. (John Cameron, *The Parish of Campsie* (Kirkintilloch, 1892), pp.205-6).

⁶² William Fraser, *The Chiefs of Colquhoun and their Country* (Edinburgh, 1869), vol.2, pp.292-4; AILSA,

Dumbarton in April 1466 and the judgment went against Fleming who was ordered to hand over the lands of Kirkintilloch.⁶³

The Kennedys held the lands of Thankerton throughout the reign of James III. However, following the king's death and the accession of his son James IV the Kennedys lost influence. Shortly afterwards the crown claimed the lands of Thankerton because due process had not been followed when Thankerton had been transferred to the Kennedys more than twenty years earlier. Lord Kennedy tried to pursue the case in the sheriff's court and when that failed he appealed for assistance from James IV's chancellor, Archibald, earl of Angus.⁶⁴ This also failed and in March 1499 the Lords of Council gave their decision that, as Thankerton had been alienated to Lord Kennedy's father in 1466 without the agreement of the crown, the lands rightfully belonged to the king.⁶⁵ The lands of Kirkintilloch were also lost by this period and were back in the hands of the Fleming family.⁶⁶ The Kennedys' loss of favour opened the way for James IV's government to use the discrepancy in their acquisition of Thankerton as an excuse to claim the lands for the crown.

There may also have been a long running dispute between the Kennedys and the Crawford kindred whose lands lay over the river Doon just to the north of Carrick. The rationale for its commencement is unknown, although tradition links the dispute to an attempt by the Kennedys to expand into Crawford lands. Pitcairn records the story of a battle between the two kindreds that supposedly took place in the second half of the fifteenth century.⁶⁷ In 1508 the bailliary court of Carrick was disrupted by a group of Crawfords and others who deliberately impeded the progress of the court. They were fined for their actions. However, this action does not seem to have been aimed against the Kennedys. The earl of Eglinton had moved a case concerning the Crawfords to the Carrick court and Eglinton who was sitting as bailie.⁶⁸ By allowing Eglinton to use his bailie court Sir David Kennedy probably enraged the Crawfords. This may have been the reason that a party of Crawfords and others took part in the 'treasonable taking' of the castle of Loch Doon which Sir David held for the crown. It was probably held by a handful of men and the ease with which the Crawfords took the fortress would have been very embarrassing to Sir David as its captain. The attackers inflicted some damage on the buildings but no

GD25/1/99-105.

⁶³ AILSA, GD25/1/102.

⁶⁴ Fraser, *The Douglas Book*, vol.3, pp.lii, 161-4.

⁶⁵ ADCC, p.366.

⁶⁶ RMS 2, no.1452.

⁶⁷ Pitcairn, *Historical and Genealogical Account*, pp.192-8.

⁶⁸ Pitcairn, *Trials*, vol.1, pp.58-9.

deaths are recorded and they were allowed to find surety for their future good conduct.⁶⁹ Although tradition claims that the problems between the Crawfords and Kennedys had started many years earlier, there is no sign in the historical record of any dispute between these two kindreds until the early sixteenth century.

The expansion of Kennedy land-holding in Galloway brought them into contention with several of the kindreds in that province. One of the families which reacted against their acquisitions there was the Gordons of Lochinvar. The Kennedys claimed that, through shared ancestry with the Douglasses, they had the rights of free forestry and hunting across the Forest of Buchan, a large area around the head waters of the rivers Ken and Dee in Galloway. The lands of the Gordons of Lochinvar lay just to the east, and they claimed that these privileges rightfully belonged to them. This led to bitter disputes and feud between the two families.⁷⁰ The marriage between Sir David Kennedy's sister Janet and a son of Gordon of Lochinvar in 1492 was probably part of an attempt at conciliation, and its breakdown within five years could only have made things worse.

Another family which took action against Kennedy encroachment into Galloway were the Agnews of Lochnaw (see Fig.4 on p.52). The two families had previously been on friendly terms. A sister of Gilbert, Lord Kennedy, married an Agnew of Lochnaw in 1426, and in 1455 Kennedy witnessed the charter appointing Andrew Agnew as bailie of the barony of Leswalt.⁷¹ In 1483, James III awarded John, Lord Kennedy, the lands of the loch of Inch and the barony of Leswalt.⁷² The Agnews of Lochnaw appear to have made it difficult for the Kennedys to administer these lands. Sir David Kennedy took up residence on the lands of the loch of Inch in 1506, almost certainly to demonstrate to the Agnews that he was determined to assert his rights.⁷³ As hereditary bailies of Leswalt the Agnews claimed that only they had the right to hold courts within the barony, and they were determined to stop Kennedy holding his baronial court.⁷⁴ In 1507, when David first tried to convene his court, armed men disrupted the assembly and stole goods. This and further offences against Kennedy and his tenants were eventually punished by the justice ayre at Wigton in 1510.⁷⁵ Patrick Agnew, the sheriff of Wigton and head of the Agnew family, was convicted, along with others, of acts of aggression to stop Kennedy's courts being

⁶⁹ Pitcairn, *Trials*, vol.1, pp.73-4.

⁷⁰ Paterson, *History*, vol.2, pp.457-9.

⁷¹ Agnew, *The Agnews*, pp.59, 80-1.

⁷² McKerlie, *History of the Lands and their Owners in Galloway*, vol.1, p.521; AILSA, GD25/1/141.

⁷³ *RMS*, 2, no.2954.; AILSA, GD25/1/141,169; McKerlie, *History of the Lands and their Owners in Galloway*, vol.1, p.521; Papers of the Agnew Family of Lochnaw, NRS, GD154/2.

⁷⁴ Agnew, *The Agnews*, pp.131-2.

⁷⁵ Pitcairn, *Trials*, vol.1, pp.89-90.

held.⁷⁶ A nineteenth-century history of the Agnews written by a member of the Agnew family refers to five disturbances around this time, which he describes as ‘battles-royal’, that were serious enough to require adjudication at the central courts. David Kennedy won all of these cases, but the fines imposed were small and the sheriff and other lairds stood as surety for the offenders.⁷⁷ David seems to have stopped trying to hold courts at Leswalt around the time of his father’s death in 1509. Perhaps, as Lord Kennedy and Earl of Cassillis, it was no longer high on his list of priorities.

There are thus several examples of disputes between the Kennedys and other kindreds. Their success in the resolution of these disagreements to some extent depended on the backing of the crown and other magnates. To resolve disputes outside his own kindred, the Kennedy chief was less likely to use private settlement and more often turned to the Lords of Council or justice ayres to gain favourable judgments. When he was at the height of his power Gilbert, Lord Kennedy, was successful in the courts regarding his claim of the lands of Kirkintilloch. However, his son was not as highly favoured in the 1490s and the Lords of Council adjudicated against him and the lands were lost. The expansion of the Kennedys outside Carrick caused problems with their neighbours although it is noticeable that the difficulties seem to have increased as David Kennedy began to direct the operation of Kennedy affairs. Perhaps his method of interaction with the neighbouring kindreds was more abrasive than his father’s and served to exacerbate the issues.

The Church – Patronage and power

In medieval Scotland the church possessed huge landholdings. In some areas it owned more than a third of the most productive lands, the majority of which was attached to a bishopric or monastery.⁷⁸ The greatest church benefice in Carrick was the Abbey of Crossraguel (see Fig.4 on p.52). The abbey was founded in 1244 on lands awarded for the purpose by Duncan, earl of Carrick. Subsequently, members of the de Carrick lineage and the Bruce earls of Carrick also donated lands to Crossraguel. From its foundation the abbey controlled all the parish churches of Carrick and, as well as several thousand acres of land, it possessed fishing and mineral rights.⁷⁹ In August 1404 Robert III, probably as a sign of favour to the Kennedys, confirmed the abbey lands of Crossraguel as a free barony of

⁷⁶ *Ibid*, pp.91, 95.

⁷⁷ Agnew, *The Agnews*, pp.132-7.

⁷⁸ J. Dowden, *The Medieval Church in Scotland* (Glasgow, 1910), pp.50-3.

⁷⁹ *Crossraguel Chrs.*, vol.1, pp. xxiv, xxxi; *Registrum Monasterii de Passelet 1163-1529*, ed. Cosmo Innes (Paisley, 1832), pp.424-5; *RMS*, 2, nos.81-2, p.513.

regality.⁸⁰ Following his acquisition of the major offices of Carrick, John Kennedy of Dunure seems to have assumed the role of patron-in-chief to the church in the province, another clear sign that he was accepted as the successor to the de Carrick lineage.

In the medieval period, church lands seem to have been controlled by the relevant bishop or abbot with little intervention from secular authorities. However, by the mid-fifteenth century the Scottish king expected that, where there was a vacancy for a bishop or an abbot, his recommendation would be appointed by the pope.⁸¹ Using this mechanism, members of particular kindreds started to acquire the major church benefices in their locality.⁸² The surnames of the early abbots of Crossraguel are not known, but there is no indication that a Kennedy ever held the position until Colin Kennedy was appointed as abbot of Crossraguel in 1460.⁸³ This came at a period when Bishop Kennedy and Gilbert, Lord Kennedy, were influential on the national stage and, although Colin's relationship to them is unknown, it is likely that they used their influence at court to place a Kennedy in control of the abbey and its extensive lands. Colin was abbot of Crossraguel for over 30 years and attended many of the parliaments of James III.⁸⁴ In the second half of the fifteenth century it became more common for church benefices to be resigned in favour of another member of the family and this, in effect, facilitated hereditary succession of benefices.⁸⁵ The Kennedys would have been eager to retain the control of Crossraguel within the kindred, but Colin Kennedy's death around 1490 came at a time when the Kennedys were not in favour, and this may be the reason they were unable to pass the abbacy to another Kennedy candidate. The king made no appointment to the abbacy and the holders of the position over the next thirty years seem to have been elected from among the monks of Crossraguel.⁸⁶ This was a good outcome for the Kennedys as they may have feared that James IV might appoint a member of another prominent magnate's kindred as the new abbot.

The first Kennedy to attain a senior position within the church was James, the youngest of James Kennedy's three sons, who entered the University of St Andrews about 1426. He was appointed a sub-deacon of the church in Glasgow, and, following the arrest

⁸⁰ *Crossraguel Chrs.*, vol.1, p.xxxi The lands included the churches of Kirkoswald, Straiton, Dailly, Girvan, and Ballantrae and the island of Ailsa Craig.

⁸¹ Dowden, *The Medieval Church in Scotland*, pp.50-3.

⁸² G. Donaldson, *The Scottish Reformation* (Cambridge, Cambridge University Press, 1960), pp.17-19.

⁸³ *RPS*, 1478/4/1. [accessed 18 February 2016].

⁸⁴ *Crossraguel Chrs.*, vol. 1, pp. xxxii, 43-5; *RMS*, vol. ii, p.270; *RPS*, 1478/4/2, 1479/3/2, 1481/4/11, 1482/3/2, 1482/12/2, 1484/2/140, 1485/3/2, 1485/5/2 [accessed 11 January 2019].

⁸⁵ G. Donaldson, *The Scottish Reformation*, pp.17-19.

⁸⁶ *Crossraguel Chrs.*, vol. 1, pp. xxxiv-v, 54.

of his brother John Kennedy in 1431, travelled to France for further study.⁸⁷ Despite James I's difficulties with John Kennedy, he continued to favour his brothers, and appointed James as bishop of Dunkeld when he returned to Scotland in 1437.⁸⁸ The assistance he gave the pope to resolve a power struggle within the church was rewarded by his appointment as bishop of St Andrews in 1440.⁸⁹ Although Bishop Kennedy acted as an ambassador and as a counsellor to James II, he played only a minor role in national affairs during this period. In 1450, he founded and endowed the college of St Salvator at St Andrews, and this gave the Kennedys considerable rights of patronage at the college.⁹⁰ He came to the fore during the minority of James III and, following the death of the queen mother in 1463, he became the king's guardian. He held this position until his death in 1465 when his brother Gilbert, Lord Kennedy, assumed the role.

In 1463 Bishop Kennedy helped his half-brother Patrick Graham to become bishop of Brechin. Later Graham succeeded him as bishop of St Andrews, an appointment Lang referred to as 'nepotism'.⁹¹ Bishop Kennedy's cousin Fergus MacDowall was helped to become provost of the collegiate church of Bothans in the diocese of St Andrews. Fergus was clerk register of James III's government in the early 1460s, acted as the king's ambassador to the pope on several occasions, and is referred to as a secret councillor of the king in March 1466.⁹² Two of his brothers also held church benefices.⁹³ By ensuring that his half-brother succeeded him as bishop of St Andrews, Bishop Kennedy was probably trying to ensure the continuance of Kennedy influence in the church.

In parallel with the rise of James Kennedy, one of his uncles, Hugh, also attained a prominent position within the Scottish church. Hugh Kennedy was an ex-monk who had fought with distinction in France and was used as an ambassador by the French and Scottish kings. In 1435 both monarchs supported Hugh's petition to the pope asking that he be allowed to return to the church.⁹⁴ This was successful and in 1437 Hugh obtained several church benefices including his appointment as provost of a collegiate church in St

⁸⁷ *ER*, 4, pp.440, 468; *CSSR*, 3, pp.59, 216, 220; Dunlop, *James Kennedy*, pp.6-7; MacDougall, 'Bishop James Kennedy of St Andrews: a reassessment of his political career' in *Church, politics and society: Scotland 1408-1929* (Edinburgh, John Donald, 1983), p.10.

⁸⁸ MacQueen, 'Survival and success', p.90.

⁸⁹ J.H. Burns, 'The Conciliarist tradition in Scotland', *SHR*, 42 (1963), 89-104; MacDougall, 'Bishop James Kennedy', p.10.

⁹⁰ Ronald G. Cant, *The College of St Salvator* (St Andrews, Oliver and Boyd, 1950); *CPL*, 10, p.88.

⁹¹ Andrew Lang, *A History of Scotland from the Roman Occupation* (Edinburgh, 1900), vol.1, p.353.

⁹² *CSSR*, 5, nos.995, 1096, 1098-1102, 1113; NRS, GD430/13, GD237/11/1 His mother was probably a daughter of Sir Gilbert Kennedy.

⁹³ *CSSR*, 5, nos.1294, 1446.

⁹⁴ *CPL*, 8, pp.553-4.

Andrews.⁹⁵ His nephew, Bishop Kennedy, was probably involved in Hugh's appointment as archdeacon of St Andrews.⁹⁶ When Hugh died in 1454 Bishop Kennedy appointed John Kennedy, probably his brother Gilbert's illegitimate son, to succeed to the benefices his uncle had held.⁹⁷ This John Kennedy was sufficiently prominent that James II later sent him as an ambassador to the French court in 1458.⁹⁸

As bishop of St Andrews, James Kennedy was able to encourage and assist Kennedys and other kinsmen to acquire major church benefices. The exception was Hugh Kennedy who acquired his initial positions within the Scottish church on his own merits before his nephew James became a bishop. Kennedy influence in the church came to an end not long after the death of Bishop Kennedy despite his attempts to ensure that it would outlive him.

Conclusion

The earliest records of the landholdings of the Kennedy kindred from the mid-fourteenth century are for properties in the north of Carrick. John Kennedy of Dunure was accepted as the successor to the de Carrick lineage and, through a combination of service to the crown, purchase, marriage and probably conflict, he and other members of the kindred acquired extensive lands in that area. By the end of the fourteenth century members of the Kennedy kindred held most of the lands in Carrick and the largest non-Kennedy landholding was held by the Abbey of Crossraguel. John's heir, Sir Gilbert Kennedy, passed most of his lands to his eldest son James and his heirs. Grants of land to his other sons led to the foundation of the major cadet branches of the Kennedy kindred, the Kennedys of Bargany, Blairquhan and Kirkmichael.

As reward for the support of the Kennedys against the Black Douglases, James II and James III awarded Gilbert, Lord Kennedy, and his son John lands and offices in Carrick and western Galloway and they acquired further lands in the region. By 1509, when David, the third Lord Kennedy, was belted as the earl of Cassillis, the Kennedys of Bargany and of Blairquhan had also extended their estates in Carrick, and both had acquired significant landholdings in Galloway. Many minor Kennedy lairds held lands in Carrick and others had followed their leaders' move into western Galloway.

⁹⁵ *Ibid*, pp.663-4; *Eighth Report of the Historical Commission on Ancient Manuscripts*, Part III (London, HMSO, 1881), p.306, no.19; *CSSR*, 4, nos.493,623.

⁹⁶ Papers of the Earls of Glasgow (Crawford Priory), NRS, GD20/1/13; Bargany, GD109/1; *CPL*, 10, p.725.; *CSSR*, 5, no.481.

⁹⁷ *CPL*, 10, p.167. John's father was described as an unmarried nobleman of baronial race, as *CSSR*, 5, no.442 calls him a nephew of Bishop James Kennedy his father was probably Gilbert Kennedy.

⁹⁸ *CSSR*, 5, nos.549, 1097; *AILSA*, GD25/1/75; *RMS*, 2, nos.641-2, 647.

Like other kindreds the Kennedys became involved in feuds or disputes which were often disagreements over the rights to land or property and its jurisdiction. These were mainly with other kindreds, but there were also examples of internal problems between the principal Kennedy line and cadet branches of the family. Following the arrest and imprisonment of John Kennedy in 1431 there was a period of tension and uncertainty in the kindred. Gilbert, Lord Kennedy, resolved potential disputes within the kindred by reaching a settlement with the heirs of illegitimate sons of his grandfather in 1454 and with Kennedy of Bargany in 1465. Over 30 years later there was further internal friction. John, Lord Kennedy, and Kennedy of Blairquhan were unable to resolve a dispute over property and money within the kindred and the Lords of Council decided in favour of Blairquhan. Like other kindreds the Kennedy chiefs used bonds of man-rent, marriage and arbitration to resolve disputes.

Gilbert, Lord Kennedy, also used the courts to resolve disputes. His grandfather had held lands in the barony of Lenzie, and Kennedy, who was guardian of James III at the time, sued for their return and won the case in 1466. When the dispute resurfaced several decades later, his son John, Lord Kennedy, was out of favour, and the decision went against him. In the early sixteenth century the Kennedy heir Sir David Kennedy, later the first earl of Cassillis, faced attacks from the Crawfords on Loch Doon castle and they also disrupted some of his bailie courts. Sir David also had considerable trouble with the Agnews in western Galloway who disrupted his barony courts at Leswalt. The Crawfords and the Agnews may have had concerns regarding the expansion of Kennedy influence in their immediate area. However, it seems unlikely that these disputes both flaring up at the same time was a coincidence, and perhaps it was the way Sir David handled his interactions with these other kindreds that caused or at least contributed to these problems.

Kennedy control of church benefices in Carrick was limited to the collegiate church they had founded in Maybole until the rise of James Kennedy, the younger brother of Gilbert, Lord Kennedy, within the Scottish church in the mid-fifteenth century. He was appointed bishop of St Andrews in 1440 and helped several Kennedys to acquire positions within the church. The kindred's influence in the wider Scottish church disappeared within a few years of Bishop Kennedy's death in 1465. When Abbot Colin of Crossraguel died in 1491 the Kennedys were not in favour at court and they were unable to arrange the appointment of a suitable member of the kindred as the new abbot. This was a setback but at least the abbacy was not awarded to a member of another magnate's family.

The coherence of the Kennedy kindred was strengthened when the chief was in favour at court, presumably because it increased his ability to award lands or offices to other Kennedys. Internal disputes usually happened in periods when the chief's ability to distribute patronage was restricted and they were often not resolved until the chief's own position was secure. Disputes with other kindreds were also more likely then, perhaps because during times of disfavour the Kennedys were seen to have been stripped of any royal protection. Bishop James Kennedy rose within the church on his own merits and helped other Kennedys acquire benefices. The key appointment of a Kennedy as abbot of Crossraguel came when both the bishop and his brother Gilbert, Lord Kennedy, were held in high favour. Examination of the territorial expansion of the Kennedys, their involvement in disputes and their attainment of church benefices clearly demonstrates that each of these was influenced by the political history of the Kennedy chiefs.

Chapter 3: The first two earls of Cassillis 1509-1527

The early Kennedys were noted loyalists who were kinsmen of the royal family. They were the pre-eminent kindred in south-west Scotland and their position and service to the crown was recognised by the creation of the earldom of Cassillis in 1509. This chapter deals with the period from the creation of the earldom until the killing of the second earl in 1527. Following the death of James IV at Flodden in September 1513, his infant son James V succeeded to the throne. The Duke of Albany was a strong regent, but during his long absences in France the governance of the country was contested between pro-French and pro-English factions. Margaret Tudor, the king's mother, supplanted Albany as regent and faced considerable opposition. At this time the Kennedys seem to have maintained their long-held practice of distinguishing themselves through their loyalty, and the second earl of Cassillis prospered as a prominent supporter of the legally appointed regents. When the earl of Angus gained custody of the young king in 1525 and seized power, Cassillis did not support his illegal regime. In an attempt to free the king, Cassillis allied himself with the earl of Lennox and others. Angus, and his allies the Hamiltons, defeated them in battle and Lennox was killed. Although Cassillis was found innocent of treason, his allegations regarding the circumstances of Lennox's death triggered a sequence of events that culminated in his own assassination several months later. The first section of this chapter deals with the period from 1509 when David, Lord Kennedy, became the first earl of Cassillis, until his death fighting alongside James IV at the battle of Flodden in 1513. The second section examines the period between 1513 and 1525 and considers the support that the second earl of Cassillis gave to the lawful regents, the duke of Albany and the queen mother Margaret Tudor, and how this impacted on regional and kindred affairs. The final section deals with the earl's activities following the earl of Angus's takeover of the government in 1525 and analyses the train of events that culminated in Cassillis's assassination in August 1527.

David, Lord Kennedy, the first earl of Cassillis: 1509-1513

David the first earl held the title for only four years before he died at the battle of Flodden and very little documentary evidence on his brief tenure as earl has survived. Within a few months of becoming earl, David Kennedy was one of five arbiters who were asked to resolve the long-standing differences between the earls of Eglinton and Glencairn, the heads of the Montgomery and Cunningham families. Both claimed to be hereditary bailie of north Ayrshire, and the arbiters were the bishop of Moray, Angus, Argyll, Cassillis and Lord Borthwick, Cassillis's brother-in-law from his first marriage (see Fig.5

on p.71). In January 1510, they decided in favour of Eglinton who had to pay Glencairn to give up his claim.¹ Eglinton and Cassillis were both products of the marriage alliance between their families around the year 1460.² Eglinton's mother was a Kennedy and Cassillis's was a Montgomery. This close kinship was probably the reason Montgomery chose Cassillis as one of his arbiters.

When David's father, John, Lord Kennedy, had died in May 1509, his widow (his third wife, see Fig.5 on p.71) was entitled to claim a 'terce' (a third) of the income from many of his lands. David granted her the lands of Balloquhen in exchange for this entitlement.³ In February 1512, David Kennedy resigned the lands and barony of Cassillis into the hands of the king for re-grant to himself and Margaret Boyd in conjunct fee and liferent. This was probably one of the requirements stipulated in their marriage contract. The royal charter also incorporated more than 1000 acres of other Kennedy lands within the barony of Cassillis.⁴ However, if Cassillis died before his wife she was entitled to these lands in liferent and if this happened his heir would be deprived of the income from his principal barony during the lifetime of his father's last wife.

At the head of the men of Carrick, which probably included several hundred Kennedys, Earl David joined the Scottish army that James IV led across the border in late August 1513. On 24 August, at Twiselhaugh in Northumberland, the king assembled the lords present with the army in parliament, and passed an Act ordaining that, irrespective of their age, the heirs of those who should die or be slain in the war would not have to pay the usual fees due to the king.⁵ David was killed at the battle of Flodden on 9 September 1513 along with many other lords and James IV himself. Although none of the reports of the battle mention the Kennedys, the earl was probably killed fighting alongside the king where the death toll was highest. As none of the earl's brothers, or the heads of the senior cadet branches of the kindred, died at Flodden, it is likely that the men of Carrick were not as sorely pressed on the battlefield. The only Kennedys named among the dead were three minor lairds.⁶ Gilbert Kennedy, the earl's eldest son and heir, probably fought in the battle,

¹ Papers of the Montgomerie Family, Earls of Eglinton, NRS, GD3/1/1/15/13.

² William Fraser, *Memorials of the Montgomeries*, vol.1, pp.25-6; *RMS*, 2, nos.751, 755.

³ *Selected Cases from Acta Dominorum Concilii et Sessionis*, ed. Ian Hamilton Shearer (Edinburgh, Stair Society, 1951), pp.66-7.

⁴ *RMS*, 2, no.3696.

⁵ William Fraser, *The Elphinstone Family Book of the Lords Elphinstone, Balmerino and Coupar* (Edinburgh, 1897), vol.1, p.72.

⁶ Emond, William Kevin, 'The Minority of James V, 1513-1528' (unpublished doctoral thesis, University of St Andrews, 1989), Appendix A, pp.633-6; *ER*, 14, pp. clxii-clxiv; *The Days of James III 1488-1513*, ed. G. Gregory Smith (London, David Nutt, 1890), pp.155-162; Patrick J.F. Parsons, 'Flodden Field: the sources and archaeology of 'a marvellouse greate conflicte'' in *Fields of Conflict: Progress and prospect in battlefield archaeology*, ed. P.W.M. Freeman and A. Pollard (Oxford, Archaeopress, 2001), pp. 51-60; David

and may have survived because he fought at the head of the Kennedys and the rest of the men of Carrick rather than alongside his father. We know that the body of the earl of Argyll was recovered from the battlefield and returned to the Scots, and it is likely that David Kennedy's body was also returned and he was buried alongside his ancestors in the Kennedy's collegiate church in Maybole.⁷ David was the first chief of the Kennedys in over 300 years to lose his life in battle, with the possible exception of his great-grandfather James Kennedy, who died in mysterious circumstances in 1408.

Gilbert Kennedy, second earl of Cassillis: 1513-1525

David Kennedy seems to have left his heir Gilbert in a very strong position. The Kennedy family held most of the lands throughout Carrick, and the new earl was a member of the senior nobility with familial connections to the monarch. The young earl must have reached his majority by June 1515 when he was infeft in the principal baronies his father had held in Carrick: Cassillis, Dunure and Dalrymple. As noted in chapter 2, these extended to over 5000 acres of land and included the right of patronage of the collegiate church of Maybole.⁸ Around the time of his succession the young earl married Isobella Campbell, a daughter of the second earl of Argyll (see Fig.6 on p.89).

The political situation the young earl encountered nationally was much less settled. James V was an infant and, under the terms of James IV's testament, Margaret Tudor his queen was installed as regent during her widowhood.⁹ Many of the nobility appear to have objected to Margaret's regency, probably because they feared she was too close to her brother Henry VIII of England. In November, only two months after Flodden, Cassillis attended an emergency meeting of the Estates in Perth that agreed to ask the French king to send John Stewart duke of Albany to Scotland 'for its defence'.¹⁰ In 1483, James III had forfeited his brother Alexander duke of Albany who spent the rest of his life in exile, and his son John Stewart was born and raised in France. John was James V's nearest blood relative (after the king's younger brother).¹¹ The Lords of Council planned to hold a parliament in Edinburgh in February 1514 but, although Cassillis and other lords were

Laing, 'A Contemporary Account of the Battle of Flodden', *Proceedings of the Society of Antiquaries Scotland*, 7, (1886-8), 141-52, p.148.

⁷ Boardman, *The Campbells*, pp.334-5.

⁸ AILSA, GD25/1/233-4.

⁹ *David Hume of Godscroft's the History of the House of Angus*, ed. D. Reid (Edinburgh, Scottish Text Society, 2005), vol.1, p.65; Herbert Maxwell, *A History of the House of Douglas* (London, Freemantle, 1902), vol. ii, p.65.

¹⁰ *LPHenryVIII*, vol.1.2, no.2461.

¹¹ Amy Blakeway, *Regency in Sixteenth-Century Scotland* (Woodbridge, Boydell Press, 2015), pp.30-1.

invited to attend, no parliament was convened that year.¹² Unfortunately, we have no record of Cassillis's personal view regarding whether Margaret should remain as regent.

Margaret Tudor allied herself with the earl of Angus and, in June 1514, Lord Dacre, the English Warden of the Marches, reported that Cassillis had joined the earls of Lennox, Huntly and others in opposition to a faction led by Angus.¹³ Margaret ended her widowhood by marrying Angus in August 1514, and this meant that, in accordance with the stipulations laid down by James IV in his testament, she could no longer be regent.¹⁴ Later that month, negotiations took place between representatives of Margaret and Angus and the Lords of Council, and they reached agreement that Albany should be the new regent.¹⁵ In September, a large number of lords including Cassillis met in Dunfermline. They unanimously agreed to ask Albany to come from France and to bring money and munitions for the defence and good rule of the realm.¹⁶ Margaret and Angus were unhappy that they had been pressured into agreeing that Albany become regent. Several of their letters show that they planned to take the young king to Henry VIII in England before Albany arrived from France.¹⁷ When rumours of their intentions spread, Albany's supporters took action against Angus in January 1515. Arran tried to ambush him with a force of 600 men, but this failed, and Cassillis and several other lords then besieged Angus in his castle near Lanark.¹⁸ Margaret's alliance with Angus appears to have convinced Cassillis to join those opposed to her regency, and they were probably relieved that her marriage gave them a clear rationale for demanding she stand down as regent.

Cassillis also had financial problems at this time. His step-mother Margaret Boyd, his father's second wife, had the rights during her lifetime to all of the income of the barony of Cassillis, and a third of the income from the earl's other lands. During 1515, Cassillis was in dispute over the dowager countess's claims regarding the income due to her.¹⁹ Arbiters were appointed, and the agreement that was reached included the transfer, from Margaret Boyd to the earl, of a tack for the lands of the Forest of Buchan.²⁰ The dispute continued for many years and on two occasions the Lords of Council intervened and ordered Cassillis to pay what he owed to his step-mother.²¹ His step-mother's

¹² *ADCP*, 1, pp.6-7.

¹³ C. Bingham, *James V King of Scots* (London, Collins, 1971), p.31; *LPHenryVIII*, vol.1.2, no.2973.

¹⁴ *ADCP*, 1, pp.20-23.

¹⁵ *ADCP*, 1, p.19.

¹⁶ *ADCP*, 1, pp.20-23.

¹⁷ *LPHenryVIII*, vol.2.1, nos.47-9.

¹⁸ *LPHenryVIII*, vol.2.1, nos.50-1.

¹⁹ Anderson, *House of Hamilton*, p.64.

²⁰ *ER*, 14, pp.75, 485, 510.; *RSS*, 1, p.406, no.2655.

²¹ *AILS*A, GD25/1/229.; Boyd Papers, Burgh of Kilmarnock, NRS, GD8/33, 51, 57, 62, 65, 83; *RMS*, 2,

entitlement to probably half or more of the income of his patrimony must have been a severe burden on the young earl's finances.

The regent Albany arrived in Scotland in May 1515. His fleet of eight ships landed at Ayr first before continuing to Dumbarton.²² Albany and his allies requested that Margaret hand over her two sons, but she refused and kept them secured in Stirling castle.²³ Cassillis recognised Albany's right, as the adult male nearest in line to the throne, to be regent, and seems to have offered Albany his unconditional support. On 2 August, Albany sent him with Lennox and other lords with a force of 500 men to stop supplies reaching the garrison. Following consultations with Lord Dacre, Angus rode to Stirling with 60 armed horsemen with the intention of collecting the two princes from his wife and taking them to England as they had planned.²⁴ Although he managed to get close enough to the castle to talk with Margaret, Angus was unable to take custody of her sons because he was attacked by Cassillis and Lennox. Almost a third of Angus's force was killed and he fled with the remainder towards the border.²⁵ When Albany brought over 7000 men and artillery to Stirling two days later, Margaret realised the castle could not withstand a siege and surrendered.²⁶ The governor left the royal children in Stirling castle under the care of several lords. Margaret moved to Linlithgow, but later that month, escorted by Angus and his brother, she sought refuge further south in Blackadder castle and, at the end of September, she was permitted to enter England (where she remained until June 1517).²⁷ Cassillis gave Albany a clear demonstration of his loyalty by thwarting Angus's attempt to take the young princes from Stirling castle.

In 1516, Albany appointed Cassillis as one of the ambassadors tasked with negotiating peace with England. The embassy travelled south in February 1516 and, over the next few months, a number of messages containing updates on the negotiations and instructions passed between the ambassadors and Albany.²⁸ Cassillis may have been the lead negotiator, as in July Albany sent the earl a private letter that presumably contained further instructions regarding the peace negotiations.²⁹ Cassillis was able to use his position

no.3696.

²² John Leslie, *The Historie of Scotland*, ed. E. G. Cody (Edinburgh, Scottish Text Society, 1895), vol. ii, p.156.

²³ Richard Glen Eaves, 'Margaret (1489–1541)', *ODNB*, [<http://www.oxforddnb.com/view/article/18052>, accessed 14 Jan 2016].

²⁴ *LPHenryVIII*, vol.2.1, no.783.

²⁵ Fraser, *The Douglas Book*, vol. iv, p.316.

²⁶ *LPHenryVIII*, vol.2.1, no.788.

²⁷ Bingham, *James V*, pp.34-7; *ADCP*, 1, p.91; *LPHenryVIII*, vol.2.2, no.3393

²⁸ *Rotuli Scotiae*, vol.2 (London, 1819), 6 February 1516; *TA*, 5, pp.70, 73, 76-7, 79-80; *LPHenryVIII*, vol.2.1, nos.1442, 1671.

²⁹ *TA*, 5, p.81.

close to the regent Albany to the advantage of his supporters. In March 1516, presumably on the earl's advice, Albany gave a remittance to John Kennedy of Knockreoch and John Baird of Kilhenzie. They had been convicted of 'wilfull errorr' while serving on an inquest in Ayr and their goods had been escheated. Albany dismissed the conviction, ostensibly because the crime had been committed, and the writ for it served, outside of Carrick where the offenders lived.³⁰ This seems a rather tenuous rationale, as the sheriff of Ayr had jurisdiction throughout all of Ayrshire including Carrick. In effect, Albany used his power and obliged Cassillis by quashing the conviction of the earl's supporters on a technicality.

In the autumn of 1516 Cassillis brought his retinue to the borders to support Albany in the administration of justice.³¹ In October 1516 Albany granted the earl a five-year tack of around 600 acres of crown land in Galloway.³² The parliament in November 1516 ratified Albany as tutor and governor, and the 'nerrest in lyne and blude' to the throne.³³ The following day he rewarded Cassillis by making Maybole, the largest town in Carrick, a free burgh of barony with a weekly market and the right to hold an eight-day fair each year.³⁴ Since the demise of the Black Douglases in the 1450s the Kennedys had increasingly taken their place as the principal power in western Galloway. In March 1517, David the bishop of Galloway appointed Cassillis as bailie over all the lands of the bishopric, and captain and keeper of the manor place and loch of Inch in Galloway (see Fig.4 on p.52). This was awarded for service to the king and his 'tutour and protectour' Albany.³⁵ In October 1517, Albany also appointed the earl as chamberlain of the crown lands and lordship of Galloway, accountable for collecting crown revenue in the region.³⁶ This further Kennedy encroachment into western Galloway may have reflected the kindred's desire to recover control of the territories held by their ancestor Gillebrigte son of Fergus of Galloway in the twelfth century.

While Albany was in France in 1517, De la Bastie, the senior French official in Scotland, was murdered by the Homes. In November 1517, Francis I of France demanded that his killers be punished. To do so, Cassillis agreed a mutual contract and bond of kindness with the earl of Arran to assist each other in all lawful and honest quarrels.³⁷ In

³⁰ RSS, 1, p.422, no.2735 (Knockreoch is south-east of Loch Doon in the Forest of Buchan).

³¹ TA, 5, p.85.; LPHenryVIII, vol.2.1, pp.772-3.

³² RSS, 1, p.437, no.2811.; TA, 5, p.102.

³³ RMS, 3 (1513-1546), pp.22-3.

³⁴ *Ibid*, p.23.

³⁵ AILSA, GD25/1/239.

³⁶ RSS, 1, p.460, no.2940.

³⁷ *Miscellany of the Maitland Club*, ed. Joseph Robertson (Glasgow, 1847), vol. iv, part 1, p.63; *Eleventh Report of the Historical Manuscripts Commission, Appendix, Part VI. The Manuscripts of the Duke of Hamilton* (London, HMSO, 1887), pp.31-2.

March 1518, they attacked and captured the main Home strongholds and forced the principal Homes to flee into England.³⁸ Actions like this helped to position Cassillis as one of Albany's most trusted supporters. Colin Kennedy had been appointed abbot of Crossraguel in 1460 when the Kennedys were held in high favour at court, and he held the position for over 30 years. When he died in 1491 the Kennedys were not in favour and had been unable to secure the appointment of another Kennedy abbot. However, in 1520, when the position again became vacant, the second earl of Cassillis was close to the regent, and this almost certainly swayed the appointment of William Kennedy, the earl's brother, as the new abbot of Crossraguel (see Fig.5 on p.71).³⁹ Maintaining control of the abbey and its extensive lands vindicated Cassillis's policy of support for the regent and was a major success for the Kennedy kindred.

An example of the successful lordship of the second earl around this time was an improvement in relations between Cassillis and the Kennedys of Blairquhan, one of the main cadet branches of the family. A transgression of some sort in the 1440s had caused them to be removed from the entail of the principal Kennedy line's lands. In 1522 James Kennedy of Blairquhan married Ellen Campbell, a daughter of the second earl of Argyll (Cassillis had married her sister Isobella). Argyll was Gaelic-speaking and a patron of Gaelic culture, and an understanding of the language would have been very beneficial for the Kennedys' interactions with their Campbell in-laws.⁴⁰ Blairquhan gave a bond of manrent to Argyll in 1524 that was probably part of the marriage settlement.⁴¹ Cassillis bound Blairquhan closer still, when his sister Christian married Blairquhan's son, John Kennedy of Gultree.⁴² These marriages were approved by Cassillis and from this point onwards the Kennedys of Blairquhan reappear on the entail of the earl's lands.⁴³ This makes it likely that the marriages were part of a general reconciliation between the earl and the Kennedys of Blairquhan.

Improvement of the cohesion of the kindred may have been necessary because Cassillis was spending an increasing amount of time outside Carrick. In 1523 Albany was in France and in his absence a 'parliament' of the lords, held in Edinburgh in September 1523, decided that two churchmen and two temporal lords, Cassillis and Lord Fleming,

³⁸ *The Letters of James V*, ed. R.K. Hannay & D. Hay (Edinburgh, HMSO, 1954), pp.56-8; *LPHenryVIII*, vol.2.2, nos.4048-50.

³⁹ *Crossraguel Chrs.*, vol. i, pp. xxxv-xxxvi.

⁴⁰ Boardman, *The Campbells*, pp.5-6.

⁴¹ AILSA, GD25/9/44/4.; J.M. Brown, 'Bonds of manrent in Scotland before 1603' (Ph.D. Thesis, University of Glasgow, 1974), pp.52-3 James's brother Gavin had married her in 1521 but he died soon afterwards.

⁴² AILSA, GD25/1/276.

⁴³ AILSA, GD25/1/403.

should remain with the king in Stirling Castle. The king was to be allowed to ride out with them, as long as they returned him to Stirling castle each evening.⁴⁴ Later that month the Lords of Council summoned the Scottish host to assemble, and Albany brought artillery and 5000 troops from France to assist in an invasion of the north of England.⁴⁵ On 25 October, Dacre reported that Cassillis was at the head of a force of at least 8000 men and was only 12 miles from the border.⁴⁶ The combined Scots and French force only penetrated a few miles into England. When the rising level of the Tweed threatened to cut off their retreat back into Scotland, Albany reluctantly ordered their withdrawal and, on 3 November, they marched north.⁴⁷ The choice of Cassillis to remain with the king shows that he was considered to be unswervingly loyal to the crown and Albany further demonstrated his trust in the earl by putting him at the head of a major segment of the Scottish army.

Following his return, Albany accepted the general policy regarding the custody of the king but amended the implementation. The earl of Moray, the king's half-brother, was to be with him continually and Cassillis and the lords Fleming, Borthwick and Erskine were each, in order, to attend James V for three months of the year.⁴⁸ The revised plan was implemented, as in March 1524 Cassillis was paid £150 for his period of three months with the young king.⁴⁹ In April 1524 the earl's brother William abbot of Crossraguel was appointed as commendator of the abbey of Holywood near Dumfries.⁵⁰ This was almost certainly a reward for the earl's service in support of Albany.

Albany returned to France, promising to return before the end of August, but at the end of July a convention of the Lords in Edinburgh signed a bond recognising that James V was of full age and disavowing Albany's authority.⁵¹ They promised to support James V's administration but in effect Margaret Tudor and the earl of Arran took control of the government.⁵² Although Cassillis had been one of Albany's most prominent supporters for a decade he seems to have become disillusioned because of the regent's frequent absences and his policy of support of France. He probably supported Albany's removal as regent as Margaret Tudor was much more likely to achieve a settled peace with England.

⁴⁴ *LPHenryVIII*, vol.3.2, nos.3325-7; Papers of the Erskine Family, Earls of Mar and Kellie, NRS, GD124/10/8.

⁴⁵ *ADCP*, 1, pp.179-80; Bingham, *James V*, pp.45-8.

⁴⁶ *LPHenryVIII*, vol.3.2, no.3470.

⁴⁷ Emond, 'The Minority of King James V', pp.373-6.

⁴⁸ *SPHenryVIII*, vol.4, part IV, p.57-9.

⁴⁹ *ER*, 15, p.18.

⁵⁰ W. Maziere Brady, *The Episcopal Succession in England Scotland and Ireland AD1400 to 1875* (Rome, 1876), vol. i, p.184.

⁵¹ Emond, 'The Minority of King James V', p.417.

⁵² Gordon Donaldson, *Scotland: James V to James VII* (Edinburgh, Oliver&Boyd, 1971), p.38.

As the young king had officially come of age, a royal household appropriate to an adult male Stewart king had to be appointed.⁵³ Hugh Kennedy of Girvanmains (see Fig.4 on p.52), Huchone Kennedy and two Kennedy allies, William Hamilton of MacNairston and Thomas Corry of Kelwood were all made gentlemen of James V's household, which entitled them to annual payments of £40 plus other benefits. Hugh Kennedy of Girvanmains was a cousin of the earl and a close supporter and confidante, and Huchone Kennedy was probably a younger brother of Thomas Kennedy of Bargany. William Hamilton was married to the earl's sister and Thomas Corry was a substantial laird in Carrick.⁵⁴ Cassillis's support of Margaret brought immediate rewards to the Kennedy kindred and its allies.

In August 1524, Margaret Tudor chose Cassillis as one of the commissioners to negotiate a period of truce with the English. At Berwick in early September they agreed an 'abstinence of war' lasting until 1 December, during which time the Scots would send ambassadors to England who were authorised to conclude a 'perpetuall Peas and Amitie'.⁵⁵ The Lords of Council were pleased with the outcome and they especially thanked Cassillis as the leader of the negotiations.⁵⁶ Cassillis was one of those selected to negotiate peace with the duke of Norfolk. Margaret must have considered Cassillis key to the success of this embassy, as she asked Norfolk to send the earl £100 sterling to enable him to take his position as an ambassador.⁵⁷ On 26 November 1524, a few days before the ambassadors left Scotland, Margaret Tudor awarded the earl a lease of Turnberry and other crown lands in Carrick extending to over 1000 acres.⁵⁸ The Scottish ambassadors were well received when they reached London on 19 December 1524.⁵⁹ Margaret Tudor wrote to Cassillis with detailed instructions regarding the negotiations and he was instructed to show her letter to Henry VIII.⁶⁰ Cassillis had a personal audience with Henry, during which the English king asked him to investigate the relationship between his sister Margaret and Henry Stewart, as it was rumoured to be inappropriate for a married woman.⁶¹ Within a few months of Margaret's takeover of the government she trusted Cassillis to lead sensitive negotiations with England and he had become one of her closest allies.

⁵³ *RSS*, 1, p.495, no. 3288.

⁵⁴ *RSS*, 1, pp.493-6, nos. 3278, 3285, 3289, 3291.

⁵⁵ *SPHenryVIII*, vol.4, part IV, pp.113, 117-8; *Foedera*, vol.14: 1523-1543, pp.21-3.

⁵⁶ *SPHenryVIII*, vol.4, part IV, pp. 128-9.

⁵⁷ Richard Glen Eaves, *Henry VIII and James V's Regency 1524-1528* (Lanham, University Press of America, 1987), p.60; *SPHenryVIII*, vol.4, part IV, p.149.

⁵⁸ *ADCP*, 1, p.258.

⁵⁹ *ADCP*, 1, pp.206, 208-9; *Foedera*, vol.14: 1523-1543, pp.28-9.; Edward Hall, *Hall's Chronicle; containing the History of England*, ed. Sir Henry Ellis (London, 1809), p.687.

⁶⁰ *SPHenryVIII*, vol.4, part IV, pp.259-62.

⁶¹ Eaves, *Henry VIII and James V's Regency*, p.73

On 4 January 1525, Cassillis signed an extension of the truce with England until 23 March, before returning to Scotland to report on his progress and seek further instruction from Margaret and her advisors.⁶² On his way north, Cassillis wrote to Wolsey, telling him that the stories of disorder in the borders were untrue, and that it had been a long time since peace in the area had been 'bettir kept'. Cassillis promised that he would do his best to ensure good rule on the Scottish side of the border, sparing 'neither labour, expense nor personal pain'.⁶³ In Edinburgh, Cassillis reported on the embassy's progress to the queen and the Lords of Council. Although Henry VIII wanted the Scots to agree to a marriage between his daughter Mary and James V, Cassillis had discovered that Henry had already promised Mary's hand in marriage to the emperor Charles V. His source is unknown, but the information is most likely to have come from foreign ambassadors at Henry's court. Cassillis told Margaret this, but did not tell the lords. She wrote to Henry and pointed out that, if the Scots lords discovered his bad faith regarding the marriage, it would push them towards alliance with the French.⁶⁴ Margaret's trust in Cassillis must have been absolute, after the discretion he displayed in not revealing Henry's bad faith to the lords.

Margaret and Arran were opposed by a powerful faction who wanted to maintain Scotland's alliance with France.⁶⁵ She gave two of her main opponents, Angus and Lennox, permission to enter Edinburgh to hear the earl's report regarding the negotiations. However, by 13 February they had been joined by other lords with a force of around 2000 men and Margaret was compelled to negotiate. Cassillis was one of those tasked with representing her.⁶⁶ Those who opposed Margaret included most of the bishops and the powerful earls of Argyll, Lennox and Moray as well as her husband Angus.⁶⁷ The queen mother's priorities were to retain control of the sources of patronage, foreign affairs and her son.⁶⁸ These were unrealistic as they would have effectively strengthened Margaret's position. Given this it is hardly surprising that Cassillis and Margaret's other representatives were unable to get agreement to any of her requirements and this effectively brought Margaret's regency to an end.⁶⁹ Margaret had been removed from office by due process and Cassillis seems to have switched his allegiance to the governing council that was set up.

⁶² *Hall's Chronicle*, pp.689-90; *Foedera*, vol.14: 1523-1543, pp.30-1.

⁶³ *SPHenryVIII*, vol.4, part IV, pp.291-2.

⁶⁴ *SPHenryVIII*, vol.4, part IV, pp.292-9.

⁶⁵ Donaldson, *Scotland: James V to James VII*, p.39.

⁶⁶ *SPHenryVIII*, vol.4, part IV, pp.312-4; Eaves, *Henry VIII and James V's Regency*, pp.75-7.

⁶⁷ Donaldson, *Scotland: James V to James VII*, pp.38-9.

⁶⁸ Emond, 'The Minority of King James V', pp.440.

⁶⁹ Eaves, *Henry VIII and James V's Regency*, pp.77-8.

Angus's Government: 1525-1527 – the murder of the second earl

After Margaret's fall, the council soon became dominated by the earl of Angus. Despite Cassillis's previous close association with Margaret, and perhaps because it was known that Henry VIII held him in high esteem, he was retained as an ambassador to negotiate peace with England. In early March 1525, Cassillis received a new commission from the lords of the secret council, and was issued with letters of protection for himself and his entourage.⁷⁰ He was awarded £160 to cover his expenses and, if he died in England, his heir, another Gilbert Kennedy, who was around eight years old at this time, was to have his ward and marriage free.⁷¹ Cassillis returned to London but the negotiations were overtaken by events in Europe. At the battle of Pavia on 25 February 1525, the king of France was defeated and captured by the forces of Emperor Charles V.⁷² At a meeting in Perth in late March, the Lords of Council were told about the French defeat by the English ambassador.⁷³ Emond points out that the disaster at Pavia caused the negotiations in London led by Cassillis, for a separate peace between Scotland and England, to be terminated in April 1525.⁷⁴ However, the choice of Cassillis to lead these negotiations for the Scots is further evidence that he was seen as an impartial crown loyalist who was unattached to any of the factions.

On his return, Cassillis attended the parliament in July 1525 that enacted legislation to ensure that no single faction retained physical control of the monarch. Four separate groups of lords, led by the earls of Angus, Arran, Argyll and Lennox respectively, would take turns 'to remain with the king's grace quarterly'.⁷⁵ On 30 August 1525, France and England concluded the Treaty of the More, which comprehended Scotland in the peace.⁷⁶ The Douglasses acquired the main offices of state. Angus himself became Chancellor and his uncle Archibald Douglas of Kilspindie was the Treasurer. At the end of October, Angus effectively seized power by refusing to hand over custody of the king to Arran. The majority of lords, including Cassillis, seem to have accepted this coup d'état probably because Angus was supported by Argyll and Lennox.⁷⁷ To ensure that James V was securely held Angus filled most of the positions in the young king's household with

⁷⁰ Papers of Society of Antiquaries of Scotland, NRS, GD103/2/4/20.

⁷¹ *ADCP*, 1, pp.213-5.; The first recorded mention of his son was 2 months earlier when he was granted lands in Carrick (AILSA, GD25/1/275).

⁷² Emond, 'The Minority of King James V', pp.441, 454; *Foedera*, vol.14: 1523-1543, pp.35-6.

⁷³ Eaves, *Henry VIII and James V's Regency*, pp.80-1; *SPHenryVIII*, vol.4, part IV, pp.360-6.

⁷⁴ Emond, 'The Minority of King James V', p.454.

⁷⁵ *RPS*, 1525/7/25 [accessed: 27 January 2016].

⁷⁶ Teulet, *Inventaire*, pp.69-70; Emond, 'The Minority of King James V', pp.464, 474.

⁷⁷ Emond, 'The Minority of King James V', pp.455, 477, 487.

Douglas appointees.⁷⁸ Cassillis and Lennox were among the lords appointed to Angus's council in June 1526. In July Angus improved his relationship with Arran by granting him a respite for facing the regent Albany in battle near Glasgow several years earlier. Arran's supporters Hugh Campbell the sheriff of Ayr and Hamilton of Finnart were included in the respite.⁷⁹ Not long afterwards Lennox, Cassillis, his brother-in-law Argyll and Glencairn stopped attending the council.⁸⁰ Although Lennox and Argyll had previously supported Angus they had probably become disillusioned by his monopoly of power and patronage to the benefit of the Douglases.

In July Lennox wrote to several of the Lords of Council stating that Angus held the king in captivity against his will.⁸¹ James V gave a bond to Lennox that promised to use his counsel before that of any other lords, and its terms left no doubt that the king was determined to free himself from Angus's domination.⁸² Cassillis backed Lennox's efforts to free the king, and at the beginning of September he met with Lennox, the earl of Crawford and other lords in Stirling. Cassillis had been travelling and rode there with only his normal retinue, probably 30 men or less, as he had no time 'to assemble his friends and vassals'.⁸³ They moved their combined force towards Edinburgh, intent on obtaining the release of the king. A nineteenth-century history of the Hamiltons claims that Angus convinced Arran to join him by offering him a share in his administration and telling him that James V intended to declare that Lennox, not Arran, was next in line to the throne.⁸⁴ They gathered a substantial army and, on 4 September 1526, both sides deployed their troops near Linlithgow. Fraser's *The Lennox* claimed that Lennox led an army of 12000, but Richard Eaves estimates that Lennox had only 4000 while Angus and Arran had around 6000 troops.⁸⁵ Angus's alliance with Arran, combined with Cassillis's failure to bring his full force, meant that Lennox's side was badly outnumbered.

The battle was a confused affair, and Lennox was separated from his main force and killed. Stories spread that Lennox was wounded and captured by a Hamilton laird, and was being led to safety from the field when they encountered Sir James Hamilton of Finnart,

⁷⁸ *ER*, 15, pp. xlvii-xlix. (In October 1526 he was made treasurer and by November he had regained the provostship of Edinburgh and was given exemption from customs).

⁷⁹ *RSS*, 1, no.3409.

⁸⁰ M.H.B. Sanderson, *Cardinal of Scotland David Beaton, c.1494-1546* (Edinburgh, John Donald, 1986), p.45; John Simmons, 'Kennedy, Gilbert, second earl of Cassillis (c.1492-1527)', *ODNB* [<http://www.oxforddnb.com/view/article/15367>, accessed 24 July 2014].

⁸¹ *ADCP*, 1, pp.250-1.

⁸² Emond, 'The Minority of King James V', p.630.

⁸³ Buchanan, *History*, vol.2, p.295.

⁸⁴ Anderson, *House of Hamilton*, pp.78-9.

⁸⁵ Fraser, *The Lennox*, vol.1, pp.358-9; Eaves, *Henry VIII and James V's Regency*, pp.118-19.

who slew him in cold blood.⁸⁶ Perhaps, if Cassillis had been captured, he would have met a similar fate. The ruling faction forfeited Lennox and used his lands and offices to reward its supporters. Initially, Angus and Arran shared the wardship of Lennox's lands and the income from his office as sheriff of Dumbarton.⁸⁷ Finnart was rewarded with several wardships, and was made keeper of the palace of Linlithgow and captain of Dumbarton castle. Awards were also made to Sir George Douglas (Angus's brother) and Hugh Campbell of Loudoun. As rumours spread that Finnart had killed Lennox, Angus resigned his half of the Lennox wardship to Finnart.⁸⁸ He may have done this to distance himself from any accusation that he had personally benefitted from the cold-blooded killing of Lennox.

Several days after the battle, the English ambassador wrote that, with Lennox slain, James V should be advised to lean on Angus and Arran, who were now the most powerful men in Scotland.⁸⁹ This newly energised faction accused Cassillis and several of Lennox's other allies of treason. Cassillis was summoned to come to a parliament in Edinburgh in November, to face trial for usurping royal authority by assembling in arms against the king's authorised forces.⁹⁰ Buchanan claims that to avoid trial, several of those accused of treason either paid sums of money or gave bonds of manrent to Angus or Arran. At a meeting in Edinburgh before the parliament, Finnart urged Cassillis to accept the protection of the Hamiltons. Kennedy refused, and said it would be a betrayal of his forefathers to put himself under the patronage of a less honourable family than his own.⁹¹ Cassillis further infuriated the Hamiltons by openly accusing Finnart of the cold-blooded slaughter of Lennox.⁹² Hugh Kennedy of Girvanmains, the earl's cousin, spoke on his behalf and said Cassillis was innocent as he had simply been obeying the king's command. Girvanmains offered to produce a letter written by James V to Cassillis which asked the earl to assist Lennox.⁹³ Cassillis could not be guilty of treasonably facing the king in battle as James V had actually requested that he do so, and it would have been considered treason for him to ignore the king's appeal for help.

⁸⁶ Jamie Cameron, *James V: The Personal Rule 1528-1542*, ed. Norman Macdougall (East Linton, Tuckwell Press, 1998), p.10; Anderson, *House of Hamilton*, p.79; Fraser, *The Lennox*, vol.1, p.359.

⁸⁷ *RSS*, 1, no.3506.

⁸⁸ *RSS*, 1, nos. 3520, 3523, 3538, 3541, 3545, 3590, 3779, 3697, 3742.

⁸⁹ *LPHenryVIII*, 4.2, no.2487.

⁹⁰ *RPS*, 1526/11/25. [accessed 7 November 2016].

⁹¹ Buchanan, *History*, vol.2, pp.294-5.

⁹² Andrew Agnew, *The Hereditary Sheriffs of Galloway* (Edinburgh, 1893), vol.1, p.341.

⁹³ Simmons, 'Kennedy, Gilbert, second earl of Cassillis', *ODNB* [accessed 24 July 2014]; Buchanan, *History*, vol.2, p.295.

In parliament, on 9 November 1526, James V, still under the control of Angus, ‘advisedly and for certain considerations moving us’, gave Cassillis a full discharge of all charges of treason because he had done nothing without permission. The earl was excused attendance at the trial (at the parliament beginning on 12 November) but his procurator, presumably Girvanmains, was to appear and produce evidence of the permission.⁹⁴ Angus seems to have believed that the king might have written to Cassillis, but he still wanted proof, and neither he nor the Hamiltons had any desire to publicise the possibility that the king, the ultimate source of their authority, may have been desperate to escape their custody. There is no record of the trial taking place, and the royal letter may well have been an audacious bluff. Either it was produced and destroyed, or it never existed. If it had survived, Cassillis or Girvanmains would surely have placed it within the Cassillis evidence chest with other key documents of the kindred.

In the next few months, Angus seems to have sought to appease the Kennedys. Although Cassillis had opposed his government, he had been a regular ambassador to England, and Angus may have considered the earl as broadly supportive of his regime’s policy of cooperation with Henry VIII.⁹⁵ Angus’s alliance with Arran had also been somewhat forced upon him, and Angus may have been happy to see his allies the Hamiltons bested by Cassillis and Hugh Kennedy of Girvanmains. It is perhaps for this reason that, in late November 1526, Girvanmains was awarded over 1000 acres of crown land in Galloway.⁹⁶ In December, Angus intervened on the Kennedys’ behalf by granting the escheats of the movable goods of Cassillis, Blairquhan and other Kennedys to their friends and associates. They had been found guilty of deliberately recognising the wrong candidate as heir when they sat on an assize regarding lands in north Ayrshire. Blairquhan’s goods were given to Margaret Tudor while, most surprisingly of all, Angus awarded the movable goods of Cassillis to the earl himself.⁹⁷ The clemency shown was probably intended as an olive branch, and it appears to have been effective as Cassillis became a regular attendee on Angus’s daily council.⁹⁸ In early 1527, other marks of favour were shown to the Kennedys. John Kennedy of Guiltree, the son of Blairquhan and now a son-in-law of Cassillis, and Adam Boyd, the son of the earl’s cousin Boyd of Penkill, were both made gentlemen in the king’s house with the same perquisites that Girvanmains and

⁹⁴ *RPS*, 1526/11/75 [accessed 16 January 2019].

⁹⁵ Emond, ‘The Minority of King James V’, p.539.

⁹⁶ *RMS*, 3, p.90.

⁹⁷ *RSS*, 1, p.543, nos. 3586-7,9.

⁹⁸ Emond, ‘The Minority of King James V’, Appendix E.

others already enjoyed.⁹⁹ Despite an uncomfortable few months, it looked as if the Kennedys had weathered the storm.

However, Cassillis then became embroiled in a dispute with Sir Hugh Campbell of Loudoun, the sheriff of Ayr, a close ally of the Hamiltons. The argument was over the ownership of Turnberry and other lands which had been granted to Loudoun by Angus's government on 13 March 1527.¹⁰⁰ The affair was probably instigated by Arran and his son Hamilton of Finnart because of the comments made by Cassillis in November 1526. The case was heard before the Lords of Council in May. Cassillis refused to vacate the lands because his possession was legal, and he produced a lease dated 26 November 1524. The Lords of Council ruled that he was to remain in possession until their judgement was given.¹⁰¹ On 15 June the king revoked grants of land which had been granted 'during his minority' to the sheriff of Ayr and others.¹⁰² This seems a tacit admission that Cassillis's lease was legitimate which meant that the grant to Loudoun, made only three months earlier, could not stand scrutiny and had to be revoked. Despite the revocation of the March grant, which was Loudoun's only claim to the lands, on 20 July the Lords of Council decided in his favour. Cassillis asked for their decision to be set aside because several members of the council who had not been present when it was agreed had later been pressurised to subscribe to it.¹⁰³ The lords refused to reconsider and a few days later they legitimised their decision after the event by granting Loudoun a 13-year-tack of Turnberry.¹⁰⁴ Arran may have sought the approval of Angus before commencing what appears to have been a clear conspiracy against Cassillis, probably as a form of revenge for his comments regarding the Hamiltons.

Cassillis asked for fair treatment and announced he intended to pursue an appeal.¹⁰⁵ He attended the meeting of the Lords of Council on 6 August where Angus was appointed chancellor, and remained in the capital to settle claims by his step-mother for payments owed from her terce lands in the lordship of Cassillis.¹⁰⁶ He was still in Edinburgh on 24 August, when he witnessed, along with his brother the abbot of Crossraguel and Angus, a document regarding mining operations.¹⁰⁷ Perhaps Cassillis was making progress with Angus regarding the dispute with Loudoun, and Arran and Finnart may have feared that an

⁹⁹ *RSS*, 1, pp.553-5, nos. 3701, 3723, 3730.

¹⁰⁰ *RMS*, 3, no.431.

¹⁰¹ *ADCP*, 1, p.258.

¹⁰² *AILSA*, GD25/2/49.

¹⁰³ *ADCP*, 1, p.261.

¹⁰⁴ *RSS*, 1, p.567, nos. 3861-2.

¹⁰⁵ *ADCP*, 1, pp.261-2.

¹⁰⁶ *ADCP*, 1, p.263; Boyd Papers, Burgh of Kilmarnock, NRS, GD8/65.

¹⁰⁷ *RMS*, 3, no.492; *ADCP*, 1, p.264.

impartial review of the case would almost certainly result in a judgment in favour of Cassillis.

A few days later the earl was returning to Carrick when he was ambushed and assassinated, at the instigation of Loudoun. Buchanan states that Sir James Hamilton of Finnart had authorised Loudoun to kill the earl.¹⁰⁸ Over a thousand men concealed themselves in the sand dunes near the Pow Burn at Prestwick to ambush the earl and his two dozen or so retainers as they passed. With these odds it is unsurprising that no casualties were recorded on the attacking side.¹⁰⁹ No details of the ambush survive, and the numbers involved are surmised from later remissions. Even the exact date is unknown, and the only death recorded was that of Cassillis. The Gaelic song *Òran Bagraidh*, 'A Song of Defiance', may be a contemporary composition referring to the earl's murder.¹¹⁰ The victim in the song is not explicitly named but he is referred to as being favoured by the king and a supporter of the queen, and these descriptions fit the profile of the second earl of Cassillis. The song portrays the MacLellans, one of the oldest kindreds of Galloway, as allies of the Kennedys.¹¹¹ In July 1526 one of their principal leaders, MacLellan of Bombie, was attacked and killed at the door of the church of St Giles in Edinburgh by Gordon of Lochinvar and Douglas of Drumlanrig.¹¹² As the leaders of both kindreds had been recently murdered it would be natural to combine their names within the song which rages against the outrage of the earl's assassination.

In his *History*, Buchanan stated that the murder had occurred in November 1526, a few days after the trial of Cassillis for treason. This error probably stemmed from the fact that Buchanan's account was not written until many years later.¹¹³ The uncertain date of the murder suggests that there were no survivors on the Kennedy side, and that the killers abandoned the ambush scene leaving the atrocity to be discovered later. On 31 August 1527, the uncle of Angus, Archibald Douglas of Kilspindie, and his spouse were given the ward of all of the lands, income and benefices pertaining to 'umquhile Gilbert erle of Cassillis' and the gift of the marriage of his son and heir.¹¹⁴ The following day Kilspindie resigned to the crown the ward of the lands of John Kennedy of Guiltree which had belonged to the earl of Cassillis, because of Guiltree's death.¹¹⁵ There is no record of how

¹⁰⁸ Buchanan, *History*, vol.2, p.295.

¹⁰⁹ RSS, 1, no.3969.

¹¹⁰ *From the farthest Hebrides*, pp.90-2; See Appendix A.

¹¹¹ Oram, *The lordship of Galloway*, pp.208-9.

¹¹² *Diurnal of Occurrents*, p.10.

¹¹³ Buchanan, *History*, vol.2, p.295.

¹¹⁴ RSS, 1, p.569, no. 3878.

¹¹⁵ AILSA, GD25/2/50-1.

or when Guiltree died, but there is a strong likelihood that he was part of the earl's retinue and died alongside him and the rest of his escort at Prestwick. Following the discovery of their bodies it would have taken at least two days for news of the deaths to reach Edinburgh. As confirmation of their demise would be necessary before any grant of the ward of their lands would be considered, this places the probable date of the ambush between 26 August and 28 August 1527.

Conclusion

The second earl was a loyal supporter of the regents during the minority of James V, first Albany and then Margaret Tudor. He appears to have been a steadfast and reliable ally and both regents used him for his military abilities and as an ambassador. The loyal service of Cassillis brought him rich rewards. He gained additional lands, Maybole was made a burgh of barony, and the earl was appointed as the crown's chamberlain in Galloway and as bailie of the bishop of Galloway's lands. These offices increased his authority in the south-west. Helped by the earl's position of favour at court, members of the kindred also prospered. Bargany, Blairquhan and other Kennedy lairds acquired lands in Galloway and several Kennedys and their allies were given offices in the household of James V. Arguably the greatest advance for the Kennedys was the appointment of the second earl's brother William as abbot of Crossraguel in 1520. Although no Kennedys emerged as bishops or archbishops in the wider Scottish church during this period, securing the appointment of a Kennedy to the main benefice within Carrick was a major coup.

Cassillis refused to support the regime of Angus and his Hamilton allies, and joined others in attempting to free the young king by force. This failed and in the aftermath of the conflict Cassillis made enemies of the Hamiltons. The second earl seems to have been generally successful in improving relationships. He resolved a long-standing problem with the Kennedys of Blairquhan and seems to have ended the dispute with the Agnews in western Galloway. The acceptance of the Kennedys by most of the kindreds in western Galloway was probably helped by the fact that they were Gaelic speaking and had the 'kenkynnol' (*ceann cineoil*) of Carrick through their ancestral links to the lineage of Fergus of Galloway. However, the second earl's inability to reach an accommodation with the Hamiltons started a chain of events which reawakened the feud with the Crawfords and ultimately led to his death. Although the new earl, another Gilbert Kennedy, was only eleven years old, he inherited the leadership of a cohesive family that had been loyal to his father and had friends at court.

Chapter 4: The third earl of Cassillis 1527 - 1542

This chapter examines the life and lordship of Gilbert Kennedy, the third earl of Cassillis, from his inheritance of the earldom in August 1527 (when his father, the second earl, was murdered by Campbell of Loudoun) until he was captured by the English in November 1542 at the Battle of Solway Moss. The experience of the Kennedys in the late 1520s shows just how precarious noble power was in late-medieval Scotland. In 1528 James V desperately needed assistance to establish his personal rule, and an adult earl of Cassillis would surely have come to the king's aid. However, the third earl was aged only ten or eleven when his father died, and the king turned to others, including Campbell of Loudoun, for help. Loudoun's rise to favour in the summer of 1528 was devastating, and demonstrated that even a kindred like the Kennedys, with a blood tie and a long tradition of loyalty to the crown, could quickly lose its influence and status if it found itself on the wrong side in factional politics.

The third earl will be shown to have been an astute individual who, when he reached his majority, adopted a range of tactics which brought him royal favour and a measure of revenge against Loudoun and his allies. The first two sections deal with events during the third earl's minority. The first examines the immediate aftermath of the second earl's murder and the resulting feud between the Kennedys and Loudoun and his associates. The second section considers the kindred's rationale for taking the young earl overseas in 1530, his activities in France and how the affairs of the earldom were run in his absence. The third section examines the activities of the earl from his return to Scotland in 1535. Cassillis took a leading role in actions against Loudoun and his allies. By the end of 1541 Loudoun was in exile and the earl was firmly established at the court of James V. Cassillis also resolved long-standing problems between his own lineage and the Kennedys of Bargany and successfully expanded his landholdings in the south-west. The tactics he used to achieve these outcomes are analysed. Tensions between Scotland and England escalated into war in 1542, and the final section considers the part played by Cassillis in a year which ended with the death of James V and the earl a captive in England.

The aftermath of the second earl's murder: 1527-1530

Gilbert Kennedy was born in 1516 or 1517 and he became earl of Cassillis when his father was murdered, at the instigation of Hugh Campbell of Loudoun sheriff of Ayr, in August 1527. In early October 1527 the earl of Angus denounced Loudoun and his

accomplices as rebels and put them to the horn. Although Loudoun was a Campbell his familial relationship to the earl of Argyll was distant. Angus considered him to be affiliated to the Hamiltons, and he fined the earl of Arran, head of the Hamilton family, for his inability to promise that Loudoun would appear at the next justice ayre.¹ The actions taken by Angus demonstrate that the Douglases were keen to distance themselves from anybody who had been involved in the murder of Cassillis. Loudoun and his accomplices were to be made an example of, and their 'housis, fortalices and strenthis' were to be taken and given to loyal subjects.² Several Crawford, Wallaces and Cunninghams, including the earl of Glencairn's heir, were accused of not helping to bring Loudoun and the other killers to justice.³ As Campbell was outlawed, the Lords of Council appointed two officers of the court to operate as sheriffs of Ayr in his place.⁴ Sir James Hamilton of Finnart was licenced to meet with Campbell and his 'complicis' to find a way forward. To encourage Loudoun to meet with Finnart under safe conduct, he was not to be pursued during October, but nothing came from Finnart's mediation.⁵ Finnart was an interesting choice as intermediary, as Holinshed's chronicle, a history of the British Isles gathered by Raphael Holinshed and first published in 1577, recorded that 'Hamilton the bastard stirred with great hatred against Kennedie'.⁶ Buchanan wrote that Finnart had 'procured' the murder of the second earl of Cassillis. He believed that in the aftermath of the killing, Campbell had fled the kingdom, while Holinshed stated that he was banished.⁷ To avoid capture it seems likely that Campbell of Loudoun travelled abroad, probably to France.

On 31 August 1527, within a day or so of hearing of the murder, Angus gave the ward of the Cassillis lands to his uncle, the treasurer Archibald Douglas of Kilspindie, as a reward for good service.⁸ This also gave Kilspindie ward rights over the lands of the deceased John Kennedy of Guiltree, and Kilspindie resigned these in favour of Adam Boyd, an ally of the Kennedys.⁹ Before the end of the year, Kilspindie sold the 'ward and relief' of Cassillis to William Kennedy the abbot of Crossraguel, the young earl's uncle.¹⁰ This meant that the control of Kennedy assets was retained within the kindred, a clear sign

¹ ADCP, 1, p.266; Pitcairn, *Trials*, vol. i, pt. i, p.136.

² ADCP, 1, p.266.

³ Pitcairn, *Trials*, vol. i, pt. i, p.137.

⁴ Records of the Earl of Glencairn, NRS, GD39/1/40.

⁵ ADCP, 1, pp.269-70.

⁶ Raphael Holinshed, *Holinshed's Chronicles of England, Scotland and Ireland*, vol.5 (London, 1808), p.503.

⁷ Buchanan, *History*, vol.2, p.295; *Holinshed's Chronicles*, vol.5, p.504.

⁸ RSS, 1, p.569, no.3878.

⁹ AILSA, GD25/2/50.

¹⁰ AILSA, GD25/1/340 Although he did not have to, the abbot honoured the contract he had agreed with Kilspindie. In July 1536, William Kennedy settled his account with Kilspindie's widow, paying her 100 merks in settlement of a greater sum promised to Kilspindie.

that the Douglases held no lasting rancour towards them. Angus may have allowed the Hamiltons and their allies to seek some form of revenge against Cassillis. However, this certainly did not extend to the earl's death by violence, and this probably explains Angus's hounding of Loudoun for the killing. The subsequent actions of Angus are inconsistent with him being in any way involved in the killing of Cassillis and it seems likely that it was the Hamiltons who orchestrated the events which led to the second earl's murder.

There is no record of the young earl's movements in the months following his father's murder. Initially, as Kilspindie's ward, he may have been taken for safety into Douglas-controlled territory. John Knox later claimed Cassillis had told him that, while he was at university in St Andrews in February 1528, he was obliged to subscribe the death warrant of Patrick Hamilton, a protestant martyr, and to watch his execution.¹¹ There is no record of the 11-year-old Cassillis studying at St Andrews, although the university's records for this period are not comprehensive and he may have attended for only part of a session. George Buchanan knew Cassillis much better than Knox, and in his history of Scotland he makes no mention of Cassillis being present at Hamilton's execution. It is therefore likely that Knox was mistaken.¹² By the end of 1527 the abbot of Crossraguel had purchased the earl's ward from Kilspindie, and Cassillis probably resided at the abbey's tower house under his uncle's protection and guidance.¹³ In the months following the murder, the young earl's mother, Isobel Campbell, a daughter of the second earl of Argyll, had financial problems and two of her brothers-in-law, the abbot of Crossraguel and the earl's chamberlain James Kennedy, assigned her some income from church lands to balance the accounts.¹⁴ The young earl's uncles seem to have been firmly in control of the operation of the earl's lands and offices.

In the same period, the leaders of the Kennedy family were growing increasingly frustrated at the government's inability to apprehend Campbell of Loudoun. In February 1528, possibly on hearing that he had fled overseas, they mounted a major raid against his main residence at Over Loudoun which lies several miles north of the Kennedy heartland of Carrick. The earl's uncles William and James took the lead roles in administering the affairs of the earldom. Hugh Kennedy of Girvanmains seems to have acted as the kindred's war leader. Girvanmains led several hundred men in the attack which was not a hit-and-run

¹¹ *John Knox's History of the Reformation in Scotland*, ed. W.C. Dickinson (London, Nelson, 1949), vol.1, p.13.

¹² Buchanan, *History*, vol.2, pp.297-8.

¹³ C.A. Raleigh Radford, *Crossraguel Abbey* (Edinburgh, HMSO, 1988), p.12.

¹⁴ AILSA, GD25/1/289. She was a daughter of Argyll and had 7 sons and 3 daughters (Pitcairn, *Historical account of the name of Kennedy*, pp.32-3).

affair as they remained around Over Loudoun for several days to vent their frustration and anger on Campbell's castle, chapel and other houses. The widespread destruction extended beyond the buildings, and the raiding party seem to have cut down most of the trees in Campbell's woods and orchards.¹⁵ Girvanmains had been a member of James V's household and had a closer blood tie to the Cassillis lineage than the heads of the main cadet branches. Perhaps, by choosing the second earl's cousin to lead the raid, the Kennedys were taking care to avoid sanctions being taken against the earl's brothers.

James V was firmly in the custody of Angus, and he was still eager to escape. In June 1528, the king managed to escape his guards. He rode to Stirling, where he was welcomed to the safety of the castle by his mother and her third husband Henry Stewart. He rewarded them with the lands of Methven and Balquhidder in Perthshire, and Stewart was given the title Lord Methven.¹⁶ The earls of Lennox and Cassillis and other lords had tried to assist the king in 1526. Both earls were now dead but the king still needed allies against the Douglasses, and political pragmatism forced him to turn to Campbell, Finnart and others for support. They provided forces to discourage any Douglas attempt to recapture the king, and, on 1 July, Loudoun was rewarded with a full remission, for himself and 1400 others, for the killing of the second earl of Cassillis.¹⁷ On 18 July English ambassadors reported that James V was 'ruled and advised' by his mother, her husband Henry Stewart and several others, including Hugh Campbell of Loudoun, the killer of Cassillis.¹⁸ Campbell was frequently in the company of the king, and he was treated as if his horning for the slaughter of Cassillis had never happened.¹⁹ Targeted remissions for the murder were also given to his supporters, and the majority of those named are Crawford lairds.²⁰ These remissions ensured that nobody could ever face trial for the murder of the second earl of Cassillis.

As other lords joined the king, Angus was forced to flee from Edinburgh towards the English border, and in September he listed Arran, Hamilton of Finnart and Campbell of Loudoun among his enemies.²¹ James V had used many grants and remissions to gather the support he needed, and these were all confirmed by parliament in September 1528. The Douglasses were forfeited for treason, which meant the loss of all of their lands and other

¹⁵ *ADCP*, 1, p.352.

¹⁶ *RMS*, 3, no.614; Alison Weir, *The Lost Tudor Princess: A Life of Margaret Douglas, Countess of Lennox* (London, Jonathan Cape, 2015), pp.22-4.

¹⁷ *RSS*, 1, no.3969.

¹⁸ *SPHenryVIII*, vol.4, part. IV, clxxxv.

¹⁹ *ADCP*, 1, pp.280, 290.

²⁰ *RSS*, 1, nos.3970-79.

²¹ *LPHenryVIII*, vol.4.2, no.4718-9.

rights.²² In November, Thomas Magnus, the English ambassador, remarked on the violent history of the king's closest advisers. He named James V's counsellors as Hamilton of Finnart, the slayer of Lennox; Campbell of Loudoun, the slayer of Cassillis; Scott of Buccleuch, who caused the death of Kerr of Cessford; Maxwell, 'chief maytaner of all offenders, murderours, theves'; and Henry Stewart.²³ Campbell of Loudoun's transformation in July 1528 from an outlawed fugitive to one of the king's closest advisers must have enraged the Kennedys.

A few days after Loudoun received his remission, three of his supporters were killed in Ayrshire, and almost a hundred Kennedys and their allies were accused of being 'art and part' of the slaughter. Alexander Kennedy of Bargany was named first but the list included William, abbot of Crossraguel, and many other Kennedy lairds and their allies.²⁴ Kennedy lairds gave their pledges and promised that those named would appear to answer the charges at the Tolbooth of Stirling.²⁵ It was probably for this offence that Campbell of Loudoun was awarded an escheat of the moveable and immoveable goods of Bargany and other Kennedys.²⁶ A large group of Kennedys, probably driven by news of the remission, seem to have set out with the deliberate intention of wreaking their vengeance on any supporters of Loudoun that they might come upon.

The anger of the Kennedys and their friends was also aimed at Loudoun's Hamilton allies. Within two months of his remission, a large force landed on Arran and burned Brodick and destroyed its castle. The attack was led by two Stewarts, sons of Ninian Stewart the sheriff of Bute, and they appear to have been helped by supporters of the Kennedys.²⁷ These included several MacDowell lairds from Galloway including MacDowell of Freugh who had married a daughter of the murdered earl of Cassillis, and following the attack the MacDowells gave the Stewarts shelter in Galloway.²⁸ Although the Sheriff of Bute's sons were initially put to the horn for the attack on Brodick, no subsequent action was taken against them. Another Kennedy ally, John Neilson of Craiggaffie (near Stranraer), also appears to have been involved, as he and two of his cousins were outlawed for assisting rebels 'in Carrick, Bute, and Arran'.²⁹ A nineteenth-century history of the Agnew sheriffs of Galloway claimed that it was widely believed in

²² Cameron, *James V*, pp.70-1.

²³ *SPHenryVIII*, vol.4, pt. iv, cxcvii.

²⁴ Pitcairn, *Trials*, vol. i, pt. I, p.138; *RSS*, 1, p.578, no. 3981.

²⁵ *Protocol book of Gavin Ros, N.P., 1512-1532*, ed. J. Anderson and F. J. Grant, (Edinburgh, Scottish Records Society, 1908), p.155, no. 876.

²⁶ *Ibid*, pp.165-6, nos.926-7.

²⁷ Cameron, *James V*, p.53 There had been an earlier attack in May (*ADCP*, 1, p.276).

²⁸ Pitcairn, *Trials*, vol. i, pt. I, p.139

²⁹ Pitcairn, *Trials*, vol. i, pt. I, pp.140-1.; *AILSAs*, GD25/1/309-11, 373.

Galloway that the earl of Arran had abetted the murder of the Kennedy chief.³⁰ This may have been the rationale that the allies of the Kennedys used to justify these attacks on the Hamiltons.

A battle of some sort occurred at Barbeth, just north of Loch Doon, in the summer of 1528. There were no contemporary reports of the fighting, but an entry in the protocol book of Gavin Ros, in January 1531, concerned ‘homicide committed at Barbeth’, and many years later, Hugh Campbell of Loudoun referred to ‘the affray committed by him’ at Barbeth, and mentioned the need for redress to the lairds of Culzean and Knockdolian.³¹ Robert Graham of Knockdolian and John Kennedy of Culzean both died in 1528.³² The date of the altercation at Barbeth is not recorded, but as Knockdolian’s death happened before 14 September, the fighting must have happened between July and early September. Other major skirmishes may have occurred between the two sides which went unremarked and unrecorded.

Hugh Kennedy of Girvanmains was summoned for treason in December 1528, on a charge of assisting the Douglasses around the time of the king’s escape to Stirling.³³ Cameron believes the charge was manufactured because of the raid Girvanmains had led against Campbell’s lands of Over Loudoun.³⁴ Although Girvanmains may have met with Angus in June 1528, it would almost certainly have been to discuss the ongoing efforts to capture Loudoun, not to offer him the support of the Kennedys against the king. The Kennedys still had friends at court, including the young earl’s uncle Argyll, and his father’s cousins Moray and Lord Methven. It may have been pressure from them that caused the dispute with Campbell of Loudoun to be put to arbitration on 1 December 1528.³⁵ One of the Kennedy arbiters was Fergus MacDowell of Freugh who had been cautioned after the attack on Arran. The Kennedy leaders were given as William abbot of Crossraguel and James Kennedy of Blairquhan. Notably absent from this arbitration was Alexander Kennedy of Bargany, the head of the other major cadet branch of the kindred. An agreement must have been reached, although there is no record of the arbitration decision.

Alexander Kennedy of Bargany seems to have reached a separate agreement with Campbell of Loudoun. In February and March 1529, they agreed to a marriage between

³⁰ Agnew, *Sheriffs of Galloway*, vol.1, p.348.

³¹ *Protocol book of Gavin Ros*, p.199, no.1099; AILSA, GD25/1/447.

³² *Protocol book of Gavin Ros*, pp.151, 160, nos.854, 899.

³³ Pitcairn, *Trials*, p.188.

³⁴ Cameron, *James V*, p.115.

³⁵ *Protocol book of Gavin Ros*, p.163, nos.915-6.

Loudoun's sister Margaret and Bargany's son and heir, Thomas.³⁶ The marriage was probably considered a fundamental part of the wider arbitration process and, as such, might well have been approved by Abbot William and Kennedy of Blairquhan. Loudoun had been granted the escheats and fines levied against Bargany and his men for actions taken against him. This probably stemmed from the murder of three of Loudoun's supporters in July 1528, and Loudoun assigned the escheats to Bargany as part of his sister's tocher or dowry. There was so little trust between the two men that Bargany had to place the charters for his lands of Kirkoswald and Newark, more than 600 acres, in the hands of an arbiter until he had fulfilled his part of the agreement.³⁷ The marriage was advantageous to both men. For Bargany, it removed an immediate threat to his possessions and to those of his men. Loudoun reached an accommodation with one of the strongest Kennedy lairds, and paid his sister's tocher with escheats and fines he would otherwise have had great difficulty collecting.

Later that year there were further signs of conciliation. Girvanmains was given a five-year respite for his supposed offence in June 1529, and in September a king's messenger 'delivered the wand of peace' to those who had been charged with the slaughter of Campbell's followers.³⁸ Other transactions suggest the influence of an underlying process of reconciliation. Robert Graham of Knockdolian had married the first earl's sister but was killed at Barbeth in 1528 at the height of the Kennedy feud with Loudoun. In the process of his heir's inheritance it was discovered that, as the lands of Knockdolian had been improperly transferred 40 years earlier, a considerable sum was due to the crown for non-entries. On 11 October 1529, a charter awarded the non-entries jointly to Robert's heir Gilbert and Alexander Kennedy of Bargany, and this effectively wrote off the debt.³⁹ The majority of Knockdolian's lands (which had extended to around 3000 acres) were claimed by the crown, although his heir was permitted to retain Knockdolian itself. Half of the profits from the bulk of the lands were awarded to the earl's uncle James Kennedy until the crown appointed lawful tenants, and he probably ensured the money went to Knockdolian.⁴⁰ Gilbert Graham of Knockdolian did manage to get most of these lands back in 1532 although it cost him several hundred pounds.⁴¹ The relatively lenient treatment of

³⁶ *Protocol book of Gavin Ros*, p.150, no.849.

³⁷ *Ibid*, p166, nos.927-30.

³⁸ *RSS*, 2, no.154. On condition that he would go into exile within 2 months of being warned to do so; *Protocol book of Gavin Ros*, p.160, no.901.

³⁹ *RSS*, 2, no.354.

⁴⁰ *RSS*, 2, nos.354, 445.

⁴¹ *RMS*, 3, no.1183 (£320).

Knockdolian was probably influenced by the arbitration process that was being undertaken to end the feud.

In February 1530 James V, perhaps as a reward to the Kennedys for their cooperation in the arbitration process, granted the ward of the lands of Cassillis to the earl's mother the dowager countess of Cassillis, along with around 300 acres of other lands that Archibald Douglas of Kilspindie had held in Carrick.⁴² Kilspindie's support of his nephew Angus was considered treasonable by James V and, for that reason, the king considered that Kilspindie had no right to sell the wardship to the abbot of Crossraguel in 1527. Despite this the wardship continued to be administered by the abbot of Crossraguel until the earl came of age in 1538.⁴³ The change of official ownership of the ward of Cassillis made no difference to its administration, presumably because the earl's mother and other senior members of the kindred were happy with the existing situation.

In April 1530, James V granted a licence and letter of safe-conduct for William Kennedy to pass to France and 'uthir partis bezond sey' on pilgrimage and other business. The king referred to the abbot as the tutor to his chief, 'our cousing, Gilbert Erle of Cassillis', who was to travel with him. The king claimed he was doing this because of 'certane uthiris reasonable causis and considerationis' which had been brought to his attention.⁴⁴ This may be a reference to lobbying on behalf of the Kennedys and perhaps the earl's relatives suggested that the best safeguard for the young earl might be a period abroad. The king placed his kin, friends, men, tenants and servants under his special protection for three years. Those named in the protection were exempted from appearing before any judges, and no actions, either criminal or civil, could be raised against them. The lengthy list consisted mainly of Kennedys but featured many of their friends and allies, including MacDowell of Freugh and Corry of Kelwood. Notably absent from the list was Alexander Kennedy of Bargany, probably because his separate agreement with Loudoun meant that he had no need of any extra protection.

In the aftermath of the king's escape from the custody of Angus, Hugh Campbell of Loudoun and others had sworn to pursue the Douglases 'for thar utir distruction', but he had shown no enthusiasm for the task of actually defeating them.⁴⁵ The earl of Argyll had partial success, but eventually James V had to broker a deal with Henry VIII to force the

⁴² RSS, 2, no.543 Like Angus, Kilspindie was forfeited for treason and went into exile.

⁴³ AILSA, GD25/1/382.

⁴⁴ RSS, 2, no. 642; Marcus Merriman, 'Kennedy, Gilbert, third earl of Cassillis (c.1517–1558)', *ODNB* [<http://www.oxforddnb.com/view/article/15368>, accessed 24 July 2014].

⁴⁵ Cameron, *James V*, pp.213-4.

Douglasses out of Scotland in 1529.⁴⁶ Loudoun's failure in this respect meant that, by this time, he was no longer as favoured by the king.

The period that followed the murder of their chief was a testing one for the Kennedys and their allies. The earl of Angus had quickly outlawed Loudoun and his supporters for their part in the second earl's murder, and the senior Kennedys trusted that this process would bring the culprits to justice. The situation changed dramatically in June/July 1528, when James V gave Loudoun and the Crawfords a full remission for the killing, presumably to reward Loudoun for his assistance against Angus. Initially the Kennedys reacted with fury and were involved in several attacks on Loudoun and his allies, but this phase of the feud was short-lived and, by the end of 1528, both sides engaged in a process of arbitration. During 1529, the violence between the two sides largely subsided, although low-level tit-for-tat raids on livestock continued before the young earl and his uncle and tutor were given permission to travel overseas.

The earl abroad: 1530-1535

The earl was abroad for five years or so but there is no record of his whereabouts during the first year. As part of the rationale for Abbot William Kennedy's licence to go overseas was to 'do his pilgrimage', they almost certainly spent much of this initial period visiting European places of religious significance.⁴⁷ There is no record of their itinerary, but they probably first travelled to Rome, although they may also have visited other major places of pilgrimage such as Santiago de Compostella in north-west Spain. They arrived in Paris in 1531, and it is likely that they met the eminent humanist John Mair there. Abbot William and Mair had a mutual friend, Gavin Dunbar the archbishop of Glasgow, and the abbot may well have asked Mair to recommend a suitable person to supervise the young earl's education in Paris. John Mair had lectured at St Andrews between 1523 and 1526 before moving to Paris. George Buchanan took his BA degree at St Andrews in 1525 then followed Mair to Paris, where he took his master's degree and acquired a teaching position at the college in 1528.⁴⁸ Other students in Paris at this time who probably attended lectures of Mair included John Calvin and Ignatius Loyola. Following Mair's return to Scotland he was appointed provost of St Salvator's college in St Andrews when the position became

⁴⁶ Buchanan, *History*, vol.2, pp.300-2.; Andrea Thomas, 'James V', *ODNB* [<https://doi.org/10.1093/ref:odnb/14591>, accessed 5 Dec 2017].

⁴⁷ *RSS*, 2, no.642.

⁴⁸ David Irving, *Memoirs of the Life and Writings of George Buchanan* (Edinburgh, 1807), pp.12-15.

vacant.⁴⁹ As this appointment probably required the patronage of Cassillis it supports a prior connection between John Mair and the Kennedys.

Buchanan accepted employment as the earl's tutor to supervise his education. The scholar later claimed that Cassillis had taken a liking to his abilities and conversation, and the financial arrangement allowed Buchanan to escape what McFarlane describes as the 'miseries of the Paris college tutor'.⁵⁰ Buchanan may have been looking for a tutor's post, as Erasmus and Vives, two of the foremost humanist scholars, believed that the ideal education was best provided one-to-one at home by a good teacher.⁵¹ Buchanan's new employment gave him the time to publish a translation of a Latin grammar, Linacre's *Rudimenta*, in 1533 which proved to be very popular. He dedicated this work to the young earl, whom he described as 'a youth of the most promising talents'.⁵² We cannot be sure of the studies Cassillis undertook with Buchanan, but McFarlane suggests they are likely to have followed the guidance of Vives, who recommended works by Erasmus, Linacre and Valla amongst many others. The study of Latin was paramount, and the student had to be able both to speak the language and to compose essays in it.⁵³ Buchanan may also have arranged for Cassillis to attend lectures given by teachers at the university. Although Buchanan had been exposed to Lutheran views in Paris, there is no indication at this point that he, or indeed his student, had any concerns regarding the need for religious reform.⁵⁴ Hume Brown believed that the three years that Cassillis spent in Paris with Buchanan as his personal tutor gave him a decided educational advantage over most of his contemporaries.⁵⁵

When the young earl and his tutor left Scotland that summer, the 'special protection' of the king did not long survive their departure. On 29 November 1530, James Kennedy of Blairquhan, the first named person on the list of those to be protected, was the victim of a series of livestock raids. The majority of those who had assisted Loudoun in the murder of the second earl were Crawford lairds and their followers. Two Crawford lairds were summoned to appear at the next justice-ayre of Ayr for stealing cattle from Blairquhan. Less than a week later, Blairquhan responded by stealing the same number of cattle from another Crawford laird, and raised the stakes further by taking an additional 200 sheep and

⁴⁹ Alexander Broadie, *Why Scottish Philosophy matters* (Edinburgh, The Saltire Society, 2000), p.10.

⁵⁰ I.D. MacFarlane, *Buchanan* (London, Duckworth, 1981), pp.42-3.

⁵¹ *Ibid*, p.43.

⁵² Irving, *Memoirs of the Life and Writings of George Buchanan*, p.14.

⁵³ McFarlane, *Buchanan*, pp.38, 44-6. (Linacre's *Rudimenta grammatices*).

⁵⁴ *Ibid*, pp.24, 38.

⁵⁵ P. Hume Brown, *George Buchanan Humanist and Reformer* (Edinburgh, David Douglas, 1890), p.82.

several horses.⁵⁶ These tit-for-tat thefts - often carried out at night, removing livestock from open and unfenced fields - must have been impossible to stop, and helped to keep feuds rumbling on for years. Paterson considers that, because these raids were committed against parties with whom they were at feud, they would have been seen to be both honourable and laudable.⁵⁷ In the Western Isles, Martin relates that such raids were accepted as normal practice and there was an expectation that the stolen livestock would be recovered in a retaliatory raid.⁵⁸

In another form of harassment, Campbell of Loudoun took legal action against Hugh Kennedy of Girvanmains, who should have been exempted as he was explicitly named in the special protection of James V. He sought compensation for the damage done to his buildings, estates and woods at Over Loudoun in the attack led by Girvanmains in February and March 1528. On 14 March 1531, the lords ordered Hugh Kennedy to pay 300 merks to Loudoun.⁵⁹ Not long after this, Hugh Kennedy went north, probably at the invitation of his cousin the earl of Moray. Moray's half-sister Jean Gordon was the widow of Lachlan Mackintosh, chief of the clan Chattan.⁶⁰ When Lachlan was killed, Jean put herself and her son, Mackintosh's heir, under the protection of Moray who was James V's lieutenant in the north. The Mackintoshes wanted to gain custody of their new chief, and in 1531 they invaded the earl's lands and attacked his main castle of Darnaway.⁶¹ Moray repelled the invaders and killed several hundred of them. Hugh Kennedy of Girvanmains was probably part of Moray's force. He was certainly in the area, as in May 1532 he married Janet Stewart the widow of the master of Sutherland.⁶² Hugh Kennedy's step-son John Gordon was a minor and letters sent to Girvanmains in the north suggest that he took on the day-to-day operation of the earldom of Sutherland on his step-son's behalf.⁶³ Girvanmains stayed in the north for several years and he and Janet Stewart had several children. Hugh Kennedy's activities in the north would have brought credit to the Kennedy kindred.

⁵⁶ Pitcairn, *Trials*, vol. i, pt. I, p.150.

⁵⁷ James Paterson, *History of the County of Ayr with a Genealogical Account of the Families of Ayrshire* (Ayr, John Dick, 1848), vol.1, p.55.

⁵⁸ Martin Martin, *A Description of the Western Islands of Scotland*, (Edinburgh, 1981), pp.101-2.

⁵⁹ *ADCP*, 1, p.352.

⁶⁰ Charles Fraser-Mackintosh, *Antiquarian Notes: a series of papers regarding Families and Places in the Highlands* (Inverness, 1865), pp.76-7.

⁶¹ *Ibid*, p.362; *Sixth Report of the Royal Commission on Historical Manuscripts* (London, HMSO, 1877), p.670.

⁶² William Fraser, *The Sutherland Book* (Edinburgh, 1892), vol.1, p.97; *RMS*, 3, no.1165.

⁶³ *TA*, 6, p.125, 311; Fraser, *The Sutherland Book*, vol.1, p.99.

Cassillis must have reached the age of 14 by 27 September 1531, as a document of that date designates Abbot William as the young earl's curator (rather than tutor).⁶⁴ Having engaged the services of Buchanan, Abbot William returned to Scotland where he attended the Edinburgh parliament of May 1532.⁶⁵ The feud between the Kennedys and Loudoun and his Crawford allies seems to have rumbled on in Ayrshire and this may be why James V chose to return via Carrick from his pilgrimage to Whithorn in July 1532. He travelled via Glenluce Abbey and stayed at Kennedy of Bargany's castle of Ardstinchar and at Blairquhan on his journey back to Edinburgh.⁶⁶ However, when the king called for the Scottish army to be mustered in January 1533, the Lords of Council noted that numbers from south-west Scotland were reduced because of the 'deidlie feid' between supporters of the sheriff of Ayr and the Kennedys and their allies. They ordered the two sides to give binding assurances to each other regarding their conduct for the following six months and whichever party broke the peace would be fined £1000. Bargany, Blairquhan and the earl's uncle, James Kennedy, who was acting as bailie of Carrick, were ordered to give assurances on behalf of the whole family and its supporters. The lords realised that neither side was in full control of its supporters and, as some of them would continue to 'tulze with uthiris', the best they could hope for was a reduction in the size and scale of the feud.⁶⁷ In effect, the lords intimated that they would ignore minor infractions of the agreement unless any of the principal parties on either side became involved.

There is evidence that, perhaps because of the feud and the earl's minority, the administration of Carrick did not operate smoothly in this period. Judgments of the bailie court of Carrick in October 1533 demonstrate the inefficiency of the system used to collect fees due to the earl. David Dunduff was required to make an annual payment to the earl for his lands of Dunduff. He died in 1533, and the process of transferring the property to his son John revealed that Dunduff had not made these payments for a considerable time.⁶⁸ John Dunduff was only able to produce receipts proving his father had made the payments up to 1517, and he was ordered to pay almost £270 to the countess and her son.⁶⁹ Non-payment might have been expected for a short period, but the fact that the payments were missed for 16 years reveals that the earl's agents did not maintain an accurate register of what fees were due by when, from whom and for what. The matter was brought to light

⁶⁴ AILSA, GD25/1/30 A minor required a tutor until the age of 14 and a curator/s until the age of 21.

⁶⁵ *RPS*, 1532/2 [accessed 7 November 2016]; *Crossraguel Chrs.*, vol. I, pp. xxxvii-xxxviii.

⁶⁶ Andrea Thomas, 'Renaissance Culture at the Court of James V, 1528-1542' (unpublished doctoral thesis, University of Edinburgh, 1997), p.402.

⁶⁷ *ADCP*, 1, pp.393-4.

⁶⁸ Bargany, GD109/1078.

⁶⁹ AILSA, GD25/1/318-319.

during the process of transferring title of the lands of Dunduff and probably caused considerable embarrassment to those responsible for collecting the earl's fees.

Despite the difficulties caused by harassment and poor administration there were signs of improvement to the finances of the earldom. In 1511 the earl's grandfather had resigned the lands and barony of Cassillis in favour of himself and his wife, Margaret Boyd, in conjunct fee and liferent. Following the first earl's death at Flodden Margaret Boyd held the lands and barony of Cassillis for twenty years.⁷⁰ As noted in chapter 3, the first earl's widow had the rights to a third of the profits of other lands, and the subsequent loss of income must have seriously impacted the finances of the second and third earls.⁷¹ She pursued her rights assiduously, and the second earl had been ordered on more than one occasion to pay the dowager countess what she was owed. While she lived, the earls were denied access to the house of Cassillis, and their time in Carrick must have been spent in other residences such as Dunure or Maybole. Margaret Boyd died in 1533 and the profits from these lands reverted to the earldom, and this must have considerably improved the third earl's finances.

Margaret Boyd had also been in possession of over 1200 acres of land in Cunningham in north Ayrshire since the first earl's death in 1513. Following her death, although Cassillis was a minor and still in France, he was infefted in these lands. The legal basis of the infeftment was the 'Act of Dispensation' passed by James IV in 1513. This allowed any minor who was the heir of somebody who died on the Flodden campaign, to be declared of lawful age.⁷² The king, presumably at the request of the earl's curator, his uncle William, had approved the appointment of attorneys to act on the young earl's behalf in this matter.⁷³ Her death in 1533 gave Cassillis and his advisors the opportunity to use James IV's act to seek infeftment.

The earl's return and success at court: 1535-1542

During his time in Paris, Cassillis was probably kept well informed of the situation back in Scotland through letters and visitors to the French capital. News would have reached him that both the earl of Moray and the master of Glencairn had been involved in disputes with Campbell of Loudoun over an inheritance of lands in Ayrshire.⁷⁴ In 1535

⁷⁰ AILSA, GD25/1/229; Boyd Papers, Burgh of Kilmarnock, NRS, GD8/53.

⁷¹ AILSA, GD25/1/229, 350; Boyd Papers, Burgh of Kilmarnock, NRS, GD8/51.

⁷² AILSA, GD25/1/321.

⁷³ AILSA, GD25/1/320.

⁷⁴ Cameron, *James V*, p.142; Jane Dawson, 'Campbell, Colin, third earl of Argyll', *ODNB* [<http://www.oxforddnb.com/view/article/4482>, accessed 5 Aug 2014].

Cassillis returned to Scotland in time to attend the parliament in Edinburgh that June. The abbot of Crossraguel also attended, and probably took the opportunity to introduce or re-introduce the young earl to friends of the kindred, such as his cousin Moray and the chancellor Gavin Dunbar, archbishop of Glasgow. The following month Cassillis witnessed a deed, with Argyll, Hamilton of Finnart and others, in the chapel royal in Edinburgh.⁷⁵ George Buchanan probably accompanied the earl on his journey home from France, as he seems to have acted as a tutor to the earl's younger brothers in Carrick for several months.⁷⁶ By early 1536 however, James V had engaged Buchanan as tutor of one of his illegitimate sons.⁷⁷ It is likely that Buchanan's appointment was assisted by a recommendation from Cassillis.

Soon after his return to Scotland, Cassillis used the earldom's improved financial position to acquire land. In July 1536, the heirs of James Colquhoun of Balmacavil resigned around 800 acres of land in the earl's favour and the king's grant added them to the barony of Cassillis.⁷⁸ Although no rationale for the resignation is given, an earlier document records that Colquhoun's heirs could not possess the lands until they had paid a debt of almost £1000, owed to the crown for non-entry duties. Less than half of Colquhoun's land was actually added to the barony of Cassillis.⁷⁹ This makes it likely that the earl paid the debt and, in return, kept a portion of the land while the rest was occupied by Colquhoun's heirs.

Cassillis was virtually of age when he returned, and keen to demonstrate to the kindred that his father's killing had not been forgotten or forgiven. He immediately went on the offensive against Campbell of Loudoun through legal action. The details of the case are not recorded, but it may well have been connected to the lands of Turnberry, the focus of Loudoun's dispute with the earl's father in 1527.⁸⁰ The matter was to be dealt with at the sheriff's court in Ayr, and Cassillis complained that neither Hugh Campbell of Loudoun, nor his deputy as sheriff of Ayr, could be trusted to be impartial. At the end of November 1535 the Lords of Council agreed and, due to the 'inemitie now standing' between Cassillis and Loudoun, they appointed three new deputy sheriffs to administer justice to the earl.⁸¹ The case dragged on until the second half of 1536, but unfortunately the final

⁷⁵ *RPS*, 1535/2, [accessed 14 November 2016]; *ADCP*, 1, p.441.

⁷⁶ Irving, *Memoirs of the Life and Writings of George Buchanan*, pp.16-7.

⁷⁷ McFarlane, *Buchanan*, p.48.

⁷⁸ *AILSA*, GD25/2/55, GD25/1/341.

⁷⁹ *AILSA*, GD25/1/230; *RMS*, 3, p.517, no.2268.

⁸⁰ Cameron, *James V*, p.139; *The Scots Peerage*, vol.2, p.465;

Pitcairn, *Trials*, vol. i, pt. i, p.136.

⁸¹ *ADCP*, 1, p.446.

decision is not recorded.⁸² In 1527, the earl's father had been ignored when he complained of bias in the legal process, and the different reaction in 1535 is a clear demonstration that Campbell was no longer close to the seat of power.

The legal system was not the only way the earl caused trouble for Campbell and his friends. The culture in Carrick in the early sixteenth century would have had similarities to that of the Western Isles more than a hundred years later. Martin recorded that every young chieftain 'was oblig'd in Honour to give a publick Specimen of his Valour, before he was own'd an'd declar'd Governor or Leader of his people'. The young chief would usually be accompanied by a retinue of unblooded 'young Men of Quality' who were keen to demonstrate their valour.⁸³ Keith Brown states that young noblemen in the Lowlands were also encouraged to 'earn their stripes' in a similar manner.⁸⁴ It would have been an affront to the kindred that nobody had been punished for the murder and, as he neared the end of his minority, the young earl probably felt the need to show that he was worthy to be the chief of the Kennedys. In early December 1536, while James V was in France seeking a bride, Cassillis and around 50 others, including several Kennedy kinsmen and his brother-in-law MacDowell of Freugh, attacked John Dunbar of Blantyre and his servants within the burgh of Ayr.⁸⁵ Dunbar often acted on the sheriff's behalf, and had helped to broker the Loudoun/Bargany marriage in 1528.⁸⁶ In January 1537, Cassillis and 27 others 'found surety to underly the law' at the next justice-ayre.⁸⁷ Cassillis thus proved his valour and demonstrated a determination to confront Campbell and his friends both physically and through the courts.

The earl found another way to harass Loudoun and win favour at court. In December 1537, Cassillis agreed to pay James V's government over £700 which had been owed to the crown by his grandfather. Until his death at Flodden in 1513, David Kennedy the first earl had been responsible for the collection of fines due to the crown in Ayrshire. His son the second earl had been given relief for these monies in 1516 but the debt was still outstanding.⁸⁸ One of the unpaid fines had been owed by Loudoun's mother, Isobel Wallace, who was now dead, and Cassillis saw this as an opportunity to give Loudoun further trouble. The Lords of Council authorised the earl to make priority use of the courts

⁸² The case was one of those considered by the Lords Regent in the Court of Session during the absence of James V in France in 1536/7.

⁸³ Martin, *Western Islands*, p.101.

⁸⁴ Keith Brown, *Bloodfeud in Scotland 1573-1625* (Edinburgh, John Donald, 1986), pp.21-2.

⁸⁵ Pitcairn, *Trials*, vol. i, pt. i, p.181.

⁸⁶ *Protocol book of Gavin Ros*, nos.887, 929, 977; Cameron, *James V*, p.140.

⁸⁷ Pitcairn, *Trials*, vol. i, pt. i, p.181.

⁸⁸ Cameron, *James V*, p.139.

to force the payment of these more than 20-year-old fines.⁸⁹ In February 1538, he took Loudoun to court to recover the money.⁹⁰ Campbell of Loudoun had difficulty paying the small sum required, and Cameron thinks that this court case marked the beginning of the reversal of Loudoun's fortunes.⁹¹ However, his prospects had arguably started to deteriorate from the moment Cassillis returned from France.

James V married a daughter of the king of France in 1537 and, when she died, he took another French bride, Mary of Guise, in the following year. There are few records of Cassillis's presence at court in these years, although we know he was present at parliament and dealt with legal matters in Edinburgh.⁹² It is likely that Cassillis would have visited his old teacher George Buchanan, who was at court as the tutor to one of the king's illegitimate sons.⁹³ The years Cassillis had spent in Paris would have given him a facility with the French language and customs which must have been advantageous in communicating with the queens and their entourages.

The most important connection within the Kennedy kindred was the relationship between the earl of Cassillis and the head of the senior cadet branch, the Kennedys of Bargany. Margaret Kennedy was the only daughter of Alexander Kennedy of Bargany. Her first husband, William Wallace of Craigie, had died without providing her with lands in conjunct fee as promised in their marriage contract. As Craigie's lands were in the hands of the king by reason of ward, she appealed to James V and her petition was supported by Bargany and Cassillis.⁹⁴ Whether through attraction, a wish to bind the Kennedys of Bargany closer, or a combination of both, Cassillis wished to marry Bargany's daughter. In January 1538, the king stated that he wanted her to 'be nocht hurt nor defraudit' in any way and granted her over 500 acres of land and the full terce of Wallace's lands in Ayrshire for life.⁹⁵ James V had the gift of the marriage of the young earl and must have known that Cassillis wished to marry Margaret Kennedy. In July 1538 the king granted the gift of the earl's marriage to Margaret Kennedy herself.⁹⁶ The award was a clear sign that James V favoured a union between them. There is no record of when they married but it was probably in late 1538.

⁸⁹ *ADCP*, 1, pp.461-2.

⁹⁰ Acts of the Lords of Council and Session, NRS, CS6 ix ff.118v, 120.

⁹¹ Cameron, *James V*, p.139.

⁹² NRS, GD254/231, GD1/26/5.

⁹³ Cameron, *James V*, p.136.

⁹⁴ Charles Rogers, *The Book of Wallace* (Edinburgh, The Grampian Club, 1889), p.44.

⁹⁵ *RSS*, 2, no.2436.

⁹⁶ *RSS*, 2, no.2614; *RMS*, 3, no.2270.

In August 1538 the inquest was announced to officially acknowledge that the earl had come of age and was the rightful heir.⁹⁷ The inquest that accepted him as heir in October was made up primarily of Kennedy lairds. Cassillis and its lands were assigned to him and he was confirmed bailie of Carrick, ‘chief of the Name of Kennedy’, with the honour of leading the men of Carrick in time of war. Over the next few months, he was infeft in the other lands and baronies of his patrimony including the baronies of Dunure and Dalrymple.⁹⁸ The core of the earldom was the barony of Cassillis which now extended to well over 6000 acres of land.

As the fortunes of Cassillis were rising, those of Loudoun were on the decline. Loudoun had other enemies at court, including Moray and William Cunningham master of Glencairn, both of whom had lost out to Campbell in a dispute over lands in Ayrshire. At some point around the end of August 1538, James V ordered the imprisonment of Campbell of Loudoun.⁹⁹ This may have been partly at the instigation of Moray and Glencairn but, given the timing, the king may well have intended Loudoun’s imprisonment as a gift to the earl of Cassillis to mark his coming of age. At the time of his arrest, Loudoun still owed the earl money and over 100 acres of Loudoun’s lands in Ayrshire were later granted to Cassillis in settlement of the debt.¹⁰⁰ In early September the Cardinal of Lorraine wrote to his niece, Mary of Guise, the king’s new bride. Several unnamed gentlemen had requested he write to her to seek assistance for Loudoun.¹⁰¹ Loudoun’s next appearance in the historical record occurs several years later and places him in France.¹⁰² This makes it likely that Mary of Guise acted upon her uncle’s request and that James V had been persuaded to send Campbell into exile.

Cassillis took steps to further improve the relationship between his own lineage and his wife’s family, the Kennedys of Bargany. In the late fifteenth century, the earl’s ancestors had mortgaged large areas of land to the Kennedys of Bargany. Although the third earl of Cassillis had the funds needed to redeem these lands, clauses in previous agreements explicitly forbade their redemption after such a long period. In March 1539, Bargany agreed to annul these clauses and Cassillis redeemed around 400 acres of land for

⁹⁷ AILSA, GD25/1/349.

⁹⁸ AILSA, GD25/1/350, 355, 361.

⁹⁹ Cameron, *James V*, pp.140-2.

¹⁰⁰ RMS, 3, no.2135.

¹⁰¹ *Foreign Correspondence with Marie de Lorraine Queen of Scotland, from the originals in the Balcarres Papers 1537-1548*, ed. M. Wood (Edinburgh, SHS, 1923), Third series, vol.4, pp. xviii, 8-9; Gould, ‘The Religious Orders and Collegiate Churches in Scotland c.1450-1560:’, vol.1, pp.60-2; M. Ruter, *A Concise History of the Christian Church* (New York, 1834), p.335. One may have been David Beaton abbot of Arbroath, who knew the Cardinal of Lorraine and was close to Finnart.

¹⁰² *Hamilton Papers*, vol. i, no.126.

a payment of £280.¹⁰³ On 22 May, they agreed to put to arbitration ‘certain points’ which had been in dispute since 1518.¹⁰⁴ In October, presumably as a result of the arbitration, Bargany confessed that several other pieces of land, extending to over 600 acres, had already been redeemed by the earl’s ancestors and rightfully belonged to Cassillis.¹⁰⁵ The combination of the marriage, and the resolution through arbitration of these long-standing disputes, strengthened the bond between the earl and main cadet branch of the Kennedys.

Some of the relationships in Carrick were not so good. Dunduff complained that he had been unfairly treated by Cassillis and appealed to the Lords of Council. The dispute between the earl and John Dunduff had apparently not been adequately resolved in 1533. They appointed four arbiters but in May 1539 Dunduff complained that they were biased and untrustworthy, and that their decision (unrecorded) had contained falsehoods. Dunduff accused Cassillis of using his position to sway the decision and asked the Lords of Council to set it aside.¹⁰⁶ A compromise seems to have been reached, but Dunduff refused to abide by that either. In July 1540, Cassillis raised the matter with the Lords of Council, who decreed that Dunduff had to fulfil his part of the agreement within six days or enter himself in ward within the Castle of Dunbar and remain there ‘upon his own expence’ until he did so.¹⁰⁷ Although Dunduff had challenged Kennedy ascendancy in Carrick the outcome probably deterred others from doing so.

The dominance of Cassillis in the province was further underlined when a French ship carrying hides from Scotland was wrecked on the coast near Dunure in early 1540. Cassillis contracted to recover the cargo for ‘60 crowns of the sun’. Despite this agreement, he retained some of the hides, and also stopped the ship’s master from recovering artillery from the wreck. In May, the Lords of Council told Cassillis to hand over the remaining cargo, but the ship’s master was ordered to pay Cassillis an additional sum of money and, when the ordnance was recovered, the earl was allowed to keep two cannon and four smaller guns.¹⁰⁸ Cassillis made a considerable profit from this sharp practice and it demonstrated his firm control of affairs in the south-west.

The Kennedys had benefited from the vacuum of power in western Galloway caused by the demise of the Black Douglases in the middle of the fifteenth century. They had been awarded some of the ex-Douglas lands and subsequent acquisitions meant that by this time

¹⁰³ AILSA, GD25/1/368-9 & 373.

¹⁰⁴ AILSA, GD25/2/58-9.

¹⁰⁵ AILSA, GD25/1/373.

¹⁰⁶ AILSA, GD25/1/367.

¹⁰⁷ AILSA, GD25/1/387.

¹⁰⁸ *ADCP*, 1, pp.486-7.

the earl and other senior Kennedys were the biggest landowners in the area. Gillebrigte the father of Duncan, earl of Carrick, had apparently controlled all of Galloway west of the river Cree, and it is possible that Cassillis saw his lordship there as an extension of his Carrick office of 'kenkynnol'. In February 1539, Henry bishop of Galloway appointed Cassillis and his heirs as hereditary bailies over all of the lands of the bishopric with the power to hold baronial courts.¹⁰⁹ The earl's father had been bailie of these lands from 1517, but the appointment was not hereditary and therefore lapsed when he died in 1527. The award came not long after Cassillis had come of age and it was probably at the king's behest as the bishop of Galloway often attended the court of James V.

Cassillis further strengthened the Kennedys' position in Galloway through land acquisition and marriage alliances. James Johnston of Petcorner owed 'great sums of money to the Earl' and, in March 1540, the earl seized his lands - over 1000 acres in Galloway - until the debt was paid.¹¹⁰ The MacDowells and McLellans were kindreds native to the area. The earl's sister Janet married Fergus MacDowell of Freugh. When MacDowell was accused of the slaughter of a John McCulloch in early 1539, Cassillis stood surety for him and agreed to find a solution acceptable to both parties.¹¹¹ Around the end of 1540, the earl contracted the marriage of his sister Marion to Thomas McLellan of Bomby.¹¹² McLellan's sister Katherine had married another Kennedy laird two years earlier.¹¹³ Although these alliances were grounded in Cassillis's strong position in the region, they may also have been influenced by the earl's claims of kinship to the ancestral lords of western Galloway.

A few months later James V mounted a sea-borne expedition intended to demonstrate that his royal power extended to every part of his domain, including the seaboard of the northwest. In June and July 1540, James V, accompanied by seven earls including Cassillis, sailed in a fleet of ships around the Scottish coastline from the Firth of Forth to the Firth of Clyde.¹¹⁴ Most of the earls were around the same age as the king, and their presence together for an extended period seems to have created a close bond among them.

¹⁰⁹ AILSA, GD25/1/345, 348. For an annual payment of 260 merks; AILSA GD25/1/363.

¹¹⁰ AILSA, GD25/1/401 & 409.

¹¹¹ Pitcairn, *Trials*, vol. i, pt. i, p.218.

¹¹² AILSA, GD25/1/399.

¹¹³ Papers of the Murray Family of Broughton, Wigtownshire, and Cally, Kirkcudbrightshire, NRS, GD10/1.

¹¹⁴ Cameron, *James V*, pp.245-6.; Andrea Thomas, 'James V (1512-1542)', *ODNB*, [<http://www.oxforddnb.com/view/article/14591>], accessed 5 Aug 2014]; *The Letters of James V*, pp.401-2.

Cassillis would have been very aware that Hamilton of Finnart had hated his father and that he had probably authorised Campbell of Loudoun to carry out the ambush which led to his murder in 1527. Although Finnart had supported James in 1528, he, like Loudoun, had failed to press home any attacks on the Douglases, and Cameron suggests that the king had always intended to repay those who he felt had let him down in that period.¹¹⁵ The young earl of Arran also had a score to settle with his half-brother Finnart, who had enriched himself at Arran's expense while he was a minor.¹¹⁶ Perhaps it was James V's wish to bind Arran and Cassillis closer to him that finally brought Finnart's career to an end, but his ostentatious wealth also made him a target for a king short of funds. On 16 August 1540, Finnart was brought to trial in front of an assize of over twenty lords including Cassillis. Many of them had taken part in the king's expedition to the isles. They convicted Finnart of treasonably conspiring with the Douglases in 1529 to assassinate the king, and he was executed the same day.¹¹⁷ In December, Cassillis attended the Edinburgh parliament where James V passed legislation that annexed the forfeited estates of Angus and others to the crown.¹¹⁸ He was also present at the parliament's continuation in March 1541 and the earl may have spent the whole winter in Edinburgh.¹¹⁹ By this time Cassillis was renting a house there and two of his brothers also had lodgings in the town.¹²⁰ This probably reflects his rising significance at court which would have necessitated more frequent and lengthier visits to the capital.

In early 1541, Cassillis was granted a nine-year lease of almost 1500 acres of crown land in Carrick and the Forest of Buchan in Galloway.¹²¹ These included the lands of Turnberry that had been at the root of the original dispute between Campbell of Loudoun and the earl's father, whose legal lease had been ignored in 1527. Cassillis may have seen James V's grant of Turnberry as a tacit admission that his father had been unjustly treated in 1527. On 6 February James V cancelled the debts owed to the crown by Cassillis. The earl had paid around half of the money owed by his grandfather, and the king discharged his 'cousin' of the remainder and instructed crown officials to 'desist and ceis' from compelling him to pay.¹²² That same day, Cassillis resigned his lands and offices, and

¹¹⁵ Cameron, *James V*, p.215.

¹¹⁶ Cameron, *James V*, p.214-8.; Charles McKean, 'Hamilton, Sir James, of Finnart (c.1495–1540)', *ODNB* [<http://www.oxforddnb.com/view/article/12080>, accessed 5 April 2016].

¹¹⁷ *Diurnal of Occurrents*, p.23; *RPS*, 1540/12/27 [accessed 11 January 2019].

¹¹⁸ *RPS*, 1540/12/26 [accessed 14 November 2016]; *RMS*, 3, no.2233.

¹¹⁹ *RPS*, 1540/12/52 [accessed 11 January 2019].

¹²⁰ AILSA, GD25/1/400, 407.

¹²¹ *RSS*, 2, no.3788; *RMS*, 3, no. 431.

¹²² *RSS*, 2, no.3833.

James V regranted them to the earl for his ‘good service and for gratitude’.¹²³ This probably refers to the part Kennedy had played in the expedition to the Isles, and to his support of the king’s actions against Finnart and Angus.

James V made use of the military resources that the earl of Cassillis could call on. Sir Thomas Wharton, the English deputy warden of the West Marches of the border, reported to Henry VIII’s Privy Council in December 1541 that there had been a rebellion ‘in the north partes’ of Scotland, and that Cassillis and the heirs of the earls of Eglinton and Glencairn had been sent to suppress the uprising.¹²⁴ Glencairn was a capable naval commander. He and his heir Kilmaurs had been granted lands in Kintyre and Glencairn travelled there in mid-November.¹²⁵ This was presumably to support the mission of Cassillis and the others. The earldoms of Cassillis, Glencairn and Eglinton lie along the west coast of lowland Scotland. Given Glencairn’s interest in Kintyre the rebellion Wharton referred to was probably some sort of insurrection there.

One of the earl’s brothers, David Kennedy, often acted on his behalf as bailie of Carrick.¹²⁶ Through marriage the earl’s wife’s sister, Elizabeth Kennedy, had acquired the lands of Culzean which extended to around 1000 acres and lay on the coast of Carrick near Maybole. In February 1542, on payment by Cassillis of ‘a certain sum of money’, she resigned Culzean in his favour.¹²⁷ In September the earl granted Culzean to David and his wife and their heirs.¹²⁸ This grant would have demonstrated to the entire kindred that Cassillis had the means to reward those who served him.

Hugh Kennedy of Girvanmains continued to spend time in the north. The earl of Moray trusted him and made Girvanmains one of the executors of his testament. This document was witnessed by Thomas Hay parson of Spynie, a kinsman of the Kennedys through his mother.¹²⁹ The Mackays attacked Sutherland in 1542, probably trying to take advantage of the minority of the young earl, Girvanmains’s step-son John. Hugh Kennedy led part of the force that defeated them and expelled them from the earldom.¹³⁰ James V granted Girvanmains over a thousand acres of land in Galloway, probably in recognition of

¹²³ AILSA, GD25/1/403-6; *RMS*, 3, nos.2268-9.

¹²⁴ *Hamilton Papers*, vol. i, no.106.

¹²⁵ *ER*, 17, pp.626, 630-1; *TA*, 8, p.40.

¹²⁶ AILSA, GD25/1/413-9, 420, 422-3, 425, 430-1.

¹²⁷ AILSA, GD25/1/417-8.

¹²⁸ AILSA, GD25/1/422-3, 432-4.

¹²⁹ *Sixth Report of the Royal Commission on Historical Manuscripts* (London, HMSO, 1877), pp.670-1.

¹³⁰ James Fraser, *Chronicles of the Frasers* (Edinburgh, SHS, 1905), p.132.; Fraser, *The Sutherland Book*, vol.1, p.100.

Hugh Kennedy's actions on behalf of his step-son Sutherland.¹³¹ Girvanmains's activities would have helped to make the king well-disposed towards the Kennedy kindred and their chief.

War with England and the death of James V: 1542

Relations between Scotland and England had been amicable since the 'perpetual peace' they had agreed in 1534. Through his marriages, James V had aligned himself with the French interest, and when Henry VIII supported the Empire against the French in 1542, the Scots were drawn into the conflict.¹³² During an English raid in August the Scots captured several hundred men at the battle of Haddon Rig.¹³³ Negotiations for peace took place in York but a letter from Norfolk, the English commander, reveals that the talks were a sham, and that he only continued them to give him sufficient time to fully assemble his army.¹³⁴ Angus told Norfolk that the Scots were also acting in bad faith, and they too were just playing for time while they prepared for conflict.¹³⁵ This was certainly true of Cassillis, who purchased spears to arm his men from an Edinburgh burgess that month.¹³⁶ Norfolk's army invaded on 22 October, but after a short destructive tour of the eastern borders, it retired to Berwick a week later.¹³⁷ The Scots force did not engage the English army, and it was disbanded when Norfolk pulled back. An English spy blamed Huntly for this failure and said that the Scots, particularly the king, believed that their lords were faint-hearted.¹³⁸ The English Privy Council were informed on 23 November that the Scots lords had promised to prove themselves to James V through their exploits against the English.¹³⁹ This need to show their mettle must have put considerable pressure on the Scottish nobility to engage and defeat an English force.

The Scottish force on the western border included Cassillis and his men of Carrick. Its leaders were keen to demonstrate their willingness to fight, and, on 24 November 1542, the Scots crossed the border into England. Their lack of knowledge of the ground, and their belief that the English force they faced was superior to them in numbers, led to their becoming trapped on the south side of the River Esk. Sir William Musgrave, one of the English leaders, described how most of the Scottish force were able to escape northwards

¹³¹ *RMS*, 3, no.2685.

¹³² Cameron, *James V*, pp.286-91.

¹³³ *Hamilton Papers*, vol. i, no.126, 128.

¹³⁴ *Hamilton Papers*, vol. i, no.189.

¹³⁵ *Hamilton Papers*, vol. i, no.197.

¹³⁶ AILSA, GD25/1/435.

¹³⁷ *Hamilton Papers*, vol. i, p. xxxi.

¹³⁸ Sanderson, *Cardinal of Scotland*, p.151; *Hamilton Papers*, vol. i, pp. lxxi-lxxii.

¹³⁹ *Hamilton Papers*, vol. i, pp. lxxvii-lxxviii.

across the river to safety. However, either because of their role as a rear-guard, or because they were trapped by the incoming tide, Cassillis and the other leaders of the Scottish force and their mounted troops did not cross the Esk. They dismounted and ‘fought valiantly’ until they were either killed or taken prisoner.¹⁴⁰ Musgrave’s report of the fierceness of the fighting may have been exaggerated as there were very few deaths and many Scots surrendered when it became obvious that the battle was lost. On 26 November, Wharton reported that they had captured more than 30 Scottish battle standards, including those of the earls of Glencairn and Cassillis. Glencairn was a prisoner, but nobody knew where Cassillis was, and he noted: ‘som saith that he is slayn’.¹⁴¹ Several days later, he wrote that Cassillis had been captured and was in Bewcastledale.¹⁴² Cassillis was captured by an English borderer called Batill Routlege and was probably held at the home of Musgrave who had lands around Bewcastle.¹⁴³ The ill-judged raid into England ended in a complete debacle at what became known as the battle of Solway Moss. One sign that it was a confused affair was that Cassillis was captured by an ordinary soldier rather than by one of the leaders of the English force.

Cassillis and the other captured lords were taken to Newcastle on 3 December.¹⁴⁴ They now faced the dispiriting prospect of a long period of imprisonment in England. Henry VIII told Wharton that, as it might be a considerable time before the prisoners would be ransomed, he should disburse a sum of ready money to reward their captors. The captured lords were probably apprehensive regarding the huge financial burden the ransoms might place on them and their families. On 11 December, the Scottish prisoners arrived in York on their way south to London.¹⁴⁵ Hertford wrote that Cassillis, Maxwell and other prisoners had given him a letter for James V and he recommended that the letter be sent, as the knowledge that several of his senior nobility were held in England might deter the Scots king from killing English prisoners.¹⁴⁶ This seems a rather strange rationale as there is no record of either side threatening any harm to their prisoners.

Although Solway Moss was a considerable setback, James V seemed undeterred and sent messengers to communities in the borders to ensure they were ready to deal with

¹⁴⁰ *Hamilton Papers*, vol. i, no. 240; Marcus Merriman, *The Rough Wooings Mary Queen of Scots, 1542-51* (East Linton, Tuckwell Press, 2000), p.79.

¹⁴¹ *Hamilton Papers*, vol. i, p. lxxxix.

¹⁴² *Ibid.*, vol. i, p. xcii.

¹⁴³ Stephen G. Ellis, *Tudor Frontiers and Noble Power: The Making of the British State* (London, Clarendon Press, 1995), p.200; S.T. Bindoff, *The House of Commons, 1509-1558* (London, Secker & Warburg, 1982); Joseph Nicolson, *The history and antiquities of the counties of Westmorland and Cumberland* (London, 1777), pp.xlv-xlvii.

¹⁴⁴ *Hamilton Papers*, vol. i, p. xcvi.

¹⁴⁵ *Ibid.*, vol. i, no.253

¹⁴⁶ *Hamilton Papers*, vol. i, no.249.

further English attacks.¹⁴⁷ A few days after the battle, the king returned to Edinburgh and conducted business as usual, meeting with his council on 4 and 5 December.¹⁴⁸ Proclamations were made in Haddington and Duns to raise the men of south-east Scotland.¹⁴⁹ On 6 December, James was still in Edinburgh but was very ill. Mary of Guise, his heavily pregnant queen, was at Linlithgow Palace where, two days later, she gave birth to their daughter Mary. The king's health worsened, and he died at Falkland Palace on 14 December.¹⁵⁰ The situation of the Scots captives changed completely when the information reached Henry VIII in London over a week later.¹⁵¹ With James dead, and Mary, a baby girl, now monarch of Scotland, their value to Henry was dramatically increased. James V's own minority had been a period of uncertainty with different noble factions vying for control and Henry sought to take advantage of the situation. He would have seen Cassillis and the other captured lords as potentially valuable tools that he could use to help engineer an outcome beneficial to England.

Conclusion

The experience of the Kennedys in the late 1520s shows how a noble family at the height of its power and influence could quickly lose status if it found itself on the wrong side in factional politics. The negative effect of the murder of the second earl on the Kennedy kindred was greatly exacerbated when James V gave Campbell of Loudoun a remission for the killing in return for his support. The Kennedys ravaged Campbell's property and killed some of his allies, but these actions were dealt with severely because of Loudoun's position as one of James V's closest advisers. The leadership of the Kennedy family quickly realised that continuing to attack Loudoun and his associates risked further sanctions from the government, and they sought arbitration.

They decided it would be beneficial for the young earl to accompany his uncle William the abbot of Crossraguel on his travels abroad on pilgrimage. When the abbot returned to Scotland the earl remained in Paris for three years to complete his education with George Buchanan as his personal tutor. Credit must be given to the Kennedy leaders for the decision they took to send the young earl abroad. During his absence they conserved their strength. There would be plenty of time to decide on what, if any, action

¹⁴⁷ *TA*, 8, pp.138-9.

¹⁴⁸ Sanderson, *Cardinal of Scotland*, p.152; *Hamilton Papers*, vol. i, no.246.

¹⁴⁹ *Hamilton Papers*, vol. i, no.257.

¹⁵⁰ Merriman, *The Rough Wooings*, p.1; *Diurnal of Occurrents*, p.25.

¹⁵¹ *LP Henry VIII*, vol.17, no.1221.

needed to be taken against Campbell of Loudoun when their chief was back and in control of the earldom.

On the earl's return in 1535 he took control of the administration of his earldom which was in sound financial health following the death of his grandfather's widow in 1533. Cassillis demonstrated his fitness to lead by taking action against his father's murderer, Campbell of Loudoun. This included physical attacks on Loudoun's supporters and the earl was probably the primary catalyst for Loudoun's imprisonment and subsequent exile.¹⁵² When he reached his majority he was awarded all of the lands and offices held by his father. James V also granted him Turnberry and although the castle was in disrepair it was of symbolic importance as it had been the principal stronghold of the Bruce earls of Carrick.

There appears to have been long-standing tensions between the principal Kennedy line and the Kennedys of Bargany which had probably been put to the side while the kindred faced external threat. Not long after he had reached his majority the third earl resolved these problems through arbitration, and part of the solution reached may have been his marriage to Bargany's daughter. There were no signs of any other problems within the kindred which seemed to be united in its support for the earl. Cassillis increased his landholdings in both Carrick and Galloway by extensive redemptions of lands mortgaged by his predecessors, accepting lands in lieu of debts, and using legal means to enforce decrees. The earl was appointed bailie of the Bishop of Galloway's lands in western Galloway, a position previously held by his father.

Cassillis had joined the king's expedition to the Isles in 1540 and by the end of 1541 he was high in the favour of the king, who used the earl's military strength to help suppress rebellion on the western seaboard. When trouble with England flared up in 1542 the third earl raised the men of Carrick and joined the Scottish force on the western borders. Like the rest of the Scots leadership he probably wanted to demonstrate his eagerness to engage the English in battle. Cassillis was captured in the embarrassing defeat at Solway Moss and, as he rode as a captive towards London, the earl must have been deeply despondent. He had achieved so much in the last few years, and now his future was again uncertain. Cassillis probably hoped that he could quickly negotiate a reasonable ransom and return to Scotland. Other than the size of his ransom, his main concern may well have been how he could possibly explain to James V his part in the miserable failure at Solway Moss.

¹⁵² *LPHenryVIII*, vol.4.2, no.4531.

Chapter 5: The third earl of Cassillis 1542 - 1558

This chapter deals with the life of the third earl of Cassillis from his capture at the battle of Solway Moss in November 1542 until his death, supposedly by poison, in Dieppe in November 1558. Throughout this period, Cassillis was often involved in events on the national and international stage. Many historians, including Merriman, Cameron, Wormald and Donaldson, have referred to the third earl as a traitor and a paid agent of England. This chapter will demonstrate that Arran and Mary of Guise certainly had no doubts regarding his loyalty. On the contrary, the rewards they bestowed on the earl are those that a senior member of the nobility who had fought to retain Scottish independence might have expected. To focus analysis, the chapter will divide the discussion into several sections. Following the death of James V in December 1542, the earl of Arran became regent and governor of Scotland during the minority of Queen Mary. Between the end of 1542 and March 1551, a period referred to as the 'Rough Wooing', the English attempted through a mixture of diplomacy, threats, bribes and violence to get the Scots to agree to the marriage of Queen Mary to Henry VIII's son prince Edward.¹ The first section of this chapter deals with the start of the 'Rough Wooing' when Henry attempted to pressurise the Scots to support the marriage. He released the earl of Cassillis and the other nobles captured at Solway Moss on the condition that they would strive to progress his plan. Attempts to compel the Scots to agree to the marriage were unsuccessful and, by April 1544, Scotland and England were at war. The second section examines this period of warfare and argues that Cassillis, with the approval of Arran and the dowager queen Mary of Guise, pretended support for the English in order to mislead and confuse them. In recognition of the earl's activities, Arran gave him a position in his government and appointed his brother Quintin abbot of Crossraguel. The final section considers the period from 1548 until the earl's death in November 1558. Cassillis was successful in both military and diplomatic missions and when Mary of Guise became regent in 1554, she appointed him Lord Treasurer.

1542 - 1544

As seen in chapter 4, Cassillis was one of the Scottish leaders captured at the battle of Solway Moss.² Their English captors escorted them to London and placed them in comfortable lodgings in the Tower. Cassillis was one of the eight 'chefest of them' who were presented to Henry's Privy Council at St James's Palace on 21 December. They promised not to attempt any escape and, 'according to their rank', were assigned to the

¹ Merriman, *The Rough Wooings*, p.6.

² Sanderson, *Cardinal of Scotland*, p.152.

care of members of the court.³ Cassillis was committed to Thomas Cranmer Archbishop of Canterbury and, although he spent less than two weeks with him, they seem to have developed an ‘intimacy’. Early biographies of Cranmer reported that he thought Cassillis was a man of learning and that he had convinced the earl to think favourably of the reformation of the English church.⁴ The good impression that Cassillis made on Cranmer is perhaps a tribute to the earl’s education in Paris under the guidance of George Buchanan.

News of the death of James V did not reach London until 23 December and three days later Cassillis attended the court at Greenwich with Cranmer.⁵ The ambassador of Charles V, Eustace Chapuys, reported that Henry aspired to the crown of Scotland and he had given the Scots prisoners ‘the best reception in the world’.⁶ The Scottish lords agreed to support Henry VIII’s plan to marry his son Edward to the new Queen of Scots.⁷ The Scots had undergone many periods of minority rule with regents governing in the child monarch’s name but they had no recent experience of an infant sovereign who was female. The uncertainty this created, possibly exacerbated by the protestant leanings of some of the lords, may have helped to convince them to support Henry. While some may have thought that the marriage plan was actually the best way forward, most may have agreed to support Henry because it offered them the best short-term advantage. They probably saw this as a god-sent opportunity to obtain their immediate release, rather than remaining in captivity in England for an extended period. Their real commitment to progressing Henry’s plan is questionable, and it is much more likely that each of them would adhere to it only so long as it looked likely to succeed and offered them the chance of personal profit.

The Scottish lords dined with the Lord Mayor of London on 31 December 1542, and the following day they visited the infant prince Edward at Enfield on their way north.⁸ At Darlington, the lords met the earl of Angus and his brother Sir George Douglas, who James V had exiled fourteen years earlier.⁹ The lords signed an ‘article’ regarding the unification of the two realms through a marriage between Queen Mary and Prince Edward. Henry instructed that this document was to be ‘openly knowleaged and avoued’ because it was to the benefit of Scotland.¹⁰ The lords also signed another ‘article’, which understandably was

³ *LPHenryVIII*, vol.17, no.1223; *A Chronicle of England during the Reigns of the Tudors from AD1485 to 1559*, ed. William Douglas Hamilton (London, Camden Society, 1875), vol.1, pp.138-9.

⁴ Henry John Todd, *The Life of Archbishop Cranmer* (London, 1831), vol.1, pp.331-2; William Gilpin, *The Life of Thomas Cranmer, Archbishop of Canterbury* (London, 1784), pp.89-90.

⁵ *LPHenryVIII*, vol.17, nos.1230, 1234.

⁶ *Ibid*, vol.17, no.1241.

⁷ Merriman, *The Rough Wooings*, p.113.

⁸ *A Chronicle of England*, vol.1, p.140.

⁹ Merriman, *The Rough Wooings*, p.114.

¹⁰ *Hamilton Papers*, vol. i, p.367.

to be kept secret, as it promised that in the event of Mary's death they would do their utmost to help Henry VIII to take control of the 'rule, dominion, and government' of Scotland. Sir Richard Southwell accompanied the lords on their way north and the *Hamilton Papers* contain the copies of these agreements which he received from Henry.¹¹ Cassillis apparently promised 'in an earnest sorte' to further Henry's plan.¹² The lords undertook to inform Henry on their progress towards these aims and to identify individuals who either helped or hindered them. Henry informed the Council of Scotland that he had licensed Cassillis and the others to return, on the condition that they would deliver individuals to be held in their stead and would return to England as prisoners by Palm Sunday or earlier if needed.¹³ Henry may have had doubts regarding the lords' ability to progress his plan but he must have considered it worth the gamble to release them.

On behalf of all the lords, Cassillis wrote a letter to Henry VIII explaining that they intended to travel to Scotland together and convince the governor, Arran, to agree to Henry's plan. The English king preferred a confrontational approach and offered 4000 mounted soldiers to assist them. The Scottish lords turned this down for the present, as they believed that a cautious approach was much more likely to achieve success and they asked for time to influence matters.¹⁴ On 12 January Cassillis wrote again to Henry VIII and explained that because they could not fully express themselves in writing they had 'schawyn our myndis' verbally to Southwell, presumably because there were simply some things they did not trust to put down in writing. The earl was the most educated of the group and probably took on the task of scribe because of the need for secrecy.¹⁵ Cassillis had to provide three pledges: his brothers David and Archibald, and his uncle Thomas Kennedy of Coif. The lords were escorted to the border and, when their pledges surrendered themselves, the English permitted the lords to ride into Scotland on 20 January.¹⁶ Although Cassillis must have been elated to be released this was probably tempered by concern regarding the reception the lords might expect from Arran.

At the same time, and after five years in exile, Hugh Campbell of Loudoun sheriff of Ayr, the murderer of the earl's father, was about to return to Scotland. By 9 January, Henry VIII had heard from an unknown source that the sheriff of Ayr was in France and might agree to support Henry's cause.¹⁷ Henry was aware of the 'deadly fede' between the sheriff

¹¹ *Ibid*, vol. i, pp.374-5.

¹² *Ibid*, vol. i, pp.368.

¹³ *Hamilton Papers*, vol. i, pp.346-7; *LPHenryVIII*, vol.17, no.1243.

¹⁴ *Hamilton Papers*, vol. i, pp.376-7.

¹⁵ *Ibid*, vol. i, p.379.

¹⁶ *LPHenryVIII*, vol.18.1, nos.60-1; *Hamilton Papers*, vol. i, pp.380-1.

¹⁷ *LPHenryVIII*, vol.18.1, no.23; Merriman, *The Rough Wooings*, p.114.

and Cassillis, and he was wary of annoying the earl who was his ‘good frende and servant’. Loudoun arrived in London in March, and Henry asked the other lords to help reconcile the two enemies when he sent Campbell back to Scotland. Henry asked Cassillis to give Campbell of Loudoun a temporary truce and, for the king’s sake, to become his ‘perfitte freende’, a request that must have been very difficult to stomach. Glencairn believed that, if Henry wished, the earl would agree to put the differences between himself and the sheriff to arbitration.¹⁸ However, it would have been almost impossible for Cassillis to defy Henry’s wishes on this matter given that his pledges were still held in England.

James V had left no instructions regarding the governance of Scotland in the event of his death. The earl of Arran was descended from James II’s daughter Mary and had claims to be next in line to the throne. A governing council was proclaimed on 19 December 1542. Its members were Arran, Cardinal David Beaton archbishop of St Andrews and the earls of Moray, Argyll and Huntly.¹⁹ However, on 3 January a convention of the estates declared Arran as the sole regent and governor. A week later, Arran appointed Hugh Kennedy of Girvanmains as captain and keeper of the castle of Tantallon.²⁰ This was probably in recognition of his military capabilities and his loyal service in the north. Two months later he was appointed master server and master of the stables for the royal household.²¹ By this time Angus had returned to Scotland and reclaimed Tantallon so Girvanmains presumably received this new appointment in recompense for his loss of the captaincy of the castle.

Cassillis and the other ‘assured lords’ met with Governor Arran on 25 January to discuss Henry’s plan for the proposed marriage of the infant Scots queen.²² Arran was supportive, and he demonstrated this by having the cardinal, who opposed the plan, arrested two days later.²³ Cassillis was reported as being closest to the governor.²⁴ The earls of Huntly, Moray and Argyll were upset that the lords and Angus were spending so much time with the governor.²⁵ A parliament held in Edinburgh in March and attended by Cassillis and the other ‘assured lords’ agreed that Mary should marry Prince Edward.²⁶ The ‘assured lords’ were apparently key to this agreement and this probably convinced Henry that he had been right to allow them to return to Scotland on licence.

¹⁸ *Hamilton Papers*, vol. i, p.468, 515, 525-8; *LPHenryVIII*, vol.18.1, no.458.

¹⁹ Merriman, *The Rough Wooings*, p.88; *LPHenryVIII*, vol.17, no.1233.

²⁰ *RSS*, 3, no.24.

²¹ *Papers of the Dundas Family of Dundas, West Lothian*, NRS, GD75/385.

²² Sanderson, *Cardinal of Scotland*, pp.155-8.

²³ *Scots Peerage*, vol.7, p.81; Merriman, *The Rough Wooings*, p.115; *LPHenryVIII*, vol.18.1, no.81.

²⁴ *Hamilton Papers*, vol. i, p.398; *LPHenryVIII*, vol.18.1, no.436, f.87.

²⁵ *LPHenryVIII*, vol.18.1, no.104; *Hamilton Papers*, vol. i, p.403.

²⁶ *Hamilton Papers*, vol. i, p.406; *LPHenryVIII*, vol.18.1, nos.56, 174, 273.

The Scottish bishops, supported by Moray, Argyll and Huntly, pressed for Beaton's release. Sir George Douglas told the English ambassador Ralph Sadler that the church and France supported the opposition and that only five of the 'assured lords', Cassillis, Glencairn, Maxwell, Somerville and Gray really supported Henry's cause.²⁷ The earl of Bothwell had initially aligned himself with the 'assured lords', but, by 20 March he had joined the cardinal's party and referred to the lords as 'English pencyoners'.²⁸ On 27 March, Sadler told Henry that the lords were opposed to the young queen leaving Scotland. Henry asked Sadler to tell them that their deeds had to match their words.²⁹ As support for the cardinal grew, his imprisonment was progressively relaxed, and when he was moved to his own castle at the end of March, he was to all intents and purposes free.³⁰ The cardinal may have consented to his imprisonment because of suspicions that Angus intended to seize him and send him to Henry.³¹ Arran's release of the cardinal must have given Cassillis and the other lords some doubts regarding whether the governor could be relied on to maintain his support of Henry's plan.

Arran's government insisted that Queen Mary was to remain in Scotland until the marriage ceremony and it refused to deliver any castles or hostages to Henry VIII as a guarantee of good faith. Arran was to remain as governor until the queen reached her majority, and Scotland's laws and liberties were not to be changed.³² In April, Mary of Guise told Sadler that she believed that Cassillis, Glencairn and others would prefer Henry to govern Scotland rather than Arran, whom she described as a 'simple and inconstant man'. She said that Angus followed the advice of his brother Sir George Douglas who was 'as wily and crafty as any man in Scotland' and she predicted that Arran did not intend to let the marriage take place. Sadler conjectured to Henry that she wished her daughter to marry Prince Edward.³³ Given the dowager queen's nationality and background, it seems more likely that Mary of Guise managed to delude the ambassador regarding her intentions. The different factions in Scotland clearly did not trust each other and, only three months after the negotiations started, the English ambassadors and Henry VIII seemed confused about how to progress matters.

²⁷ *Hamilton Papers*, vol. i, pp.476-8,505.

²⁸ Merriman, *The Rough Wooings*, pp.114, 124; Sanderson, *Cardinal of Scotland*, p.162.; *Hamilton Papers*, vol. i, p.478.

²⁹ *Hamilton Papers*, vol. i, pp.492-4.

³⁰ Sanderson, *Cardinal of Scotland*, p.163.

³¹ *Miscellany of the Maitland Club*, vol. iv, part 1, p.73.

³² *LPHenryVIII*, vol.18.1, no.273.

³³ *LPHenryVIII*, vol.18.1, no.355.

Sadler asked Cassillis and Glencairn to get the governor to move the infant queen to Edinburgh Castle. Henry wanted to send several thousand men to the border to put pressure on Arran, but Sadler thought the assured lords and the Douglasses were working well together. Cassillis and the other lords had convinced Sadler that they would ‘succeed quietly’ if they were allowed enough time to do things in their own way, and Henry gave them leave to stay in Scotland until midsummer. In May, Cassillis and others met with the governor at his house in Hamilton.³⁴ The cardinal and Mary of Guise seem to have convinced the majority of the senior nobility to support their pro-French policy, and Francis I sent the earl of Lennox (who had been in France for ten years) to Scotland as his ambassador.³⁵ Although a poorly attended parliament in June approved the marriage, it also demonstrated that Arran had almost no support other than the assured lords. Henry gave them more time by extending the date for their recall to 1 August.³⁶ Ransom payments for the lords were agreed and the figure set for Cassillis was £1000.³⁷ Over the course of a few months, Cassillis and the other assured lords found themselves increasingly isolated by their support for Henry’s plan. Cassillis’s main concern was probably that the lack of progress regarding the marriage would mean he had to return to England as a prisoner and he would have to pay his £1000 ransom to secure his freedom.

As early as 6 July 1543 there were reports casting doubt on Arran’s commitment to the marriage. An unnamed Scottish gentleman told the English that the governor’s promises to Henry were ‘but craft, frawde, and falsitie’ and he was just playing for time. He said that the only notable Scots who supported the marriage were Angus, Cassillis and Maxwell and that the last two could not raise large forces.³⁸ Angus could probably have raised over 2000 men and it is likely that the combined forces of Cassillis and Maxwell would have matched this. Importantly however, their strength was a long way from Edinburgh while much of Angus’s strength was in Lothian. Henry’s Privy Council discussed appointing the lords to positions within Arran’s government and Cassillis was proposed as ‘Lord Admiral’.³⁹ Cardinal Beaton asked Arran to move the young queen to Stirling for safety, and when he refused to do so, Beaton with Argyll, Lennox, Bothwell and Huntly raised forces and besieged Arran, Cassillis, Angus and others, in Linlithgow along with Queen Mary and her mother.⁴⁰ The two sides agreed to negotiate and Cassillis

³⁴ *LPHenryVIII*, vol.18.1, nos.482, 503, 510.

³⁵ Sanderson, *Cardinal of Scotland*, pp.165-6; Merriman, *The Rough Wooings*, pp.122-4.

³⁶ *LPHenryVIII*, vol.18.1, nos.664, 671, 700.

³⁷ *Ibid*, no.805; *Treaties with England*, NRS, SP6/46.

³⁸ *Hamilton Papers*, vol. i, pp.554-5.

³⁹ *Ibid*, vol. i, pp.560; *LPHenryVIII*, vol.18.1, no.835.

⁴⁰ Sanderson, *Cardinal of Scotland*, p.167.

was one of Arran's representatives at these talks. The strength of the cardinal's forces meant the governor had to concede to his request and Mary and her mother were escorted to their new home in Stirling Castle.⁴¹ If he had not already done so, Arran must have realised at this point that, in order to remain governor, he had to abandon the planned marriage between Mary and Edward. However, if Arran did this openly, Henry's reaction would almost certainly be to mount an immediate invasion, and Scotland was completely unprepared to meet such an attack.

Between the end of July and early September 1543, Arran did everything he could to convince Henry that the marriage was still on track. The governor asked Henry for money and, when he received £1000, requested more funds to finance additional troops, ostensibly to oppose the cardinal, but in reality to help prepare Scotland to face an English invasion.⁴² The English seized 16 Scottish ships and the cardinal's faction called Cassillis, Angus and Glencairn 'rank traitors'.⁴³ Cassillis and the others seem to have had no doubts regarding Arran's support for the marriage and they told Sadler they intended to raise their forces to assist him against the cardinal.⁴⁴ Most of the nobility, including Cassillis, attended a ceremony in the grounds of Holyrood Palace that ratified the marriage treaty on 25 August. After the low attendance at the June parliament, the high turnout in August probably made Cassillis and the other lords suspicious. Arran continued the charade of pretended support as long as possible before siding openly with the cardinal in early September, by which time it was too late in the season for a major English invasion.⁴⁵ Although Arran's change of policy may have taken Cassillis completely by surprise, the earl may have thought it likely that he could convince the governor to alter his position again.

Cassillis observed the truce he had given to his father's killer, the sheriff of Ayr, for several months following Loudoun's return to Scotland in the spring of 1543.⁴⁶ Henry VIII and the regent both requested that Cassillis and Loudoun end their feud. This pressure from the English king and Arran would have been impossible to resist and the earl agreed to arbitration. They came to terms at the end of August 1543 and the outcome was a total victory for the earl and the Kennedys. Hugh Campbell admitted that he and his family and allies were entirely guilty regarding the slaughter of the earl's father. His offer of

⁴¹ *LPHenryVIII*, vol.18.1, nos.923,940,943-4; *Hamilton Papers*, vol. i, pp.584-5; Merriman, *The Rough Wooings*, p.125-6.

⁴² *LPHenryVIII*, vol.18.1, no.971; *LPHenryVIII*, vol.18.2, no.2, 22, 94.

⁴³ *Hamilton Papers*, vol. i, p.638.

⁴⁴ *LPHenryVIII*, vol.18.2, no.22.

⁴⁵ *LPHenryVIII*, vol.18.2, nos.76, 79, 95, 138.

⁴⁶ *The Scottish Correspondence of Mary of Lorraine: including some three hundred letters from 20th February 1542-3 to 15th May 1560*, ed. Annie Cameron (Edinburgh, Edinburgh University Press, 1927), pp.14-6.

atonement included a bond of manrent from himself and his son, the control of his son's marriage, and the submission of the rest of his family to the earl's will. On his part, Cassillis forgave Loudoun for the murder of his father, took him into his favour and kindness, and granted a letter of maintenance to the sheriff and his heir.⁴⁷ Short of killing the sheriff in revenge for his father's death, Cassillis could not have achieved a more complete or public victory. Hugh Campbell of Loudoun and his heir became the earl's men, and this extended Kennedy's influence.

Cassillis and the other lords must have realised that, with the pro-French party in control, they risked imprisonment on charges of treason for their support of Henry's policy. They probably hoped that the accord between Arran and the cardinal would not endure, and played for time by staying away from Edinburgh, using excuses like the need to raise men.⁴⁸ Although they were invited to the queen's coronation in Stirling, they stayed away, possibly because they feared being taken into custody.⁴⁹ They again promised to honour the treaties with England and Henry threatened destruction with 'fyr and sword' if they were not observed.⁵⁰ Like Arran, the earl of Lennox was descended from James II's daughter Mary, and this apparently drove his ambition to replace Arran as governor.⁵¹ The reconciliation between Arran and the cardinal removed any chance of this happening and Lennox offered his support to Henry VIII. French ships, carrying money, artillery and gunpowder to support Arran and the cardinal, arrived in Dumbarton in October, and Lennox, assisted by Glencairn, seized their contents.⁵² In late October, Henry asked the lords to besiege Arran, the cardinal and Huntly who were in Stirling castle.⁵³ Cassillis met with Angus and Maxwell in Glasgow to discuss the way forward and it was reported that they did not trust Lennox.⁵⁴ Henry VIII seems to have completely overestimated the military strength of the lords. They could not possibly mount a siege of Stirling castle as most of their strength lay a long way from Stirling and the pro-French faction was much larger.

Letters from the lords to Henry were intercepted. Rumours spread that they contained high treason, and the lords were to be chased into England, held in castles, or forced to

⁴⁷ AILSA, GD25/1/447-8; *Hamilton Papers*, vol. ii, p.5.

⁴⁸ *LPHenryVIII*, vol.18.2, nos. 72, 79, 138; *Hamilton Papers*, vol. ii, pp.14, 21, 32, 40.

⁴⁹ *LPHenryVIII*, vol.18.2, no.174; Sanderson, *Cardinal of Scotland*, pp.170-2.

⁵⁰ *Hamilton Papers*, vol. ii, pp.2, 28, 32, 47, 60, 71, 85.

⁵¹ Merriman, *The Rough Wooings*, p.88.

⁵² *Hamilton Papers*, vol. ii, pp.93, 96, 103; *LPHenryVIII*, vol.18.2, nos.269, 281.

⁵³ *Hamilton Papers*, vol. ii, pp.114, 126-7.

⁵⁴ *The Scottish Correspondence of Mary of Lorraine*, p.37; Merriman, *The Rough Wooings*, pp.132-3.

fight.⁵⁵ By November, Sadler complained that the ‘assured lords’ were doing nothing even though their friends were being persecuted, and the lords had to move frequently to avoid capture.⁵⁶ The lords held a strong position in the south-west, and this may have been the reason that, later that month, Walter Mallen abbot of Glenluce appointed Cassillis as bailie of the abbey and its lands for five years. The earl’s uncle William abbot of Crossraguel, along with other Kennedys and their allies, witnessed the commission.⁵⁷ Cassillis and Loudoun met with the earl’s kinsmen Moray and Argyll in December, probably to seek their advice. On 15 December 1543 a well-attended parliament, with none of the lords present, renewed the French alliance and formally renounced the marriage treaty with England.⁵⁸ Cassillis and the other lords seem to have believed that the cardinal had forced Arran to take this line and, in early January, they raised their men and headed to Edinburgh to pressurise Arran to support the marriage. However, the governor was prepared, and his forces were so superior that the lords had to stand down, pledge loyalty to the queen and promise to resist ‘our auld ennemes of England’.⁵⁹ A meeting between the two sides took place at the chapel of Greenside just outside Edinburgh on 14 January 1544 and that evening both parties were heartily entertained at Arran’s lodgings in Edinburgh.⁶⁰ The lords had to enter wards, and Cassillis delivered another of his brothers, Thomas, as security.⁶¹ Kennedy was now in an impossible position. He had pledged allegiance to both sides, each of which held members of his family as hostages. He could not serve two masters and something had to give.

Initially, Cassillis seems to have believed that Henry’s policy had merit. His support appears to have been genuine and he would have been encouraged by the regent Arran’s apparent enthusiasm for the marriage. However, within a few months most of the nobility, led by Cardinal Beaton and Mary of Guise, opposed Arran and rejected the marriage. With Arran still professing support for the policy, Cassillis continued to attempt to progress Henry’s plan, and, even when the governor openly sided with the opposition, Kennedy thought he could convince him to return to supporting the marriage. In January 1544, Cassillis realised that, while the governor might previously have been unsure regarding which policy to support, he was now absolutely determined to oppose the marriage. With this understanding, Cassillis must have felt that his choice was clear, and he had to offer

⁵⁵ *Hamilton Papers*, vol. ii, pp.132, 151, 162.

⁵⁶ *Hamilton Papers*, vol. ii, pp.151, 188, 192.

⁵⁷ AILSA, GD25/1/451.

⁵⁸ *Hamilton Papers*, vol. ii, pp.180, 221-2, 230; Merriman, *The Rough Wooings*, p.133.

⁵⁹ *LPHenryVIII*, vol.19.1, no.33; *Hamilton Papers*, vol. ii, p.250.

⁶⁰ *The Scottish Correspondence of Mary of Lorraine*, pp.56-7.

⁶¹ *LPHenryVIII*, vol.19.1, nos.24,30; *Hamilton Papers*, vol. ii, p.250; *The Scottish Correspondence of Mary of Lorraine*, pp.446-7.

his wholehearted support to Arran, the lawful regent. Probably after a private conversation with Arran, Cassillis took the decision to change sides also, albeit secretly.

Cassillis acting as a double agent: 1544-1546

From the beginning, some prominent English leaders were suspicious of the loyalty of Cassillis and the other assured lords. The Duke of Suffolk was Henry's Lieutenant in the north. At the end of February 1544, he wrote to Henry and told him that, in his opinion, they were not friends but enemies. Suffolk found the Scots 'strange men to meddle with' and said they should not be trusted.⁶² In March, Henry VIII showed his frustration by demanding that the paroled lords return to England.⁶³ They responded by asking Henry to send money and an army to relieve them. Lennox and Glencairn gathered their forces in the west and the following month Arran defeated them near Glasgow and forced Lennox to retreat to Dumbarton.⁶⁴ Carrick is relatively close to Glasgow, and the absence of Cassillis and his men from the battlefield was probably an indication that Kennedy had changed sides. In April, Arran captured Angus, although it was rumoured that the 'capture' was arranged in advance. By 15 April, Henry VIII had been informed of the 'unexpected revolt of Casselles' to the party of Arran and the cardinal.⁶⁵ In a letter to his ambassadors in Scotland, Henry wrote that the disloyalty of Cassillis was 'contrary to all men's expectation'.⁶⁶ On 26 April, Arran released the earl's brother Thomas who had been a pledge for Kennedy's behaviour.⁶⁷ This was a clear sign that Cassillis and the regent were reconciled. Within a few weeks, Angus openly joined Arran and, when Lennox left Dumbarton for England, it was clear that Henry's tactics had failed.⁶⁸ Cassillis had to allay Henry's suspicions to ensure the safety of the hostages held in England as surety for his cooperation. To do so he professed his support for the marriage and continued to intrigue with England. Cassillis promised one thing while doing another, just as Arran himself had in 1543. In fact, his actions had probably been authorised by Arran and the cardinal.

Henry decided to use force in response and an English army landed at Leith in early May 1544. It sacked and burned Edinburgh and many other towns in Lothian and the

⁶² *Miscellany of the Maitland Club*, vol. iv, part 1, pp.90-1.

⁶³ *LPHenryVIII*, vol.19.1, no.229.

⁶⁴ *Hamilton Papers*, vol. ii, pp.310, 716; *LPHenryVIII*, vol.19.1, no.243; Merriman, *The Rough Wooings*, pp.141-2.

⁶⁵ Sanderson, *Cardinal of Scotland*, p.180; *Hamilton Papers*, vol. ii, pp.327, 333, 335, 721; *LPHenryVIII*, vol.19.1, nos.294, 337.

⁶⁶ *SPHenryVIII*, vol. 5, part IV, p.386.

⁶⁷ AILSA, GD25/1/455.

⁶⁸ Merriman, *The Rough Wooings*, p.141-2.

Borders as it returned over land into England.⁶⁹ Cassillis was busy in Galloway where there had been a breakdown in his relationship with the abbot of Glenluce. The abbot seems to have wished to appoint another bailie in the earl's place, and R. C. Reid thinks it likely that he attempted to 'play off' Lochinvar against Cassillis.⁷⁰ Later that month, the earl, along with his brother Thomas, John Kennedy of Largs, Adair of Kinhilt, MacDowell of Freugh, MacDowell of Garthland and their supporters mounted a raid on the abbey, probably to assert his rights as bailie. They expelled the abbot and took gold and silver as well as an exhaustive list of other 'goods and gear'.⁷¹ Cassillis may well have thought that in the aftermath of the destruction of Edinburgh his activities at Glenluce would escape censure.

In June Cassillis attended the convention held at Stirling that criticised the governor for being unprepared and failing to defend the capital. Kennedy was one of a group of lords and churchmen who asked Arran to share governance with a council and, when he refused, they declared Mary of Guise as the governor. Arran retained the support of the cardinal and others and Merriman speculated that most at the convention simply wanted Arran to widen his council.⁷² Given the activities of Cassillis in support of Henry VIII, Mary of Guise may have had doubts regarding his loyalty. However, after meeting with his kinsman Argyll at Ayr in October, Cassillis bound himself by oath to Mary of Guise, a connection that was to last until his death in 1558.⁷³ At parliament in Edinburgh in December 1544 Cassillis received a remission 'for all treasons committed heretofore'. The records show it was for 'the true and thankful service done, and to be done' to the queen and Arran as governor.⁷⁴ This effectively drew a line under his treasonable activities in 1543 and early 1544. The service provided so far probably referred to Kennedy's efforts to convince the English that his support for Henry was unchanged, in order to gain information for the Scots while sending disinformation south.

Henry VIII asked all of the lords captured at Solway to return to England. The governor and the cardinal had no wish to increase Henry's bargaining power by allowing the lords to return as hostages. In his *History of Scotland* written over 30 years later, George Buchanan wrote that they tried to convince the assured lords that they should not return to England to redeem their pledges. They told the lords that they should care for

⁶⁹ *LPHenryVIII*, vol.19.1, no.534.

⁷⁰ *Wigtownshire Charters*, ed. R.C. Reid (Edinburgh, SHS, 1960), p.51.

⁷¹ AILSA, GD25/1/588; Thomas Watson Graham, 'Patronage, Provision and Reservation: Scotland and the Papacy during the pontificate of Paul III' (Unpublished doctoral thesis, University of Glasgow, 1992), p.91; *LPHenryVIII*, vol.19.1, no.577.

⁷² *LPHenryVIII*, vol.19.1, no.664; Merriman, *The Rough Wooings*, pp.156-7.

⁷³ *The Scottish Correspondence of Mary of Lorraine*, pp.111-3; Merriman, *The Rough Wooings*, pp.156-8; *LPHenryVIII*, vol.19.1, no.969, vol.19.2, no.1; *Hamilton Papers*, vol. ii, pp.438, 457.

⁷⁴ *RPS*, 1544/11/30 [accessed 11 January 2019]; *LPHenryVIII*, vol.19.2, no.739.

their country more than for their children or relations.⁷⁵ Although Henry apparently never held much faith that the lords would return, he raged at their refusal to do so.⁷⁶ Cassillis had entered two of his brothers and his uncle Thomas as his pledges in January 1543.⁷⁷ Cassillis wrote to them in October 1544. In their response, they reminded him that Henry VIII had proclaimed that if the lords did not return to England their pledges would be executed.⁷⁸ Buchanan demonstrated his regard for Cassillis in his passage regarding the earl's return to England to free his pledges. Only Gilbert Kennedy, 'whom neither money could seduce, nor threats shake from a steady adherence to the faith he had pledged', set out for London.⁷⁹ Herries states that 'the love of his brothers' was more important to Cassillis than his country.⁸⁰ Cassillis certainly wanted to get his relatives released and the only certain way to do this was to return to England. However, he would also have realised that returning to England would probably be seen by Henry as the actions of a trustworthy man adhering to the promises he had made. This would increase English trust in any information provided by Cassillis, and it is likely for this reason that Arran sanctioned the earl's decision and allowed Kennedy to ride into England in January 1545. In early February, after more than two years in captivity, his pledges were set free and crossed into Scotland.⁸¹ This was a daring gamble by Cassillis. Henry had been told that Cassillis had joined the pro-French party, and if he had any solid evidence of the earl's double-dealing, Cassillis could expect to be imprisoned or possibly even executed.

In London, Cassillis told Henry that a convention aimed at making peace was to be held in Edinburgh and that the marriage could still take place as all of the nobility except Arran and the cardinal wanted it.⁸² It is hard to understand why Henry would believe this but perhaps he felt that loyalty to his cause was the only rational explanation for Kennedy's return to England. Cassillis asked for a licence to return to Scotland to attend Arran's convention and declare that peace was still achievable, as Henry simply wanted the treaty observed. The earl rode north while Henry and his advisers discussed whether they would allow him to cross the border.⁸³ His uncle William, abbot of Crossraguel, wrote to

⁷⁵ Buchanan, *History*, vol.2, pp.331-2.

⁷⁶ Herries, *Memoirs*, p.4; *LPHenryVIII*, vol.19.2, no.719.

⁷⁷ *Ibid*, no.113.

⁷⁸ *Hamilton Papers*, vol. ii, pp.472, 476; *LPHenryVIII*, vol.19.2, nos.345, 360, 693, 729, 760.

⁷⁹ Buchanan, *History*, vol.2, pp.331-2.

⁸⁰ Herries, *Memoirs*, p.4

⁸¹ *Hamilton Papers*, vol. ii, pp.541-2,544; *LPHenryVIII*, vol.20.1, nos.53, 129, 167; Many of the hostages of other lords remained in England for an extended period e.g. two sons of Glencairn and the sons of Lord Oliphant and Lord Somerville were held until 1550 and others died in captivity (*Papiers d'Etat pieces et documents inedits ou peu connus relatif à L'Histoire de L'Ecosse au XVI^e siecle*, ed. A. Teulet (Paris, Bannatyne Club, 1852), vol.1, pp.211-2).

⁸² *LPHenryVIII*, vol.20.1, no.132.

⁸³ *Ibid*, nos.279, 299, 308, 320, 359; *Hamilton Papers*, vol. ii, pp.570, 579.

him stating that he had many ‘onfreindis’ and few supporters, and that in particular he was ‘evill luiffit’ by Arran and other lords for returning to England.⁸⁴ However, Arran granted Cassillis a licence to attend the convention on the condition that the earl would not attempt to seduce others to the English cause. This was surely further misrepresentation to convince the king that Cassillis was still his man.⁸⁵ Angus and Arran had defeated a large English raiding party at Ancrum Moor on 27 February 1545 and Mary of Guise had agreed to accept Arran as governor on 6 March.⁸⁶ Perhaps Henry thought he had nothing to lose by giving diplomacy one last try and he allowed Gilbert Kennedy to leave England on 28 March 1545.⁸⁷ As the earl’s pledges had been freed, the English no longer had any leverage to force him to return to England.

On his return to Scotland, Cassillis met with Arran as well as Angus and Glencairn. By this point, Cassillis must have known that they could never convince the regency government to support Henry’s policy but, despite this, on 2 April he wrote to Henry from Edinburgh and informed the king that French bribes had turned them against the marriage. He told Henry that Angus had only fought at Ancrum Moor because English troops had defaced the tombs of his ancestors at Melrose Abbey, and he asked what promises he could make to Angus and others if they supported Henry’s cause. The Scots were unprepared to face an English incursion and, presumably to gain time, Cassillis told Henry that an invasion would only increase opposition to his plans. The earl knew that the English expected the French to provide military support to the Scots, and, to further dissuade Henry’s plans to invade, the earl reported that 6000 French troops with ‘much money and munitions’ would arrive later that month.⁸⁸ Henry was ‘content’ with Cassillis and promised to reward the other lords if they helped to progress his affairs.⁸⁹ Based on the earl’s information, rather than invade Scotland, by 13 April the English were on the defensive, expecting to fight combined Scots and French invasions in the north of England during May.⁹⁰ These invasions never happened and the breathing space gained by Kennedy’s misinformation is probably exactly the sort of service ‘to be done’ that Arran expected from Cassillis when he had given the earl a remission in December 1544.

⁸⁴ *Crossraguel Chrs.*, vol.1, pp.100-1; *LPHenryVIII*, vol.20.1, no.411.

⁸⁵ *LPHenryVIII*, vol.20.1, nos.401, 438, 439. Sanderson believes, mistakenly, that the Kennedy hostages were retained in England.

⁸⁶ Merriman, *The Rough Wooings*, pp.157-8.

⁸⁷ *Hamilton Papers*, vol. ii, p.591.

⁸⁸ *LPHenryVIII*, vol.20.1, no.477; Tytler, *A History of Scotland*, vol.5, pp.314, 318.

⁸⁹ *LPHenryVIII*, vol.20.1, no.502.

⁹⁰ *LPHenryVIII*, vol.20.1, no.513.

As promised, Cassillis submitted Henry's proposals to the convention in May, but discussion of them was prohibited because their terms were based on the marriage treaty. Now that his pledges were free, Cassillis seems to have felt able to take more chances in his communications with the English. It was important that Henry believed that Cassillis was his man and he advised Henry to invade Scotland with a major force.⁹¹ On the face of it this seems rather damning, but Cassillis had already told Henry that a large French force was about to arrive, and the Scots knew this would deter an English incursion. The gambit worked as the king was happy with the earl and postponed his entry to England.⁹² James Douglas of Drumlanrig, presumably to help further convince the English of the earl's loyalty to Henry's cause, told an unnamed spy that at the recent convention Cassillis had almost been imprisoned.⁹³ This was probably stretching English credulity too far, as Sadler wrote on 18 May that the 'nature and practices of the Scots are very strange' and their 'proceedings full of dissimulation', but these remarks were not aimed specifically at Cassillis.⁹⁴ At the end of May, the Scottish government sent commissioners to England to discuss terms.⁹⁵ Rumours were circulating in Scotland that the English planned to assassinate Cardinal Beaton. In May, possibly to test their veracity, Cassillis offered to kill the cardinal for Henry VIII and Sadler's guarded acceptance of the offer confirmed the rumours.⁹⁶ Kennedy was thus able to establish that the English were seriously considering having the Scottish chancellor killed.

The French court received the news of the Scots victory at Ancrum with delight. Arran had requested assistance and a French force of 3000 men arrived at Dumbarton in early June 1545.⁹⁷ It is worthy of note that this force was half as strong and arrived two months later than the information given by Cassillis in April. There was renewed trouble over Glenluce Abbey. On 11 June 1545, Cassillis complained to the Privy Council that Andrew Agnew the sheriff of Wigton, assisted by James Gordon of Lochinvar, and others, had occupied the abbey to stop him from holding his bailie court there. The Privy Council ordered the occupiers to vacate the abbey by 8 July, while Cassillis agreed to make no attempt to hold his court until the matter was settled, and each side was put under a caution

⁹¹ *LPHenryVIII*, vol.20.1, no.547.

⁹² *LPHenryVIII*, vol.20.1, no.651.

⁹³ *Ibid* no.664.

⁹⁴ *Ibid* no.763.

⁹⁵ *Ibid* no.819.

⁹⁶ *LPHenryVIII*, vol.20.1, nos.834,1177-8; *Calendar of the state papers relating to Scotland, preserved in the state paper department of Her Majesty's Public Record Office: The Scottish series*, ed. Markham John Thorpe (London, 1858), pp.51-2.

⁹⁷ Merriman, *The Rough Wooings*, p.159; *LPHenryVIII*, vol.20.1, nos.883, 890-1, 1007.

of £2000 to uphold its part of the agreement.⁹⁸ The abbot Walter Mallen informed the council that he had requested the occupation to stop the depredations of Cassillis and ‘his complices’ and all parties were ordered to desist from any invasion or troubling of the abbey or its occupants.⁹⁹ Attempts at arbitration failed, Lochinvar continued to occupy the abbey and, over a year later, in August 1546, the Privy Council, which included William Kennedy abbot of Crossraguel, again considered the matter.¹⁰⁰ The kindred supported their chief and the Kennedy lairds of Bargany and Blairquhan accompanied Cassillis to the hearing. At Arran’s request, Lochinvar agreed to leave the abbey while Cassillis promised to leave Glenluce untroubled.¹⁰¹ The following year Walter Mallen agreed that, when he died or ceded the position, Lochinvar’s son James Gordon would succeed him as abbot.¹⁰² Given this, it is hardly surprising that the struggle between the Gordons and the Kennedys for effective possession of the abbey continued.

At a meeting of the council at Stirling on 26 June 1545, those present signed a document pledging that they would ‘do their utmost either to defend the realm or to invade England’. The 54 signatures included those of Cassillis and the other assured lords.¹⁰³ The Scots assembled an army and crossed the border into England in August but it was back in Scotland within a week.¹⁰⁴ On 16 August, Cassillis, Angus, and others wrote from Melrose and told the English that it was they, the ‘king’s friends’, who had stopped the recent invasion. They advised Henry to prepare armies at harvest-time in both the east and west borders.¹⁰⁵ However, this did not fool Hertford and Sadler, who said the Scots lords had done nothing to deter the invasion but now sought credit for turning it back.¹⁰⁶ Cassillis and the others promised to bring their men to join an English force in the borders but then failed to appear.¹⁰⁷ On 9 September they gave the excuse that this failure was caused because they had not been told ‘when, where and how’ the king’s force would come, and to avoid this problem in future they asked for information regarding future incursions.¹⁰⁸ From the correspondence of the English commander Hertford on 13 September it is clear that the English leaders had ceased to give the lords any credence whatsoever.¹⁰⁹ This

⁹⁸ *RPC*, 1, pp.3-4.

⁹⁹ *RPC*, 1, pp.7-8.

¹⁰⁰ *Wigtownshire Charters*, pp.70-1.

¹⁰¹ *RPC*, 1, pp.33-4, 42.

¹⁰² Graham, ‘Patronage, Provision and Reservation’, p.91; *Wigtownshire Charters*, no.56, p.73.

¹⁰³ *LPHenryVIII*, vol.20.1, no.1049.

¹⁰⁴ *Ibid*, vol.20.1, no.1059; Merriman, *The Rough Wooings*, p.160.

¹⁰⁵ *LPHenryVIII*, vol.20.2, no.144; *The Scottish Correspondence of Mary of Lorraine*, p.145; Sanderson, *Cardinal of Scotland*, p.203.

¹⁰⁶ *LPHenryVIII*, vol.20.2, no.216.

¹⁰⁷ Tytler, *A History of Scotland*, vol.5, p.329; *LPHenryVIII*, vol.20.2, no.308.

¹⁰⁸ *LPHenryVIII*, vol.20.2, nos.329, 360.

¹⁰⁹ *LPHenryVIII*, vol.20.2, nos.329, 360.

attempt by Cassillis and the other lords to acquire foreknowledge of English plans was rather clumsy, possibly because by this time they were aware that they no longer had any credibility with the English leaders.

The presence of the French force deterred English incursions on the border and, following the end of the campaigning season, the troops returned to France over the winter months. In early October, Cassillis attended a parliament that agreed to raise a tax to assert control of the borders and its principal strongholds. During the winter, Arran's forces took the Maxwell castles of Threave, Caerlaverock and Lochmaben.¹¹⁰ The governor's pro-French policy paid dividends as the Scots were included in the Treaty of Camp agreed between the French and the English in June 1546, which meant peace with England for eighteen months.¹¹¹ At a meeting in Stirling that month, Cassillis and Angus ratified the act dissolving the contract of marriage with England and renounced all bands made by them with the king of England. The governor and Mary of Guise renounced the bonds they had made and the bonds between noblemen were also annulled.¹¹² This gave all concerned an opportunity to put the past behind them.

Between 1543 and 1546, the earl of Cassillis was supposedly a traitor acting on the orders of Henry VIII. Initially, Arran also supported Henry's plan and the governor's change to a pro-French stance in September 1543 seems to have come as a complete surprise to Kennedy. However, several months later, while still professing support for the marriage, he seems to have agreed to act as a double agent to mislead and confuse the English. Sir George Douglas, a man renowned for his guile, played a similar role. In April 1547, the English spy 'Wait Quha' wrote to Wharton and told him that Sir George Douglas had told Arran that if he gave him leave to write to England he would 'sow such division that it will last for seven years', and the governor had laughed and spoken privately to Sir George for a long period.¹¹³ Any agreement that Cassillis would act as a double agent would have occurred in just such a fashion: discussions would have taken place in private, and the nature of espionage makes any written record extremely unlikely. Circumstantial evidence points to a strong likelihood that Arran sanctioned the earl's double-dealing as early as January 1544. To ensure the safety of his pledges he needed to convince the English of his integrity and he managed to do this despite reports of his collusion with the governor.

¹¹⁰ Merriman, *The Rough Wooings*, pp.160-1; *LPHenryVIII*, vol.20.2, no.534; *RPS*, 1545/9/28/10, 24, 28 [accessed 1 September 2016].

¹¹¹ *LPHenryVIII*, vol.20.2, nos.749, 841; Merriman, *The Rough Wooings*, p.163.

¹¹² *LPHenryVIII*, vol.21.1, no.1043.

¹¹³ *CSP Scot.*, 1, p.6.

Confirmation that Kennedy's intrigues were authorised by Arran came following the peace treaty with England when there was no further need for subterfuge. Arran rewarded Kennedy for his services. In Dumbarton on 10 July, Arran and Cassillis contracted a marriage between Arran's daughter Jane Hamilton and Cassillis's son and heir, another Gilbert Kennedy, and Arran agreed to pay a dowry of over £2000.¹¹⁴ As Arran was the regent and second in line to the throne this was a very considerable recognition of the position of the earl of Cassillis. Additionally, Arran appointed Cassillis to his privy council and he added the earl to the Lords of Session in July.¹¹⁵ On 30 September 1546, the marriage contract agreed between Arran and Cassillis was included in the register of the Privy Council as an 'act and decreit of the said lordis'.¹¹⁶ The recognition he received supports the premise that, from January 1544 onwards, the earl's apparent support of Henry VIII's policy was a pretence entered into with the full knowledge and consent of Arran and Mary of Guise.

Soldier, diplomat, treasurer and law-enforcer: 1547-1558

The peace between Scotland and England did not long survive Henry VIII's death in January 1547. His son was crowned Edward VI and the young king's uncle, Edward Seymour duke of Somerset, was appointed Lord Protector.¹¹⁷ An English army invaded Scotland in September and Somerset's Proclamation offered concessions to anybody who assured.¹¹⁸ Cassillis and other members of Arran's Privy Council advised the regent to move the young queen to Inchmahome for safety.¹¹⁹ Arran raised an army of over 20,000 men to combat the invading English. The Battle of Pinkie near Musselburgh took place on 9 September and the result was an overwhelming victory for the Protector's forces. Thousands of Scots died in the battle and the English took many prisoners (including the earl of Huntly).¹²⁰ Cassillis and the other assured lords fought on the Scottish side at Pinkie and Kennedy would have been at the head of the men of Carrick.¹²¹ Several Kennedy lairds died in the battle, and Wriothesley's Chronicle mistakenly listed 'the Erle of Cassells' amongst the dead. Several allies of the Kennedys also perished in the fighting including the

¹¹⁴ *The Register of the Privy Council of Scotland 1545-1625*, ed. J. Hill Burton and D. Masson (Edinburgh, 1877-98), 1, pp.42-3; Papers of the Montgomerie Family, Earls of Eglinton, NRS, GD3/2/4/16; *RPC*, 1, p.42. The marriage never took place, probably by mutual agreement as there is no record of any bad feeling between Cassillis and Arran.

¹¹⁵ *ADCP*, 1, pp.555-6; *RPC*, 1, p.48; Cowan, *Historical Account of the Noble Family of Kennedy*, p.35.

¹¹⁶ *RPC*, 1, p.42.

¹¹⁷ Merriman, *The Rough Wooings*, p.268.

¹¹⁸ Merriman, *The Rough Wooings*, p.272.

¹¹⁹ James Balfour, 'Annales of Scotland' in *The Historical Works of Sir James Balfour of Denylne and Kinnaird* (Edinburgh, 1824), vol.1, p.288.

¹²⁰ Merriman, *The Rough Wooings*, pp.233-4, 262.

¹²¹ F. Sadleir Stoney, *A Memoir of the Life and Times of the Right Honourable Sir Ralph Sadleir*, (London, Longman, 1877), p.108.

MacDowell lairds of Garthland, of Corsewall, and of Freugh.¹²² Angus commanded the Scottish right wing at Pinkie and, given his close connections with Douglas, Cassillis was probably positioned there also.

Following this devastating defeat, it looked as if the Scots would be forced to succumb to English demands and agree to the marriage of their young queen to Edward VI of England. However, the English army did not stay in Scotland long and retreated to the border leaving garrisons in several towns, including Haddington. Balfour makes the claim in his *Annales* that the English army left Scotland quickly because they believed Arran had raised another army.¹²³ Following the battle, there are numerous letters from English commanders in Scotland asking for urgent supplies of men, money, munitions, and everything else necessary to maintain their garrisons.¹²⁴ This suggests that Somerset's failure to make the most of his stunning victory at Pinkie was at least partly due to lack of funds.

The earl's brother Thomas vicar of Penpont died at Pinkie and, only a few weeks later, his uncle William abbot of Crossraguel also died.¹²⁵ William had been abbot for 27 years and it is likely that Cassillis intended that, in the event of his uncle's death, Thomas would become the next abbot.¹²⁶ When Thomas died, another of the earl's brothers, Quintin Kennedy, who had been educated at St Andrews and then Paris, was appointed vicar of Penpont in his place.¹²⁷ Archbishop Cranmer had thought that Cassillis was sympathetic to church reformation, and the earl had supported George Wishart, a reformer who had preached in the west of Scotland in the 1540s. However, he also sought to protect the few upright churchmen and areas of good practice that still existed in the established kirk.¹²⁸ Presumably at the request of Cassillis, Arran appointed Quintin Kennedy as the new abbot and he attended several meetings of the Privy Council with his brother.¹²⁹ Quintin's appointment ensured the kindred retained control of the lands of Crossraguel and it was another sign that Cassillis was held in high regard.

In October and November 1547, the governor held discussions with Mary of Guise and the French ambassador in Stirling. A key part of the discussion was the betrothal of

¹²² *A Chronicle of England*, vol.1, pp.185-6.; James Fergusson, *The White Hind and other discoveries* (London, Faber and Faber, 1963), pp.38-9.

¹²³ Balfour, 'Annales of Scotland', vol.1, pp.288-9.

¹²⁴ *CSP Scot.*, 1, pp.52-3, 55, 61-2, 77, 87-8.

¹²⁵ James Fergusson, *The White Hind and other discoveries* (London, Faber and Faber, 1963), pp.38-9; *Crossraguel Chrs.*, vol.1, p. xli.

¹²⁶ *Acta Par. Scot.*, vol. ii. pp. 308, 321, 335, 339, 409-10, 468, 470-1, 598; *Crossraguel Chrs.*, vol.1, p. xxxix.

¹²⁷ *Crossraguel Chrs.*, vol.1, p. xli.

¹²⁸ Sanderson, *Cardinal of Scotland*, pp.207, 209-10.

¹²⁹ *RPC*, 1, pp.60-7.

Mary Queen of Scots to the son and heir of Henry II of France. Arran promised to get the agreement of the Scottish parliament to the marriage in return for the title and lands of the Duchy of Châtellerauld and the French ambassador left Scotland in November to seek the approval of the king.¹³⁰ This was forthcoming, and the governor was asked to proceed. Arran summoned a convention at Stirling in February 1548 that agreed to the proposed marriage between Mary and the dauphin Francis and asked the French for assistance against the English.¹³¹ Cassillis was a signatory to the document that accepted the marriage and agreed to the young queen's removal to France.¹³² Later that month an English force led by Lennox and Wharton attempted to invade in the west. Cassillis and Angus assembled their men ahead of the English army and caused them to withdraw.¹³³ In mid-June, an armed force of around 6000 sent by the French arrived at Leith.¹³⁴ A Scots army assisted them in a siege of the main English garrison at Haddington, and the parliament held nearby on 7 July agreed the French marriage treaty. Early in August 1548, a fleet of French ships escorted Mary Queen of Scots from Dumbarton to France.¹³⁵ Although Cassillis had previously been involved in several campaigns this is the first proof that he was a very capable military leader.

In July 1549, Arran appointed Cassillis as justiciar of Carrick and western Galloway, tasked with holding courts for the punishment of thieves, transgressors and malefactors. In his commission as justiciar, the earl is referred to as the Lieutenant-General of the queen's horse.¹³⁶ The following year, the earl seized over 1000 acres of lands in Galloway in lieu of debts owed to him by James Johnston of Petcorner. Johnston's brother was commendator of the abbey of Souleseat and he had granted these lands to Petcorner several years earlier.¹³⁷ Several years later Petcorner also assigned to Cassillis a lease he had been granted of the rents and profits of the churches and lands of Souleseat abbey, a sign that the original debt had not been fully paid.¹³⁸ The extension of Cassillis's judicial power and further acquisition of lands in western Galloway gave him effective control of both Carrick and western Galloway, the areas controlled by the earl's ancestor Gillebrigte son of Fergus, Lord of Galloway, in the twelfth century.

¹³⁰ Merriman, *The Rough Wooings*, p.300.

¹³¹ *Ibid*, p.301.

¹³² *Papiers d'Etat relatif à L'Histoire de L'Ecosse au XVI^e siecle*, vol.1, p.672.

¹³³ *Ibid*, p.79.

¹³⁴ Jean de Beaugue, *Histoire de la Guerre D'Ecosse* (Bordeaux, 1862), pp. xxxvii-xxxix.

¹³⁵ *Relations Politiques de la France et de L'Espagne avec L'Ecosse au XVI^e siecle*, ed. Alexandre Teulet (Paris, 1862), vol.1, p.171; Merriman, *The Rough Wooings*, p.309.

¹³⁶ AILSA, GD25/1/521.

¹³⁷ AILSA, GD25/1/459, 460, 462, 472, 526.

¹³⁸ AILSA, GD25/1/600.

In December 1548, the governor and Mary of Guise demonstrated their trust in the earl by appointing him as Lieutenant of the south of Scotland. His command of around 800 light horse was financed by French gold. Hugh Kennedy of Girvanmains and 24 of his men were part of the earl's force which harassed the English troops.¹³⁹ The siege of Haddington continued until April 1550 when the French and the English signed a peace treaty that included Scotland in its provisions. As the country was at peace Cassillis requested to be discharged from the office of Lieutenant and Mary of Guise and the regent Arran thanked him for his 'gud, trew and thankfull service' and promised to reward him with the gift of the first benefice that became available.¹⁴⁰ Cassillis had harassed English garrisons, helped deter further invasions and demonstrated considerable capability as a military leader of light horse.

Later that year the queen dowager decided that the political situation in Scotland was stable enough for her to visit France. Mary of Guise was eager to be re-united with her daughter and with her son Francis, whom she had not seen for 12 years. She wanted Henry II's help to remove the earl of Arran (now the duke of Châtellerauld also) from the regency. To make a favourable impression on the French king her large retinue was to include the earls of Cassillis, Huntly, and Marischal.¹⁴¹ Huntly was the chancellor and the queen's Lieutenant of the north. Earlier in 1550 he had arrested William Mackintosh, chief of the clan Chattan, and attempted to have him tried for conspiracy in Aberdeen.¹⁴² When Huntly travelled south to join the queen dowager's party, he left orders for Mackintosh's execution and he was beheaded in late August 1550.¹⁴³ Mackintosh's grandmother was Janet Kennedy, the mistress of James IV, and Huntly's execution of his relative angered Cassillis. Mary of Guise had to intervene to pacify the situation. At a meeting of the Privy Council on 5 September she required them to enter into a mutual bond, for themselves and their supporters, not to molest each other while they were with her in France and for 24 days following their return. Mary of Guise 'tuk every manis hand thairupoun' to demonstrate her concern.¹⁴⁴ Although Cassillis had to abide by the terms of the bond, he would not have forgiven Huntly's actions.

¹³⁹ *RPC*, 1, p.98; *Hamilton Papers*, vol. ii, p.623; AILSA, GD25/1/527.

¹⁴⁰ *RPC*, 1, p.99.

¹⁴¹ *A Chronicle of the Kings of Scotland from Fergus the First, to James the Sixth, in the year MDCXI*, ed. J.W. Mackenzie (Edinburgh, Maitland Club, 1830), pp.92-3.

¹⁴² Merriman, *The Rough Wooings*, p.262; Alexander Mackintosh Shaw, *Historical memoirs of the House and Clan of Mackintosh and the Clan Chattan* (London, 1880), pp.209-11.

¹⁴³ Alexander Mackenzie, *History of the Munros of Fowlis* (Inverness, 1848), p.55; Shaw, *House and Clan of Mackintosh*, p.212.

¹⁴⁴ Fraser, *The Douglas Book*, vol.2, p.163; *RPC*, 1, p.107.

Mary of Guise and her retinue landed at Dieppe on 19 September and soon met with the French king. She encouraged Henry II to reward her lords and he appointed Cassillis as a knight of the Order of St Michael.¹⁴⁵ There are no records of Cassillis or any of the other Scottish lords leaving the queen mother's retinue on their own business during the visit to France. Accompanied by her entourage, she met with her daughter Mary, visited her childhood home of Joinville, and spent some time with her son Francis. She extended her stay in France because of the discovery of a plot to murder her daughter and she did not leave until 18 October 1551.¹⁴⁶ In early March 1552, Cassillis held a justice-ayre in Ayr but promised the dowager queen that he would attend the convention called to meet at Stirling later that month.¹⁴⁷ Following Mary of Guise's return to Scotland, she was keen to improve the enforcement of law and order throughout the country and Cassillis, already justiciar of Carrick and western Galloway, assisted her in this endeavour.

At the meeting in Stirling Cassillis was commissioned by the 'Lordis of the Greit Counsel' to negotiate a resolution of the problem of the Debatable Lands in the western march of the border, an area claimed by both realms.¹⁴⁸ In order to maintain the peace with England, a meeting of the Privy Council in January decided to address this issue. The council considered that those who used the Debatable Lands as a place of refuge had always been the 'principall brekaris of the pece' and their activities had led to wars with England.¹⁴⁹ Cassillis was the lead commissioner and the others included John Bellenden of Auchnoul the Justice Clerk, and Lord Maxwell. The Privy Council's preferred split of the lands would be one where the dividing line was obvious by the 'sicht and estimatioun' of the eye.¹⁵⁰ After initial meetings in Carlisle, Cassillis wrote to Mary of Guise reporting on progress in early May.¹⁵¹ The main negotiations took place in Southhampton and were successfully concluded in August when the English Privy Council accepted the 'Scotes last offer'.¹⁵² Cassillis demonstrated his negotiating skills and the commission he led managed to resolve a thorny problem that had repeatedly caused friction between Scotland and its southern neighbour.

In the autumn of 1552, the French were at war in Europe and Henry II requested assistance from Scotland. In November, Mary of Guise convinced the Privy Council to

¹⁴⁵ William Robertson, *Ayrshire its History and Historic Families* (Kilmarnock, 1908), vol. II, p18.

¹⁴⁶ Leslie, *The Historie of Scotland*, vol. ii, pp.339-40.

¹⁴⁷ *The Scottish Correspondence of Mary of Lorraine*, pp.356-7.

¹⁴⁸ *RPC*, 1, pp.119-122.

¹⁴⁹ *RPC*, 1, pp.118-9.

¹⁵⁰ *RPC*, 1, pp.119-122.

¹⁵¹ *The Scottish Correspondence of Mary of Lorraine*, pp.357-60.

¹⁵² Merriman, *The Rough Wooings*, p.377; Thomas Rae, *The Administration of the Scottish Frontier 1513:1603* (Edinburgh, Edinburgh University Press, 1966), p.185; *Acts of the Privy Council of England* (London, HMSO, 1892), vol.4, p.113.

raise troops for service in France.¹⁵³ Cassillis was to be the overall commander and lead the light horse while Lord Ruthven would lead the footmen. They requested protection for them and their men from all proceedings against them while they were in France and for 40 days after their return. Those to be protected included Alexander the earl's brother and Sir Hugh Kennedy of Girvanmains, who were officers under Cassillis.¹⁵⁴ Men and money were raised for the French expedition. In December Edinburgh burgh records show that £500 was to be gathered to pay for 75 'men of weir that ar to pas to France'.¹⁵⁵ Later that month, Cassillis wrote to Mary of Guise from Dunoon telling her that, despite considerable difficulties, Argyll had made progress in raising the 600 men he had agreed to provide.¹⁵⁶ However, the war on the Continent ended before the force could be sent and it was disbanded.¹⁵⁷ Despite this Cassillis's appointment as the expedition's leader confirms that the Scottish leadership, and in particular Mary of Guise, held him in very high regard.

Although Arran was regent, his dependence on financial and military aid from the French king and his acceptance of the French duchy of Châtellerauld meant that the queen mother held the real power in Scotland.¹⁵⁸ The French parliament discussed the governance of Scotland and determined that Mary Queen of Scots, with the advice and council of others, would be able to administer her realm during her twelfth year, which began in December 1553.¹⁵⁹ Mary of Guise decided it was time to claim the regency and, with the promise of considerable incentives, Châtellerauld capitulated in her favour on 19 February 1554. Following her inauguration at a parliament in April, the queen mother formed a government in which Cassillis was treasurer and French officials held many of the other positions.¹⁶⁰ In August 1554 at the request of Mary of Guise, the Privy Council appointed Cassillis and John, Lord Erskine, as curators to Mary Queen of Scots who was approaching the age of twelve. This gave them the authority to act on the young queen's behalf. Erskine had previously acted as the keeper of James V, and he was the earl's uncle. He and the earl's father had both married daughters of the second earl of Argyll.¹⁶¹ Cassillis's appointment as a curator for the queen implies that Mary of Guise considered him, like Erskine, to be a crown loyalist outside of faction.

¹⁵³ Merriman, *The Rough Wooings*, p.356.

¹⁵⁴ *RPC*, 1, pp.134-6; *TA*, 10, p. xxxiv.

¹⁵⁵ *Extracts from the Records of the Burgh of Edinburgh, A.D. 1528-1557* (Edinburgh, Scottish Burgh Records Society, 1871), p.175.

¹⁵⁶ *The Scottish Correspondence*, pp.363-4.

¹⁵⁷ *TA*, 10, pp. xxxv, 154; Merriman, *The Rough Wooings*, p.356.

¹⁵⁸ Rae, *The Scottish Frontier*, pp.178-9.

¹⁵⁹ *Relations Politiques*, vol.1, pp.274-8 ; *Papiers d'Etat relatif à L'Histoire de L'Ecosse au XVI^e siecle*, vol.1, pp.261-6.

¹⁶⁰ Balfour, 'Annales of Scotland', vol.1, pp.301-2.

¹⁶¹ *ADCP*, 1, p.635.

Shortly after Mary of Guise became regent, Hugh Kennedy of Girvanmains was knighted.¹⁶² The Mackays were causing trouble in the north and they had refused to appear in Inverness and submit. Sutherland had been given a commission to bring them to justice.¹⁶³ The timing of his knighthood was probably connected to the role Mary of Guise wanted Girvanmains to play in the suppression of the Mackays. Hugh Kennedy had continued his involvement in the affairs of northern Scotland. In February 1545 he took part in the inquest that recognised George Sinclair as the rightful heir to the earldom of Caithness.¹⁶⁴ The following year his step-son John Gordon reached his majority and was formally infefted as earl of Sutherland.¹⁶⁵ When Caithness and Sutherland settled a dispute in 1549 Girvanmains was exempted from their mutual bond of defence.¹⁶⁶ Girvanmains was clearly still seen as a power broker in northern Scotland.

Girvanmains was given a commission to help apprehend Mackay of Strathnaver, and he led a naval force which embarked from Leith on 3 August. Girvanmains travelled on a ship called the *Lion* which carried 50 soldiers and several cannon to attack Mackay's castle of Borwe.¹⁶⁷ The combination of Girvanmains's small fleet and Sutherland's land force destroyed the castle but failed to catch Mackay. In October, Girvanmains told Cassillis by letter that he had arranged to meet with Mackay in a few days and he was fairly confident he would submit. Mackay did submit and in November Girvanmains transported him and his companions and servants by ship to Edinburgh. Girvanmains was awarded several escheats but had to pay Mackay's expenses for several weeks before he passed into ward on 16 December.¹⁶⁸

Cassillis was treasurer until his death in November 1558. He seems to have operated the treasury efficiently, although an understanding of the details of treasury finance during his period of office is hampered by the loss of the treasurer's accounts from November 1555 until the end of January 1558. Leslie describes him as a good treasurer with a sharp intellect.¹⁶⁹ Cassillis inherited a deficit but access to the income from Mary of Guise's own properties seems to have helped to defray government expenditure.¹⁷⁰ His

¹⁶² Papers of the Sinclair family of Mey, Caithness, NRS, GD96/61.

¹⁶³ Angus Mackay, *The Book of Mackay* (Edinburgh, 1906), p.98; Fraser, *Chronicles of the Frasers*, p.142; Fraser, *The Sutherland Book*, vol.1, p.111.

¹⁶⁴ *Calendar of Fearn: text and additions, 1471-1667*, ed. R.J. Adam (Edinburgh, SHS, 1991) Scottish History Society, Fifth Series, vol.4, p.226; Papers of the Sinclair family of Mey, Caithness, NRS, GD96/29.

¹⁶⁵ *RMS*, 3, no.3285.

¹⁶⁶ Fraser, *The Sutherland Book*, vol.3, pp.107-9; *Ibid*, vol.1, pp.108-9.

¹⁶⁷ *TA*, 10, pp.233-4.

¹⁶⁸ *TA*, 10, p.295.

¹⁶⁹ Leslie, *The Historie of Scotland*, vol. ii, p.385.

¹⁷⁰ Rae, *The Scottish Frontier*, p.179.; *The Scottish Correspondence of Mary of Lorraine*, p.385; Blakeway, *Regency in Sixteenth-Century Scotland*, pp.106-7.

accounts for 1554 contain the expenses for the fitting-out of the naval expedition commanded by his cousin Sir Hugh Kennedy of Girvanmains.¹⁷¹ Having his kinsman Cassillis as treasurer must have made it easier for Girvanmains to ensure that his small fleet was properly equipped and paid for.

Throughout Arran's time as regent Scotland had struggled to maintain the standard of its coinage because of an inadequate supply of silver. Within a few months of becoming Lord Treasurer, Cassillis took decisive action to improve the situation. In November 1554, he required that for each of the principal exports a weight of silver must be imported. The agreement 'anent bulyeon' with the Edinburgh burghers was brokered by John Bellenden of Auchnoul the justice clerk, and James MakGill the register clerk. Bellenden was now a kinsman, having married Barbara Kennedy, a daughter of Kennedy of Girvanmains, in October. Mary of Guise took a personal interest as Barbara was one of her ladies-in-waiting and both she and Cassillis signed the marriage contract.¹⁷² The earl's imposition on the Edinburgh merchants was all encompassing, specifically mentioning wool, cloth, skins, hides and fish but having a catch-all clause regarding all other merchandise. The master coiner paid the merchants an agreed price for the imported silver 'according to the fynes thairof'.¹⁷³ Cassillis's intervention was a bold attempt to improve the supply of silver and it demonstrates that, as treasurer, he was keen to resolve the problems faced by the Scottish economy.

Cassillis also acted for Mary of Guise in other ways. She had promised the people of Leith to reduce Edinburgh's dominance over their town. The regent purchased the superiority of Leith from Logan of Restalrig for £3000 in early 1556. The money was raised through a tax on the people of Leith that was organised by Cassillis and, as Mary of Guise's treasurer; he signed the document that gave Leith the right to incorporate its trades.¹⁷⁴ The merchants of Leith had apparently paid the tax willingly for this significant advance in the town's status. In 1556, Mary of Guise requested a 'gritt taxatioune' to fund a standing army for the country's defence. Mary of Guise's proposed reform would have regularised the tax system. However, it would have greatly increased the annual taxes of many noblemen and it was rejected by parliament.¹⁷⁵ Cassillis would almost certainly have

¹⁷¹ TA, 10, pp. xlvi-lxiii.

¹⁷² *Fourteenth Report of the Historical Manuscripts Commission* (London, HMSO, 1894), App.III, p.42.

¹⁷³ *Extracts from the Records of the Burgh of Edinburgh, A.D. 1528-1557*, pp.203-4.

¹⁷⁴ James Campbell Irons, *Leith and its Antiquities from the Earliest Times to the Close of the Nineteenth Century* (Edinburgh, 1897), pp.230-3.

¹⁷⁵ *A Chronicle of the Kings of Scotland*, p.93; TA, 10, p. lxx; Rae, *The Scottish Frontier*, p.262; *CSP Scot.*, 1, pp.196-7.

predicted its rejection but there is no record of whether or not he advised Mary of Guise to propose a more gradual increase of the tax burden.

In 1554, Mary of Guise had commissioned Huntly to suppress rebels in the Highlands and he had failed to do so. Cassillis asserted that the main cause of the troubles was Huntly's unjust execution of William Mackintosh in 1550, and Mary of Guise ordered Huntly to appear and explain his failure.¹⁷⁶ The regent's senior French official, vice-chancellor D'Oysel, had advised her that Huntly was too powerful, and she needed to 'clip his wings'. Despite being chancellor, Huntly was held for several months in Edinburgh castle. The regent may indeed have seen this as an opportunity to chasten Huntly, and he was stripped of the earldom of Moray and the administration of the earldoms of Mar, Orkney and Shetland. Cassillis was called the 'author' of these hard conditions and an eighteenth-century history of the Gordons describes him as the chief of Huntly's enemies.¹⁷⁷ Cassillis did well to bend the occasion to suit his purposes, including filling the coffers of his treasury with Huntly's fine of £5000.¹⁷⁸ He eventually gained justice for his relative Mackintosh in 1557 when the regent ruled that his execution had been illegal and restored Mackintosh's estates to his son Lachlan.¹⁷⁹ Huntly's failure in the north and his reputation as an over-powerful magnate allowed Cassillis to gain a measure of revenge for Huntly's execution of his kinsman Mackintosh.

Mary of Guise and D'Oysel imposed justice in the borders by means of judicial raids supported by French troops. One such raid in May 1555 was led by Bellenden of Auchnoul, accompanied by Cassillis, Huntly and Morton and their retainers and supported by French troops. They mustered at Lauder before proceeding to Jedburgh to hold a justice ayre.¹⁸⁰ Resentment had grown at the continuing presence of French troops in Scotland and borderers killed several French soldiers. Huntly and Morton wrote to Mary of Guise to tell her that Cassillis was bringing several of the suspects to her and that the earl would explain matters fully.¹⁸¹ D'Oysel was frustrated that the Scots lords did not do enough to control disturbances and he told de Noailles, the French ambassador in London, that even Cassillis, who had been very helpful to him, should have acted more quickly to administer the

¹⁷⁶ Herries, *Memoirs*, pp.28-9.

¹⁷⁷ Balfour, 'Annales of Scotland', vol.1, pp.302-3.; Herries, *Memoirs*, pp.28-9.; William Gordon, *The History of the Ancient, Noble, and Illustrious Family of Gordon* (Edinburgh, 1728), vol.1, pp.176-80.

¹⁷⁸ Raphael Holinshed, *Holinshed's Chronicle of England, Scotland and Ireland* (London, 1808), vol.5, p.575; Allan White, 'Gordon, George, fourth earl of Huntly (1513–1562)', *ODNB* [<http://www.oxforddnb.com/view/article/11034>, accessed 21 June 2016].

¹⁷⁹ R. W. Munro, Jean Munro, 'Mackintosh family (per. c.1491–1606)', *ODNB* [<http://www.oxforddnb.com/view/article/70946>, accessed 21 June 2016].

¹⁸⁰ Rae, *The Scottish Frontier*, pp.179, 184.

¹⁸¹ *The Scottish Correspondence*, p.401.

‘justice which the case required’.¹⁸² Cassillis probably realised that prosecution of the murderers in Jedburgh would just exacerbate matters and increase resentment of the French troops. To avoid this happening, he took the suspects elsewhere to face trial in a less feverish atmosphere. The regent trusted Kennedy to impose order in southern Scotland and, when further unrest occurred in the region, Cassillis wrote to Ker of Cessford and Ker of Ferniehirst on 26 August. He told them the regent was displeased about the troubles during the last day of truce and warned them to put things in order before the next truce day so that ‘no fault will be found in them’.¹⁸³ On 13 November 1555 the Privy Council asked Cassillis to organise and lead a force of horsemen to enforce justice in the western borders, and sanctioned a tax of £5000 to finance it.¹⁸⁴ By this point, Cassillis was arguably Mary of Guise’s most important supporter. As well as being her treasurer, he was a successful diplomat and a proven military leader capable of administering justice around the country.

In 1555, the dispute over the abbey of Glenluce flared up again between Lochinvar and Cassillis.¹⁸⁵ They sought arbitration and Mary of Guise herself adjudicated on the matter in January 1556. Lochinvar’s brother, James Gordon, had not yet succeeded Walter Mallen as the abbot as he is described as ‘titular of Glenluce’. Cassillis was confirmed as bailie of the abbey and James Gordon agreed that when he became abbot he would give the earl full possession of the abbey lands he had previously held. On his part, Cassillis transferred a lease to Lochinvar, agreed to help him to recover the patronage of several vicarages, and promised not to progress his rights concerning the abbey of Soulseat.¹⁸⁶ In effect, they recognised each other’s zone of influence. In return for no interference from Cassillis in the affairs of Soulseat, Lochinvar guaranteed the earl’s rights with respect to Glenluce.

During the 1550s support for reformation of the Scottish church increased but Provincial Councils failed to address the main problems.¹⁸⁷ The earl’s brother Quintin Kennedy vigorously attacked corruption and abuses within the kirk and, although he warned of the dangers of vernacular scripture, he refused to pronounce definitively on the

¹⁸² M. l’Abbe de Vertot, *Ambassades de Messieurs de Noailles en Angleterre* (Paris, 1763), vol.4, pp.315-8.

¹⁸³ Papers of the Kerr Family (Lothian Muniments), NRS, GD40/2/9/23.

¹⁸⁴ *Extracts from the Council Register of the burgh of Aberdeen 1398-1570*, ed. J. Stuart (Aberdeen, Spalding Club, 1844), pp.296-7.

¹⁸⁵ *Wigtownshire Charters*, p.51.

¹⁸⁶ *Ibid.*, pp.75-6.

¹⁸⁷ Finlay Macdonald, *From Reform to Renewal; Scotland’s Kirk Century by Century* (Edinburgh, St Andrew Press, 2017), pp.18-9.

matter.¹⁸⁸ His arguments showed clear signs of accommodation with some of the ideas put forward by the protestant reformers and may have been influenced by the views of the earl himself.

The earl's skills as a diplomat were utilised again in May 1557. He was one of three commissioners, probably the lead, who Mary of Guise sent to Carlisle to discuss the preservation of the peace between England and Scotland. On the death of Edward VI in 1553, his half-sister Mary Tudor became queen of England. Her husband was King Philip of Spain, which was at war with France, Scotland's ally. Philip convinced his wife to support him and, in June 1557, England declared war on France. This meant that a state of war could be considered to exist between the English and the Scots. According to Leslie, Mary of Guise ordered the immediate return of the commissioners to stop them from being imprisoned.¹⁸⁹ However, the records show no threat of imprisonment, and the discussions continued for several weeks after England's declaration of war. Negotiations ended on 17 July with a joint proclamation of peace between England and Scotland until 15 September 1557.¹⁹⁰ This was another diplomatic success for Cassillis and it further cemented his position as Mary of Guise's closest supporter.

However, a conversation reported between Cassillis and the earl of Westmorland makes it clear that Cassillis was concerned that Scotland's alliance with the French was becoming unbalanced to the detriment of the Scots. Westmorland said that it was folly to continue peace discussions as England was at war with France and the Scots were 'Frenche for youre lyves'. Cassillis reacted angrily saying 'I am no more Frenche than ye ar a Spanyard' and Westmorland claimed that, while Philip and Mary were married, he was indeed 'a Spanyard'. Cassillis reminded Westmorland that, several years earlier (probably in the mid-1540s), he had told him that the Scots 'would dye every mothers sonne of us' rather than be subjects of England and the same was now true of France.¹⁹¹ Cassillis was being consistent. He had broken with Henry VIII when it became clear that he intended to subjugate the Scots and, while he remained loyal to Mary of Guise, he was concerned the French king was beginning to treat Scotland as part of his own territories. Other commissioners were also reported to have expressed reluctance to break with the English because of the French.¹⁹² When Henry II of France asked the Scots to assist him by attacking England, it validated the earl's concerns. Mary of Guise raised an army that

¹⁸⁸ Alec Ryrie, 'Reform without frontiers in the last years of Catholic Scotland', *English Historical Review* 119 (2004), 27-56.

¹⁸⁹ Leslie, *The Historie of Scotland*, vol. ii, p.370.

¹⁹⁰ *CSP Scot.*, 1, p.200.

¹⁹¹ *CSP Scot.*, 1, p.198; Robertson, *Ayrshire its History and Historic Families*, vol. II, p18.

¹⁹² *Ibid.*, pp.198-9.

autumn and it advanced to the border. However, Cassillis and the other Scots lords refused to follow her orders to march into England. The alliance was intact, but they had no wish to provoke retaliation from England because of a war between France and Spain that had nothing to do with them and they felt they had already done enough to demonstrate their goodwill towards the French.¹⁹³ This corroborates Cassillis's statement to Westmorland regarding the feelings of the Scots.

Henry II ordered the marriage of Mary Queen of Scots to his son the dauphin to go ahead, possibly to help bolster the alliance between the two countries.¹⁹⁴ Mary of Guise included Cassillis and the queen's half-brother Lord James Stewart among the eight commissioners trusted with negotiating the marriage contract.¹⁹⁵ In early 1558, before leaving Scotland, Cassillis drafted his testament that named his wife, his eldest son Gilbert and his brother the abbot of Crossraguel, as his executors (see Fig.6 on p.89).¹⁹⁶ The earl seems to have been keen to resolve as many problems as possible before he left. Cassillis complained that Gordon of Lochinvar had refused to observe the terms of their arbitration agreement of 1556.¹⁹⁷ Lochinvar was put to the horn in February and the escheat of his movable goods was granted to Cassillis. To avoid this, Lochinvar seems to have agreed to comply with the earlier arbitration.¹⁹⁸ Cassillis was able to embark for France knowing that the dispute had been at least partly resolved.

The commissioners travelled to France and presented their credentials at Fontainebleau on 16 March 1558.¹⁹⁹ Cassillis appears to have acted as the lead for the Scots, as it was he who explained to the French that they could not grant the Dauphin the crown matrimonial as this went beyond their remit as commissioners.²⁰⁰ Cassillis was one of the signatories of the contract for the royal marriage agreed on 19 April.²⁰¹ The ceremony took place on 24 April 1558. At the banquet that followed, the French king gave Cassillis the honour of acting as the queen's carver.²⁰² The festivities following the wedding lasted for several days and involved banquets, dancing and musical

¹⁹³ Leslie, *The Historie of Scotland*, vol. II, pp.369-72.

¹⁹⁴ *Ibid*, pp.374-8.

¹⁹⁵ Donaldson, Gordon, *Scotland: James V to James VII*, p.89.

¹⁹⁶ Cowan, *Historical Account of the Noble Family of Kennedy*, pp. n35-6.

¹⁹⁷ *Wigtownshire Charters*, pp.75-6.

¹⁹⁸ *RSS*, 5.1, nos.327, 347.

¹⁹⁹ Teulet, *Inventaire*, pp.98-9.

²⁰⁰ Robert Lindsay of Pitscottie, *The Historie and Cronicles of Scotland from the Slauchter of King James the First to the ane Thousande Fyve Hundreith Thrie Scoir Fyftein Zeir*, ed. E.J.G. Mackay (Edinburgh, Blackwood, 1899), vol.2, p.125.

²⁰¹ Teulet, *Inventaire*, pp.102-3.

²⁰² Pitscottie, *The Historie and Cronicles of Scotland*, vol.2, p.124.

performances.²⁰³ The French king further honoured the earl by appointing him as a gentleman of the bedchamber.²⁰⁴ Although Cassillis turned down the French request for the crown matrimonial, he did so in such a way that the possibility remained open. This demonstrated the earl's diplomatic and negotiating skills and his efforts brought him a reward from the French king.

Cassillis and the other Scots commissioners did not set out on their return until August. On 16 September, Mary Queen of Scots wrote to her mother and implied the commissioners had embarked for Scotland, but adverse weather had driven their ship back to Dieppe.²⁰⁵ At Dieppe, several of them took ill and no less than four of them died in France, the bishop of Orkney and the earl of Ross succumbing quickly, while Lord Fleming and Cassillis died several months later. There were rumours of poison, ostensibly because the commissioners had refused to comply with all of the French demands.²⁰⁶ However, there were no signs of any enmity towards them and the French king had lavished the commissioners with gifts in recognition of their services. Cassillis recovered from this sickness but later contracted another illness. He sent a letter from Dieppe to his 'cousing' Patrick Vaus the parson of Wigtown in early October or November 1558. The earl asked Vaus to send him £100 immediately 'which I mon gyf to me interteneris, and utheris' and then goes on to deal with some of the ordinary business of his lordship. Cassillis made no mention of any suspicion of poison and said that nine days earlier he had contracted a fever 'callit the cotediane'.²⁰⁷ This was probably the quotidian fever, an outbreak of which killed thousands in England in the autumn of 1558.²⁰⁸ He made no connection between it and his earlier sickness and seemed to believe that his fever was a common ailment in the area. Cassillis seems to have realised he would not survive the illness as, on 14 November, two weeks before his death, he ratified the testament he had made in Scotland and named his brother Quintin as 'oversman'.²⁰⁹ The allegations of poison were probably no more than propaganda aimed at Mary of Guise and those who supported her. An eighteenth-century history of the Gordons stated that the reformers used the story to help turn the populace against the French.²¹⁰ It is much more likely that the four

²⁰³ Leslie, *The Historie of Scotland*, vol. ii, pp.380-1.

²⁰⁴ AILSA, GD25/9/37; Cowan, *Historical Account of the Noble Family of Kennedy*, Appendix, pp.3-5.

²⁰⁵ State Papers, Miscellanea, NRS, SP13/84.

²⁰⁶ Leslie, *The Historie of Scotland*, vol. II, pp.384-5.

²⁰⁷ Robert Vans Agnew, *Correspondence of Sir Patrick Vaus of Barnbarroch, Knight; Part 1 1540-1584* (Edinburgh, Ayr and Galloway Archaeological Association, 1887), pp.11-2.

²⁰⁸ A. Strickland, *Lives of the Queens of England* (Boston, 1860), vol. vii, p.106.

²⁰⁹ Cowan, *Historical Account of the Noble Family of Kennedy*, pp. n35-6.

²¹⁰ Gordon, *The History of the Ancient, Noble, and Illustrious Family of Gordon*, vol.1, p.186.

Scottish commissioners had simply succumbed to the contagious illnesses that were endemic in large port towns like Dieppe.

The earl's son, named in the sederunt as the master of Cassillis, attended the Edinburgh parliament that opened on 29 November 1558.²¹¹ Although the third earl had died in France the day before, news of his death would have taken several weeks to reach Scotland. The four Scots commissioners who had returned safely from France made their report to parliament and presented the queen's request that her husband should receive the crown matrimonial.²¹² Parliament agreed, and it is inconceivable that, if they had any suspicion whatsoever that their commissioners had been poisoned because of their refusal to grant the crown matrimonial, they would agree without demur to the very same request.

Conclusion

Like other magnates, including the regent Arran, the third earl initially supported the plans for a marriage between Henry VIII's son and Mary Queen of Scots. When Arran changed his mind and adopted a pro-French policy, Cassillis spent several months trying to persuade and pressurise him to revert to his previous stance. This failed and Cassillis realised that the Scots nobility would never support the marriage plan and secretly changed his allegiance, almost certainly with the approval of Arran and the cardinal. As two of his brothers and his uncle were pledges for his good faith in England, he had to pretend that he was still committed to Henry's plan while offering no material assistance whatsoever. His interactions with England were aimed, like those of Arran himself at the end of 1543, at confusing the English regarding the true state of affairs in Scotland, playing for time while preparing for war and seeking the assistance of the French.

The actions of the Scottish leadership suggest that they considered Cassillis to be a patriot rather than a traitor. The governor agreed to marry his daughter to Kennedy's heir and the earl formed a close bond with Mary of Guise. Arran and Mary of Guise showed their gratitude for the role he had played by giving him trusted positions in the government. Cassillis was made Lieutenant-General of the army and played a key role in the removal of English garrisons from the south of the country. Mary of Guise chose Cassillis as her Lord Treasurer and he successfully took on several diplomatic missions. The French king rewarded him for his role in the negotiation of the queen's marriage contract.

²¹¹ *RPS*, 1558/11/2 [accessed 11 July 2016].

²¹² Robert Keith, *History of the Affairs of Church and State in Scotland from the Beginning of the Reformation until 1568*, ed. J.P. Lawson (Edinburgh, Spottiswoode Society, 1844), vol.1, pp.172-4.

Cassillis's position of esteem ensured that when his uncle William died in 1547, another Kennedy, the earl's brother Quintin became the new abbot of Crossraguel. There is no reason to doubt the commitment of the third earl of Cassillis to church reform, and it may have facilitated his alliance with Mary of Guise who was a proponent of reforming the bad practices of the old church. Probably motivated by fears of the changes that reformation might bring, many holders of church benefices began to lease their lands to members of their family on advantageous terms.²¹³ An indication that Cassillis and his brother Quintin still hoped the church could reform itself from within is that this did not happen at the abbey of Crossraguel.

Campbell of Loudoun's bond of manrent to Cassillis on behalf of himself, his heir and all of his supporters effectively ended the Kennedys' feud with Loudoun and the Crawfords. The Kennedys had grown in strength in Galloway where their allies included the MacDowells, the McLellans and Adair of Kinhilt. The earl's influence there expanded with his appointment as the bailie of the abbey of Glenluce, a position his father had also held, and his acquisition of some of the lands of the abbey of Souleseat. Cassillis was appointed as justiciar of Carrick and western Galloway and, probably instigated by fears regarding the expansion of Kennedy power in Galloway, Gordon of Lochinvar contested the earl's position as bailie of Glenluce. The Kennedy kindred were united in support of their chief against Lochinvar, and the only sign of serious problems within the kindred came in 1553 when there was a dispute between the third earl and his brother-in-law, Kennedy of Bargany, which was resolved through arbitration.

When Huntly had Kennedy's relative, Mackintosh, executed on trumped-up charges, Cassillis initially reacted with fury. Mary of Guise brokered a temporary truce and Cassillis saw the futility of taking any action against so powerful a nobleman at that time. The earl followed the advice of the family motto 'Avisé la Fin' (Consider the End). He waited several years, until he was at the centre of the government of Mary of Guise, and Huntly was out of favour, before raising the matter again. Cassillis was successful and Huntly had his wings severely clipped while Mackintosh's heir had his properties reinstated.

The third earl of Cassillis was a loyal supporter of the regents Arran and Mary of Guise throughout this period. Both recognised his loyalty and rewarded him for his services. Although he was arguably Mary of Guise's closest supporter throughout the last decade of his life, there were clear signs in 1557 that he was concerned that her pro-French policy risked Scotland's independence and it might become just another part of a wider

²¹³ James Rankin, *A Handbook of the Church of Scotland* (Edinburgh, William Blackwood, 1888), p.143.

French empire. It is arguable that this, and his desire for church reform, might have eventually led to him joining the forces who wished to expel the French from Scotland. Perhaps he would have joined his kinsman Argyll as a Lord of the Congregation, although it is difficult to imagine him taking arms against Mary of Guise.

Chapter 6: The fourth earl of Cassillis

This chapter examines the life of the fourth earl of Cassillis, from his accession to the earldom in November 1558 until his death in December 1576. This was a particularly turbulent period in Scottish history. In 1560 Mary of Guise died, the reformers triumphed at the parliament later that year, and Mary Queen of Scots returned from France in 1561. The queen's marriage to Darnley was terminated by his murder, and in 1567 Mary was forced to abdicate in favour of her infant son James VI. After her forces were defeated in 1568 Mary fled into England and a long period of civil war and regency commenced. The earl's uncle Quintin was abbot of Crossraguel, and Cassillis voted against the Confession of Faith at the Reformation Parliament in 1560. The earl supported attempts to re-establish the preaching of the Catholic mass in Carrick in 1563 and his adherence to the old religion caused tensions within the kindred. Cassillis successfully acquired much of the lands of the abbeys of Glenluce and Soulseat in western Galloway although this brought him into dispute with Gordon of Lochinvar. In 1564, only a few months before the untimely death of his uncle, the earl started the process of acquiring the lands of Crossraguel. The queen's subsequent appointment of a non-Kennedy to the benefice was extremely unwelcome as the Kennedys had grown accustomed to the abbot of Crossraguel being one of the family. His adherence to the old church did not long survive his uncle's death, and the reasons for this change have not previously been examined. Cassillis remained loyal despite the rumours of Mary's involvement in her husband's murder. However, the Kennedys were split, and when the earl fought on the queen's side at the battle of Langside, he found himself opposed by the head of the senior cadet branch, Thomas Kennedy of Bargany, and several other Kennedy lairds. Following the queen's defeat at Langside, Cassillis seems to have reached an accommodation with the regent Moray and this may have helped to heal rifts within the Kennedy kindred. However, in 1570 his attempt to acquire the lands of Crossraguel by force was opposed by Bargany and others, and the kindred was embroiled in an internal feud which lasted for several years.

The first section deals with the period following the fourth earl's accession until the queen's imprisonment in 1567. It considers the impact that the earl and other Kennedys had on the progress of the Reformation in south-west Scotland, the earl's acquisition of the lands of the abbeys of Glenluce and Soulseat in Galloway and his initial attempt to acquire the lands of Crossraguel in Carrick. The earl's involvement in the events that led to Mary's imprisonment in 1567 is also examined. The second section examines how the kindred was split by Mary's detention and the subsequent civil war. The section thereafter analyses the

feud that resulted when Cassillis's attempt to forcibly acquire Crossraguel was opposed by Bargany acting on the regent's behalf, and how the dispute was eventually resolved. The final section examines how the earl's dispute with Bargany was eventually resolved and also looks at the fourth earl's relationship to senior Kennedys and other supporters in the last few years of his life.

John Knox's secretary Bannatyne published a contemporary account of the earl's attempt to acquire the lands of Crossraguel which blackened the fourth earl's reputation, and the early seventeenth-century history of the Kennedys called him a 'werry greidy manne' whose only concern was to acquire land.¹ Historians have tended to accept these judgments, but this chapter will show that the fourth earl was simply a man of his time, who, like other magnates, sought to acquire additional lands. The earl certainly failed to convince senior members of the Kennedy kindred to support his actions and they took arms against him. Despite these problems the earl regained the kindred's support and managed to acquire most of the available church lands in Carrick and western Galloway. Although, in comparison to his father's era, the kindred had certainly lost influence at court, at the time of the earl's death the Kennedy earldom was at the peak of its power in south-west Scotland.

Until the Arrival of Mary Queen of Scots in 1561.

When his father died in 1558 the fourth earl was aged around seventeen. His father had appointed him, his mother, and his uncle the abbot of Crossraguel as the executors of his will, should he die in France. On 20 December 1558, a few weeks after his father's death, he wrote to Patrick Vaus, the parson of Wigton. He thanked Vaus for the service 'that ye did to my fader' and asked him to find out the state of his father's affairs and whether any monies were owed in France.² In February, Henry II of France acknowledged the 'important and commendable' service of the third earl, and appointed his son as a gentleman of the bedchamber in his place.³ Vaus obtained a passport and visited France to help clear up the third earl's affairs.⁴ The earl's father owed money to a merchant in Ayr, and Vaus found that he had also borrowed £500 from the French king's treasurer. Additionally, the earl acknowledged that his father owed £200 to Patrick Vaus himself.⁵ Settlement of these debts required the earl to mortgage around a thousand acres of land in

¹ 'Historie of the Kennedyis', p.9.

² *CSPVB*, pp.13-4.

³ Cowan, *Historical Account of the Noble Family of Kennedy*, Appendix, pp.5-8; AILSA, GD25/9/37.

⁴ *CSPVB*, p.14.

⁵ *CSPVB*, pp.14-5.

Carrick.⁶ Using Vaus to help settle his father's affairs was probably suggested to Cassillis by his mother and his uncle Quintin.

Patrick Agnew of Lochnaw the sheriff of Wigton seems to have perceived the third earl's death as a chance to expand his own influence in western Galloway. In early 1559 Mary of Guise granted Cassillis an exemption from Agnew's jurisdiction, because of the 'variance between them', and ordered the sheriff to desist from his actions against Cassillis and his supporters.⁷ As this is the only record of problems between the Agnews and the Kennedys during the fourth earl's lifetime, it is likely that his advisers reached a binding accommodation with the sheriff. In August 1559, Gilbert reached agreement with his mother, the dowager countess, regarding her inheritance rights. For the 'love and favour' of his mother, he granted her the house of Cassillis and its contents with annual payments of money and foodstuffs. On her part the countess renounced all right and title which she had to her terce and conjunct fee lands.⁸ The agreement reached may well have been discussed and pre-agreed by the earl's parents, as both his father and grandfather had been financially disadvantaged by the rights of several dowager countesses.

As the earl was under age, he required curators to advise him and ratify his contracts until he came of age. Those chosen were his uncles Quintin Kennedy abbot of Crossraguel and David Kennedy of Culzean, along with Sir Hugh Kennedy of Girvanmains and Mr Thomas Hay, parson of Spynie.⁹ Thomas Hay had a familial connection to the Kennedys. He was the illegitimate son of James Hay bishop of Ross and an Elizabeth Kennedy (probably from a minor cadet branch of the family).¹⁰ Despite his illegitimacy, Thomas Hay had been given a papal dispensation to hold church benefices.¹¹ The papal bull described his mother (unnamed) as 'most respectably descended'.¹² Thomas was appointed parson of Spynie in Moray, where he met Hugh Kennedy of Girvanmains, a senior member of the Kennedy kindred who spent most of the 1530s and 1540s in the area.

In their manifesto of October 1559, the Lords of the Congregation claimed that the deceased third earl of Cassillis had deliberately neglected his duties as her treasurer because the 'liberties of the realm were endangered', and that Mary of Guise would have

⁶ AILSA, GD25/1/578-80,629, GD25/2/109; CSPVB, pp.14-5.

⁷ CSPVB, pp.16-7.

⁸ AILSA, GD25/1/576-7.

⁹ AILSA, GD25/1/577; Cowan, *Historical Account of the Noble Family of Kennedy*, p.n 37-8.

¹⁰ J. Dowden, *The Bishops of Scotland*, ed. J Maitland Thomson (Glasgow, 1912), pp.224-5; AILSA, GD25/2/133 (James Hay was abbot of Dundrennan in Galloway between 1517 and 1523).

¹¹ Papers Relating to Sherifffdoms of Ayr, Wigtown and Kirkcudbright, NRS, RH15/216/23.

¹² AILSA, GD25/1/23.

replaced him if he had not been ‘much beloved by the people’.¹³ The earl’s father seems to have been a diligent treasurer and the story was simply propaganda against Mary of Guise. The young earl of Cassillis played no part in the confrontations and stand-offs between the two sides. However, when Mary of Guise was reported to be extremely ill in January 1560, Cassillis was one of the few powerful lords who came to her side.¹⁴ In February, Randolph pointed out that the earls of Cassillis and Eglinton were ‘wholly addicted’ to her and, as they were the most powerful men on the west coast of the lowlands, a landing of French forces there would probably be successful.¹⁵ On 27 February, Châtellerauld, the ‘second person of the Realm of Scotland’, made an agreement with the English queen for defence against a French invasion.¹⁶ Randolph mentioned that the earl’s ‘friends are harder to be agreed with than he himself’. This was probably a reference to the earl’s curators and implies that they were advising Cassillis to continue to support Mary of Guise.

The earl was rewarded for his loyalty to Mary of Guise. Over the previous seventy years or so, the Kennedys had extended their influence into western Galloway. The abbeys of Glenluce and Souleseat had extensive landholdings in the region. Their acquisition would have been considered a great prize. In March 1560, the abbacy of Glenluce was vacant and Mary Queen of Scots recommended that Thomas Hay should be appointed to the benefice and requested that an annual pension of £100 from the revenues of the abbey should be paid to Patrick Vaus.¹⁷ The award to Thomas Hay may have been originally planned by the earl’s father. Thomas Hay was appointed abbot of Glenluce in May 1560. The papal bull stipulated that no new monks were to be admitted to the abbey and, when the existing monks died, Hay would personally inherit the lands.¹⁸ Mary of Guise was close to death and besieged in Edinburgh castle, and in early June, as the lords were clearly in the ascendant, the young earl took the pragmatic decision to enter into dialogue with them.¹⁹ Mary of Guise died a few days later.

Cassillis’s connection to the old church was bolstered by his uncle Quintin, who was the abbot of Crossraguel. In the previous two or three decades many holders of church benefices, perhaps sensing the coming Reformation, gave leases of church lands to

¹³ *Calendar of State Papers, Foreign Series of the Reign of Elizabeth 1559-60*, ed. J. Stevenson (London, Longman, 1865), no.42.

¹⁴ *CSP Scot.*, 1, p.290.

¹⁵ *CSP Scot.*, 1, p.321.

¹⁶ *Treaties with England*, NRS, SP6/59.

¹⁷ *Lettres, Instructions et Memoires de Marie Stuart, Reine D’Ecosse*, ed. A. Labanoff (London, 1844), pp.69-70; *CSPVB*, p.17 (James Gordon had died in March 1559).

¹⁸ McKerlie, *History of the Lands and their Owners in Galloway*, vol.1, pp.576-8.

¹⁹ *CSP Scot.*, 1, p.421.

relatives and friends on very favourable terms.²⁰ This did not happen at Crossraguel until July 1560 when Quintin leased some of the abbey lands to his nephew the earl, and also appointed him as heritable bailie of Crossraguel.²¹ Cassillis attended the parliament in August 1560 where the reformers emerged triumphant and he was one of only two temporal lords who voted against the Confession of Faith. Maitland claimed that Cassillis and the earl of Caithness had not actually voted against the Confession and had only asked for time to read the book thoroughly. However, Randolph's eye-witness report clearly states that the two earls had simply said 'Nae'.²² A week later, Cassillis was mentioned as still being obstinate and unwilling to subscribe the bill. Randolph was told that Argyll and Lord James Stewart would be 'a terror unto' the earl's friends.²³ Presumably it was their intention to exert pressure on the earl's curators in order that they would advise Cassillis to change his stance. At the general assembly of the reformed kirk, on 27 December 1560, Cassillis and his uncle Quintin were condemned as 'idolators' and 'maintainers' of the old religion who should be 'sharply punished'.²⁴ John Knox presented proposals regarding the governance of the reformed church to a convention of the nobility in January 1561. The earl's cousin Thomas, Kennedy of Bargany's heir, signed the First Book of Discipline.²⁵ Unsurprisingly, given his religious affiliation, Cassillis did not sign. Knox claimed that the Privy Council had passed laws in May 1561 to suppress all places and monuments of idolatry.²⁶ Shortly after this, the earls of Arran, Argyll and Glencairn and local protestant reformers attacked the abbey of Crossraguel after doing considerable damage to the abbeys of Paisley and Kilwinning.²⁷ Crossraguel was only slightly damaged, possibly because the raid was curtailed because of fears of armed intervention from Cassillis and his allies. The Protestant reformers believed that he and his uncle Quintin were the reason for the reformation's lack of progress in Carrick.

Before Thomas Hay was appointed abbot of Glenluce he seems to have agreed to transfer the abbey's lands to Cassillis. However, John Gordon of Lochinvar, a major laird in eastern Galloway, attempted to block Hay's admission to the abbey in September 1560 by getting his servants to occupy the main parts of the abbey and expel the monks. Lochinvar was an ardent reformer and his actions may have been motivated by religion although his family had tried to acquire the lands of Glenluce several years earlier. Despite

²⁰ James Rankin, *A Handbook of the Church of Scotland*, p.143.

²¹ *Crossraguel Chrs.*, vol.1, pp.123-4; AILSA, GD25/1/615.

²² *CSP Scot.*, 1, pp.465,467.

²³ *CSP Scot.*, 1, p.471.

²⁴ *Crossraguel Chrs.*, vol.1, pp.124-5; *Dictionary of National Biography*, ed. Sidney Lee (London, 1892), p.419.

²⁵ Herries, *Memoirs*, p.52; *John Knox's History of the Reformation*, vol.1, pp.344-5.

²⁶ *John Knox's History of the Reformation*, vol.1, pp.360-2 (RPC is incomplete for the first part of 1561).

²⁷ *Crossraguel Chrs.*, vol.1, pp.126-7; *John Knox's History of the Reformation*, vol.1, p.364.

the actions of Lochinvar, Hay's procurators managed to meet with the monks and complete the process of admittance.²⁸ On 2 November 1560, Thomas Hay alienated the lands of the abbey to the earl and his heirs. These lands extended to over 5000 acres, only slightly smaller than the barony of Cassillis itself. In return the earl paid Hay £2000 and agreed to annual payments of around £500.²⁹ Thomas Hay also made Cassillis and his heirs the heritable bailies of the abbacy and barony of Glenluce.³⁰ Patrick Vaus the parson of Wigton, who had assisted Cassillis to settle the third earl's affairs in France, had returned to Scotland and adopted Protestantism.³¹ In December 1560 he married Elizabeth Kennedy, a daughter of Sir Hugh Kennedy of Girvanmains, and a dowry of £400 was agreed.³² Thomas Hay promised to pay this on behalf of Girvanmains, but this was conditional on him gaining real control of the abbey of Glenluce and its lands.³³ Cassillis took Hay, and the monks that Lochinvar had expelled from Glenluce, into his protection. He supplied their food, clothing and accommodation requirements, and they probably spent their period of expulsion at the abbey of Crossraguel. The problem remained that, despite Hay being admitted to the abbey of Glenluce as its new abbot and his confirmation of Cassillis as its bailie, the abbey's buildings and lands were still occupied by Lochinvar.

Lochinvar claimed that the previous abbot of Glenluce had granted him the lands and revenues of the abbey, and that he had expelled the monks in protest at plans to transfer to Cassillis what was already Lochinvar's by right. He had documents to prove this, but, on 15 July 1561, one of the monks, Dean Michael Leirmont, confessed that he had forged these papers at Lochinvar's request.³⁴ The 'Historie of the Kennedyis' claimed that it was Cassillis, not Lochinvar, who got a monk to forge the documents he needed. The earl was then supposed to have arranged the monk's murder by a man called 'Carnachaine' and subsequently, to cover his tracks even further, he got his uncle to accuse the murderer of theft and hang him in Crossraguel.³⁵ The unknown author of the 'Historie' makes no attempt to hide his disregard for the fourth earl of Cassillis, but it is clear that in this case the earl was the injured party. The occupation of the abbey was ended by an agreement between Cassillis, Abbot Thomas and Lochinvar, which was ratified in Edinburgh in November, and Lochinvar handed over its keys to Cassillis.³⁶

²⁸ AILSA, GD25/1/587; *John Knox's History of the Reformation*, vol.1, pp.344-5.

²⁹ AILSA, GD25/1/589.

³⁰ AILSA, GD25/1/591.

³¹ *CSP Scot.*, 1, p.482 His elder brother Alexander was married to Janet Kennedy, a sister of the third earl.

³² *CSPVB*, p.22.

³³ *Ibid*, pp.23-4.

³⁴ AILSA, GD25/2/118.

³⁵ 'Historie of the Kennedyis', p.9.

³⁶ *Fifth Report of the Royal Commission on Historical Manuscripts* (London, HMSO, 1876), Part 1, p.615.

Several years later Lochinvar complained to the Privy Council that the earl had broken the terms of the agreement they had made.³⁷ The bishop of Galloway appointed Cassillis as bailie of his church lands and granted him lands around the Loch of Inch which was already the centre of Kennedy influence in Galloway.³⁸ The appointment and the award of these lands is a clear sign that the problem had been resolved in the earl's favour.

During this period, Cassillis made significant progress towards control of the church lands in south-west Scotland. His uncle Quintin was abbot of Crossraguel and another kinsman Thomas Hay had been appointed abbot of Glenluce. This was achieved despite the earl's continued adherence to the old religion which had brought him condemnation from the reformers.

Until the imprisonment of Mary Queen of Scots in 1567

The husband of Mary Queen of Scots, King Francis of France, died in December 1560 and Mary decided to return to Scotland where she hoped to renew the Franco-Scottish alliance.³⁹ She landed at Leith on 19 August 1561. On the following Sunday, a mass was celebrated in her private chapel and this added fresh confusion regarding acceptable religious practice. Celebration of the catholic mass had been banned and Randolph reported that most of the lords, including Cassillis, attended the sermon of John Knox instead, because of their fear of the protestant reformer, who 'rulethe the roste'.⁴⁰ Cassillis's relationship to the queen would have been bolstered by the marriage of his sister Janet to Mary's illegitimate half-brother Lord Robert Stewart commendator of Holyrood on 13 December.⁴¹ In the summer of 1562, Mary intended to meet with Queen Elizabeth of England near the border in order to 'increas farder amytye' between the two monarchs. Cassillis and his company were invited to join her by 15 July, with everything necessary for a stay of two or three months.⁴² However, the meeting never took place, as it proved impossible to agree a time and venue acceptable to both sides.

Perhaps encouraged by Mary's arrival in Scotland, Cassillis made progress regarding church lands in Galloway. The earl asserted his right to the remaining years of a lease held by his father of the rents and profits of the churches and lands of the abbey of Souleseat

³⁷ *RPC*, 1, pp.301-2, 315-6, 325.

³⁸ AILSA, GD25/1/653,658, GD25/2/136.

³⁹ Julian Goodare, J. (2007, May 24). Mary [Mary Stewart] (1542–1587), queen of Scots. *ODNB*, [http://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-18248, accessed 5 Sep. 2018].

⁴⁰ *CSP Scot.*, 1, pp.547-8; *Calendar of State Papers, Foreign Series of the Reign of Elizabeth 1561-2*, ed. J. Stevenson (London, Longman, 1866), p.296n

⁴¹ *CSP Scot.*, 1, pp.563, 583.

⁴² AILSA, GD25/2/122.; *Fifth Report of the Royal Commission on Historical Manuscripts*, Part 1 (London, HMSO, 1876), p.615.

which lies several miles east of Stranraer.⁴³ The earl's father had also apprised, in settlement of an unpaid debt, over 1000 acres of lands which had previously belonged to Soulseat. These lands were formally granted to Cassillis and, at the same time, other Soulseat lands were awarded to the head of the Agnew family who was also appointed bailie of its lands.⁴⁴ This is probably a sign of the agreement that the earl's father had made with the Agnews several years earlier.

There was a further twist to the story of the Glenluce lands. The terms of the original deal had allowed Cassillis to allocate pensions from the abbey lands, and award Hay's old benefices to his own supporters. However, Thomas Hay complained that there were insufficient funds to support this, and, on 10 August 1562, they agreed a new contract that granted the earl most of the lands, and a 19-year lease of the barony of Glenluce. The abbot was to keep half of the lease payments during his lifetime. By this new contract, Hay recovered his old benefices, the parsonages of Spynie and Logie, and received a guaranteed income from the abbey.⁴⁵ The archbishop of St Andrews had asked senior churchmen to examine whether the awards made to Cassillis by the abbots of Glenluce and Crossraguel were advantageous. They gave their formal approval on 2 October 1562.⁴⁶ The terms stipulated in the queen's grant of the abbacy to Thomas Hay facilitated the land transfer and monasteries in Scotland had a bleak future if this was the way the queen, and one of her leading catholic lords, dealt with their lands. The acquisition of Glenluce was a very successful land grab by the head of the Kennedy family that greatly increased their landholdings within the region.

Following her return to Scotland, Mary Queen of Scots issued a proclamation which banned any alteration or innovation in the state of religion which existed on her arrival. This was a tacit recognition of the reality of the protestant reformation.⁴⁷ Although the mass was banned, the queen attended it regularly in her own chapel, and Cassillis and other Catholic lords probably hoped that a wider celebration of mass might be tolerated. In what seems to have been a test of what might be acceptable, Mass was celebrated on several occasions in Kirkoswald and Maybole, and elsewhere throughout the country. In April 1563, around two hundred armed men led by the earl's uncle Hugh Kennedy of Barquhany and David Kennedy, the brother of another Kennedy laird, ensured that the services took place unmolested. Quintin Kennedy and his nephew Cassillis must have supported these

⁴³ AILSA, GD25/1/600.

⁴⁴ AILSA, GD25/1/842; Andrew Agnew, *The Hereditary Sheriffs of Galloway* (Edinburgh, 1864), p.197.

⁴⁵ AILSA, GD25/2/125.

⁴⁶ AILSA, GD25/1/599,615.

⁴⁷ Gordon Donaldson, *All the Queen's Men: power and politics in Mary Stewart's Scotland* (London, Batsford, 1983), p.50.

activities, but, presumably to avoid sanction, they seem to have carefully avoided attending any of the Carrick masses themselves. Kennedy of Bargany and other reformers in the surrounding area made no attempt to stop the masses, probably because they knew their chief had sanctioned them. The two Kennedys and others were accused of encouraging the queen's subjects to restore Popery. They were tried, found guilty and put in ward in Edinburgh castle, to remain there during the 'will and plesour of our soverane lady'.⁴⁸ There is no record of how long they were held, although Barquhany had been released by the end of 1564.⁴⁹ Several Kennedy priests were given remissions by the queen for their involvement in these masses.⁵⁰ These trials demonstrated the strength of will of the central authorities and no further attempts were made to celebrate mass in the south-west.

By the middle of October 1562 the earl must have come of age as he was recognised as the rightful heir by an inquest held at Maybole. A few months later he was formally awarded heritable possession of the lands and baronies of Cassillis and Dalrymple and other precepts from chancery for the remainder of his father's patrimony followed.⁵¹ Cassillis used close family members and allies as his agents in conducting business and their service on his behalf was rewarded with lands they held from the earl on a 'kindly' basis. One of these was his uncle James Kennedy of Ochtreure (just south of Stranraer). He had no male heirs and Cassillis was concerned that control of his lands would pass outside the kindred. Thomas Hay abbot of Glenluce was chosen as arbiter. He asked Ochtreure to resign his lands in favour of Cassillis and, in return, the earl would provide dowries for the marriage of Ochtreure's daughters within the kindred.⁵² This was unacceptable to Ochtreure and the matter was again put to arbitration. The arbiters this time were two of James's brothers, Quintin Kennedy the abbot of Crossraguel and David Kennedy of Culzean.⁵³ In April 1563, they decreed that James and his heirs were to continue to possess the lands they occupied on the same terms as before. In return, Ochtreure renounced a lease of Glenluce lands, and agreed that he would serve the earl in manrent, and his daughters would marry only Kennedys of the Cassillis line.⁵⁴ At this point there seem to have been little tension in relationships within the kindred and any disputes were settled by arbitration.

⁴⁸ Pitcairn, *Trials*, vol.1.1, pp. 427-8.

⁴⁹ AILSA, GD25/1/651.

⁵⁰ Pitcairn, *Trials*, vol.1.1, p.430.

⁵¹ AILSA, GD25/1/616,622-5,634, 637, 645-8.

⁵² AILSA, GD25/1/594.

⁵³ AILSA, GD25/2/126.

⁵⁴ AILSA, GD25/1/631.

In the summer of 1563, Cassillis and other prominent Kennedys hosted part of the queen's royal progress through the west of Scotland. On 5 August, after two nights in Ayr, the queen crossed the river Doon and entered the Kennedy heartland of Carrick where she was probably met by Cassillis with a large escort of Kennedys and their allies. She spent three nights as the earl's guest at the castle of Dunure and then rode south to spend the night at Ardmillan, another Kennedy stronghold just south of Girvan. The party moved on to the castle of Ardstinchar near Ballantrae where her hosts were Kennedy of Bargany and his heir Thomas.⁵⁵ Despite religious differences between the earl and some of the cadet branches of the Kennedys, the kindred aligned behind their chief in support of Mary Queen of Scots.

In April 1564, Cassillis leased the whole benefice of Crossraguel for a period of five years.⁵⁶ It is likely that the earl intended to acquire the abbey's lands using similar methods to those he had used at Glenluce. However, before the process could be completed, Quintin Kennedy died on 22 August 1564. The English ambassador Randolph reported that the Kennedys were 'ready to fall by the ears' to acquire the abbot's goods.⁵⁷ Crossraguel abbey was in the queen's hands, and, on 9 October 1564, she awarded George Buchanan an annual pension of £500 from its revenues.⁵⁸ Buchanan, the third earl's tutor in Paris in the 1530s, had returned to Scotland around the same time as Mary, and by the end of 1561 was in the queen's service.⁵⁹ Randolph reported that Mary would have appointed Buchanan as the new abbot, but he declined because he could not preach.⁶⁰ Although the earl's father and Buchanan had held each other in high regard, the initial reaction of Cassillis was anger and he blocked Buchanan's access to the abbey. However, the scholar complained to the Privy Council and, on 16 October 1564, Cassillis was ordered to hand over the abbey within six days or be put to the horn.⁶¹ The precipitate action of the young earl may have raised concerns over his maturity and judgment but there is no sign that it soured his cordial relations with the queen. Cassillis had a five-year lease of the abbey's lands but he had not secured their long-term control and he had to fund payment of Buchanan's pension from their revenues.

Henry, Lord Darnley, son of the earl of Lennox, returned to Scotland in February 1565. Mary decided to marry Darnley and in May Cassillis agreed a bond of friendship

⁵⁵ Fergusson, *The White Hind*, pp.45-53.

⁵⁶ *Crossraguel Chrs.*, vol.1, pp.137-9.

⁵⁷ *Calendar of State Papers, Foreign Series, 1564-5*, no.757; Another uncle, Kennedy of Bargany, died a few weeks earlier (Edinburgh Testaments, vii, ff.374-6 (June 1564)).

⁵⁸ *Crossraguel Chrs.*, vol.1, pp.139-40.

⁵⁹ McFarlane, *Buchanan*, pp.208-11.

⁶⁰ *CSP Scot.*, 2, p.88.

⁶¹ *Crossraguel Chrs.*, vol.1, pp.140-1.

with father and son.⁶² That same month, Mary granted Darnley lands in the earldom of Lennox and appointed him sheriff of Dumbarton. Presumably at the request of the queen, these had been resigned in Darnley's favour by James Stewart of Cardonald.⁶³ On 19 July, Mary rewarded James Stewart of Cardonald for his 'trew and thankfull' service by awarding the abbacy of Crossraguel to his relative Allan Stewart. All leases on the lands of the abbey were deemed to have ceased, with the exception of that of Cassillis, which had three more years to run.⁶⁴ At the beginning of July, Mary had made Cassillis her justiciar within Carrick and the county of Wigton.⁶⁵ Mary of Guise had appointed his father to the same position in 1549.⁶⁶ The appointment recognised Cassillis's dominant position in the south-west and its geographical extent matches the area controlled by Kennedy's ancestor Gillebrigte, son of Fergus, Lord of Galloway, in the twelfth century. It may have been intended as a compensation to Cassillis for the queen's subsequent appointment of a non-Kennedy as abbot of Crossraguel.

Later that month, the queen and Darnley were married, and Cassillis, along with the earls of Glencairn and Eglinton, waited upon Darnley at the wedding banquet.⁶⁷ Following the marriage, Cassillis attended sessions of the queen's council as an extraordinary member in August and September.⁶⁸ The queen had made her half-brother James Stewart the earl of Moray. Moray, Châtellerauld and Argyll were concerned that she did not support a pro-English policy, and they obtained a promise of support from Elizabeth.⁶⁹ Cassillis was the first signatory when the lords and barons of the 'west country' pledged their loyalty to Mary and Henry on 5 September 1565, and he was in the vanguard of the royal forces in the 'Chaseabout Raid' which resulted in Moray, Châtellerauld and their supporters being driven across the border into England.⁷⁰ Shortly afterwards Cassillis was appointed to Mary's Privy Council.⁷¹ This was a reward for the earl's support for the royal couple and his assistance against the pro-English faction.

In December 1565, James Stewart of Cardonald started to do to Crossraguel what Cassillis had already done to Glenluce. The abbot, Allan Stewart, agreed a contract which gave Cardonald the rights to all of the lands and income of the abbey, reserving only a

⁶² Papers of Society of Antiquaries of Scotland, NRS, GD103/2/4/24; William Smellie, *Account of the Institution and Progress of the Society of the Antiquaries of Scotland* (Edinburgh, 1831), part III, p.172.

⁶³ *RMS*, 4, no.1623, p.383; Fraser, *The Lennox*, vol.1, pp.327-8,479-80.

⁶⁴ *RSS*, 5, no.2187, pp.626-7.

⁶⁵ AILSA, GD25/1/655.

⁶⁶ AILSA, GD25/1/521.

⁶⁷ Paterson, *History of the County of Ayr*, vol.1, p.74.

⁶⁸ *RPC*, 1, pp.346,362.

⁶⁹ Donaldson, *All the Queen's Men*, p.71.

⁷⁰ *RPC*, 1, p.363; Donaldson, *All the Queen's Men*, p.71.

⁷¹ *RPC*, 1, p.379.

pension of £100 a year to himself as abbot.⁷² Other agreements between them included a grant of several thousand acres to Cardonald in return for a one-off payment of £4000 and annual payments to the abbot.⁷³ The loss of Kennedy control of Crossraguel seems to have caused Cassillis to become disillusioned with the Church of Rome. During the summer of 1566, negotiations were underway for Cassillis to marry Margaret Lyon, the sister of Lord Glamis, one of the leading Protestant lords. The marriage contract was approved on 30 September and one of its conditions was that Cassillis would conform to the reformed religion.⁷⁴ Knox claimed that Margaret had persuaded Cassillis to become a protestant and that the earl had reformed the churches in Carrick before the marriage took place.⁷⁵ This is overstating the case but Cassillis certainly encouraged reform in the region and, by the end of 1567, four out of the five parish churches in Carrick had protestant services.⁷⁶ With the reformers clearly in the ascendancy he may have calculated that the adoption of Protestantism increased his chance of re-gaining control of Crossraguel.

The marriage between Cassillis and Margaret Lyon took place in October, and the following month, presumably using his wife's dowry of 10000 merks, the earl was able to redeem lands he had mortgaged several years earlier to repay his father's debts. One of these redemptions, witnessed at Glamis, instructed the earl's procurator to redeem lands mortgaged to no less than seven individuals.⁷⁷ Several months later, the earl resigned the barony of Cassillis into the hands of the queen, as tutor of 'James Prince of Scotland and Earl of Carrick', and she re-granted them to the earl and his wife in conjunct fee and liferent as requested.⁷⁸ This resignation and re-grant was probably a condition of the marriage contract between Cassillis and Margaret Lyon.

Cassillis took no part in the bonds drawn up between Darnley and the other nobles who wished to get rid of David Riccio, the queen's adviser and confidante. The earl was in Carrick when Riccio was murdered in front of the pregnant queen on 9 March 1566.⁷⁹ Mary pardoned Moray and the other banished lords when they returned to Scotland shortly afterwards. They must have known of the planned killing, and they probably gambled, correctly, that, in the confused aftermath of Riccio's murder, Mary would forgive them. On

⁷² AILSA, GD25/1/669, 728.

⁷³ AILSA, GD25/1/675-8.

⁷⁴ AILSA, GD25/1/691,707 734, GD25/9/44/4.

⁷⁵ *John Knox's History of the Reformation*, vol.2, p.189.

⁷⁶ Ian Cowan, *Regional aspects of the Scottish Reformation* (London, Historical Association, 1978), pp.30-5.

⁷⁷ AILSA, GD25/1/692 -5, GD25/2/148-50

⁷⁸ AILSA, GD25/1/697-9.

⁷⁹ William Fraser, *Henry Stewart, Lord Darnley* (Edinburgh, 1904), pp.30-4, 39-40; *Calendar of State Papers, Foreign Series of the Reign of Elizabeth 1566-8*, ed. A.J. Crosby (London, Longman, 1871), no.182.

19 June, Mary gave birth to the future James VI.⁸⁰ Following the birth of her son, the queen became increasingly estranged from Darnley, who spent most of his time in the west. In December, Darnley did not even attend his son's baptism and the elaborate celebrations which followed it.⁸¹ As Cassillis now conformed to the protestant church he avoided the catholic baptism of James VI. However, he and other protestant earls were given prominent roles in the celebrations, and at the formal dinner Cassillis had the honour of serving the French ambassador.⁸² Lynch believes that Mary saw herself as the focal point for her protestant and catholic nobility and as the patron of both Scottish Churches. He argues that the highpoint of her personal reign was the month her court spent at Stirling between December 1566 and January 1567.⁸³ Mary succeeded in reconciling her previously divided nobility and managed their expectations regarding her plans for the future, but the problem of what to do about Darnley remained.

Darnley was severely ill in January, and the queen visited him in Glasgow. When his health improved she brought him back with her to Edinburgh on 1 February.⁸⁴ Darnley was lodged in a house near the Kirk o' Field that belonged to a close friend of the earl of Bothwell. Many years later, the earl of Morton revealed that Bothwell had told him, in January 1567, of a plot to kill Darnley. Bothwell had claimed that the queen had warranted it in writing but, as he was unable to produce the document, Morton had declined any involvement in the conspiracy.⁸⁵ Others knew, or at least suspected, that there was a threat to Darnley's life.⁸⁶ Cassillis's brother-in-law Lord Robert Stewart told Darnley that his life was in danger, but Melville wrote that the news that Darnley had been warned simply brought forward the plan to kill him.⁸⁷ Cassillis was probably excluded from any discussions regarding Darnley's murder because of the bond of friendship he had signed with Lennox and Darnley in 1565.⁸⁸ The queen visited her husband every day and even slept at Kirk o' Field in a separate apartment on two occasions.⁸⁹ On 9 February at seven in the evening, Cassillis, Argyll, Huntly and Bothwell rode with the queen to Kirk o' Field. They remained with Darnley until after ten before departing for Holyrood.⁹⁰ During the

⁸⁰ Papers of Clerk family of Penicuik, Midlothian, NRS, GD18/3105; AILSA, GD25/1/686, GD25/2/145.

⁸¹ M.Meikle, *The Scottish People 1490-1625* (Raleigh, N.C., Lulu.com, 2013), p.357; Lynch, 'Queen Mary's Triumph: the Baptismal Celebrations at Stirling in December 1566', *SHR*, 69 (1990), 1-21, p.3.

⁸² Lynch, 'Queen Mary's Triumph', pp.10-1.

⁸³ Lynch, 'Queen Mary's Triumph', pp.19-21.

⁸⁴ Fraser, *Henry Stewart, Lord Darnley*, p.50.

⁸⁵ Richard Bannatyne, *Journal of the Transactions in Scotland*, ed. John Graham Dalyell (Edinburgh, 1806), pp.494-6.

⁸⁶ *Diurnal of Occurrents*, p.106.

⁸⁷ *Memoirs of his own life by Sir James Melville of Halhill*, ed. T. Thompson (Edinburgh, Bannatyne Club, 1827), pp.173-4.

⁸⁸ Papers of Society of Antiquaries of Scotland, NRS, GD103/2/4/24.

⁸⁹ Fraser, *Henry Stewart*, p.52.

⁹⁰ Fraser, *Henry Stewart*, pp.56-7.

night the house was destroyed by an explosion, and the corpses of Darnley and one of his personal servants were found nearby. They had apparently been killed before the explosion. The Privy Council met on 12 February and issued a proclamation that they would leave 'na thing possibille undone' to find and punish the perpetrators. Anyone who revealed the truth would be given £2000 and an annual pension, and they would be pardoned if they had been involved themselves.⁹¹ Despite the earl's presence in Kirk o' Field that evening none of the contemporary records suggests that Cassillis was in any way involved in Darnley's death.

Although no witness to Darnley's killing could be found, rumours circulated that the queen had been involved, and posters appeared on the Tolbooth door alleging that Bothwell was guilty. Darnley's father Lennox wrote to the queen and asked her to arrest Bothwell and the others specified in these 'tikkertis'. Probably to avoid any suggestion that she was shielding her husband's killers, Mary decided that those named would face an assize in Edinburgh Tolbooth on 12 April.⁹² Cassillis was on the assize which was made up of three earls, seven lords and five lairds. The assize considered the allegations against Bothwell, but he was acquitted of all charges as there was no evidence against him.⁹³ Cassillis and his brother-in-law Glamis were among the many lords who were in Ainslie's Tavern on 19 April. They signed a bond that supported Bothwell, and recommended him as a fit husband for the queen.⁹⁴ Dawson believes that, by the terms of the bond, the lords promised to persuade the queen to marry Bothwell.⁹⁵ However, the bond could be interpreted as a promise to support Bothwell, if and only if, Mary chose to marry him.⁹⁶ Given his subsequent actions, this is probably how Cassillis interpreted it. A marriage between Mary and a leading protestant noble would certainly have helped to unify the different religious factions.

The situation changed rapidly following Bothwell's abduction of Mary on 24 April and her probable rape and subsequent detention in Dunbar. By 8 May, Cassillis and a large part of the Scots nobility were gathering their forces near Stirling to have the queen released.⁹⁷ Mary and Bothwell were married on 15 May at Holyrood.⁹⁸ There was some prevarication before the two forces came face-to-face at Carberry Hill near Edinburgh on 15 June. Bothwell fled from the field and no actual fighting took place. The queen

⁹¹ *RPC*, 1, p.498.

⁹² *RPC*, 1, pp.504-5.

⁹³ *Diurnal of Occurrents*, p.108; *CSP Scot.*, 2, p.320.

⁹⁴ Papers of the Leslie family, Earls of Leven and Melville, NRS, GD26/15/1.

⁹⁵ Jane Dawson, *The Politics of Religion in the Age of Mary, Queen of Scots*, p.150.

⁹⁶ *CSP Scot.*, 2, pp.321-2.

⁹⁷ *CSP Scot.*, 2, pp.326-8.

⁹⁸ Melville, *Memoirs*, p.154; Teulet, *Papiers d'Etat relatif à L'Histoire de L'Ecosse au XVI^e siecle*, II, p. 170.

surrendered, and the following day she was escorted to Lochleven castle and detained there.⁹⁹ Cassillis seems to have seen Mary as innocent of any crime and simply wanted her to be released to take up the reins of power as the rightful sovereign.

Civil War: 1567-1570

The queen's imprisonment split the confederation and Argyll consulted with Cassillis and other nobles regarding plans to free her. Many of the nobility were satisfied with Bothwell's removal from power, and now wanted the queen to be freed to resume her reign. However, those who held Mary threatened that, unless she cooperated, she would be tried and executed for her husband's murder and, on 24 July 1567, she abdicated in favour of her infant son. Over 200 nobles and lairds signed a bond of association that supported her demission of power. Although Cassillis did not sign, the Kennedy lairds of Bargany and Blairquhan as well as the son of Girvanmains and other supporters of the kindred did.¹⁰⁰ Distrust of the queen, possibly exacerbated by religious differences, caused a rift within the Kennedy kindred. Never before had the heads of the main cadet branches of the Kennedys opposed their chief's policy regarding support for the crown, and the earl's failure to unite the kindred behind his leadership was a worrying portent for the future.

Mary named her half-brother Moray as the regent and, on 29 July, her son was crowned James VI in Stirling with only a small proportion of the nobility present.¹⁰¹ Cassillis was one of many lords who did not attend due to their loyalty to the queen.¹⁰² Moray returned to Scotland on 11 August and visited the queen at Lochleven. He was proclaimed as regent on 22 August.¹⁰³ Regent Moray had been a close confederate of the earl's father, and Cassillis had other ties to the king's party. He had married the sister of Lord Glamis and his sister had married Moray's brother Lord Robert Stewart. Despite these links, Cassillis remained steadfast in his support for the queen. Mary escaped from Lochleven on 2 May 1568, and the following day she sent messages urging her supporters to join her in Hamilton.¹⁰⁴ Cassillis went there and signed a bond which gave thanks for Mary's delivery from those who had threatened to take her life.¹⁰⁵ On 13 May, Moray outmanoeuvred the queen's force and compelled it to face him in battle at Langside near Glasgow.¹⁰⁶ Kennedy of Bargany was in Moray's army and fought at Langside on the

⁹⁹ *RPC*, 1, p.525.

¹⁰⁰ *Collections relating to the History of Mary Queen of Scotland*, ed. James Anderson (Edinburgh, 1727), vol.2, pp.231-40.

¹⁰¹ *Diurnal of Occurrents*, pp.117-8.

¹⁰² *Papiers d'Etat relatif à L'Histoire de L'Ecosse au XVI^e siecle*, II, pp.197-8.

¹⁰³ Dawson, *The Politics of Religion*, p.153; *CSP Scot.*, 3, pp.165-6.

¹⁰⁴ Donaldson, *All the Queen's Men*, p.87.

¹⁰⁵ *CSP Scot.*, 2, p.403.

¹⁰⁶ Donaldson, *All the Queen's Men*, p.88.

opposite side to his chief.¹⁰⁷ Cassillis led his depleted force in the battle but the queen's army was defeated and Mary fled the battlefield and sought safety in England. The earl's brother Thomas was taken prisoner and held at the castle of Glasgow.¹⁰⁸ Bargany's defiance of his chief by fighting against the queen was probably motivated by his strong commitment to Protestantism.

Following the battle, the earl returned to Carrick. Mary wrote to him and he replied, promising that he was still at her service.¹⁰⁹ Cassillis wrote to Eglinton on 14 June 1568, and told him that the queen had arrived in Carlisle, where she had been hunting and had seen many lords.¹¹⁰ On 28 July, Cassillis met with Argyll, who was the lieutenant-general of Mary's forces, along with Huntly and others in Largs. They wrote to Elizabeth asking her to help Mary stabilise her reign in Scotland by sending 'men, mony and munitioun'.¹¹¹ At the parliament in August, Cassillis and other members of the queen's party were forfeited for 'treasonably conspiring against the king' at Langside. Both Bargany and Blairquhan protested that their chief's forfeiture should not adversely affect them.¹¹² Cassillis hired a company of professional soldiers, perhaps because he was concerned regarding attacks from within the kindred. He paid James Mure and his 'company of Swedars' the sum of £25 and 10 shillings for the month of September.¹¹³ These 'Swedars' were Scottish troops raised under licence to fight in Denmark or Sweden, and Cassillis hired them before they passed overseas.¹¹⁴ The earl may have wanted to hire them for a longer period, but they would probably have been keen to embark for Scandinavia in advance of winter storms.

The Duke of Châtellerauld headed the queen's party in Scotland. On 13 March 1569, Cassillis and others represented the duke at a meeting with regent Moray and his council in Glasgow. As Elizabeth supported Moray financially and was unlikely to release Mary from custody, many of the Scottish queen's party felt it was foolish to continue to oppose the regent.¹¹⁵ They agreed that they would recognise James VI as king and, under the governance of Moray, take their place as 'borne counsalours of this realme'.¹¹⁶ Cassillis voluntarily surrendered himself within Stirling castle until his pledge, his brother Thomas, arrived to release him. During his brief stay he saw the infant king. Although the duke tried

¹⁰⁷ *CSP Scot.*, 2, pp.405-6.

¹⁰⁸ *Papiers d'Etat relatif à L'Histoire de L'Ecosse au XVI^e siecle*, vol.2, p.216.

¹⁰⁹ *CSP Scot.*, 2, p.423.

¹¹⁰ Papers of the Montgomerie Family, Earls of Eglinton, NRS, GD3/5/2.

¹¹¹ *CSP Scot.*, 2, pp.466-8.

¹¹² *RPS*, 1568/7/17-8,20,22 [accessed 23 April 2016].

¹¹³ AILSA, GD25/1/723.

¹¹⁴ *RPC*, 1, p.640.

¹¹⁵ Donaldson, *All the Queen's Men*, p.89.

¹¹⁶ *RPC*, 1, p.649; *The Warrender Papers*, ed. Annie I. Cameron (Edinburgh, SHS, 1931), vol.1, pp.61-2.

to amend the agreement, Cassillis kept his word and signed the band acknowledging James VI as his only sovereign lord. On 7 April, Mary wrote to Cassillis and told him that she hoped that news of his agreement with Moray was false information ‘invented by our rebellis’.¹¹⁷ However, Cassillis’s profession of loyalty to her son James VI and his regent Moray may have helped to appease Bargany and Blairquhan.

The earl cooperated with Moray’s government and he attended the convention at Perth in July.¹¹⁸ Later that year he held individuals in Loch Doon castle as pledges for the good behaviour of some of the border families.¹¹⁹ His cooperation was rewarded at the parliament in November when the summons for treason against him was dropped.¹²⁰ When the regent was assassinated on 23 January 1570, Cassillis demonstrated his genuine respect for Moray by acting as a pallbearer at his funeral in Edinburgh three weeks later.¹²¹ He was the only one of the queen’s erstwhile supporters who played a high profile part in the funeral.¹²² His support of the king’s party seems to have been solely due to his personal attachment to Moray, as shortly after his death he was again listed as a firm supporter of the queen (in instructions her party sent to their ambassador at the French court).¹²³ Cassillis was one of many lords, including 11 earls, who supported a letter written by Châtellerauld to Elizabeth. They requested her to use her influence on her cousins, Mary and James VI, to find some way of resolving their competing claims to the Scottish throne.¹²⁴ The king’s party also wrote to Elizabeth and asked for her advice regarding a new regent and for support against the ‘Queen’s rebels’.¹²⁵ In May the English queen sent an army of less than 2000 men into Scotland and it was swelled considerably by supporters of the king’s party. By early June, several lords of the queen’s party had submitted, and under military pressure Cassillis had promised to surrender himself to Lennox.¹²⁶ Mary tried to rally her supporters, and on 9 June 1570 she wrote to Cassillis, telling him that negotiations for her release were progressing well and a ceasefire would soon be ordered.¹²⁷ While Cassillis seems to have been happy to promise loyalty to Mary in writing, he was in no position to offer material support.

¹¹⁷ *Fifth Report of the Royal Commission on Historical Manuscripts*, Part 1, p.616.

¹¹⁸ *RPS*, 1569/7/1,6 [accessed 12 July 2016].

¹¹⁹ *RPC*, 2, pp.53-4.

¹²⁰ *RPS*, 1569/11/4 [accessed 11 July 2016].

¹²¹ *CSP Scot.*, 3, p.84.

¹²² Amy Blakeway, ‘The Response to the Regent Moray’s Assassination’, *SHR*, 88 (2009), 9-33, p.18; *Diurnal of Occurrents*, p.158.

¹²³ *The Warrender Papers*, vol.1, pp.80-9.

¹²⁴ *CSP Scot.*, 3, pp.116-7.

¹²⁵ *CSP Scot.*, 3, pp.143-5.

¹²⁶ *CSP Scot.*, 3, pp.173-4, 178, 183-4, 190-1, 200-1.

¹²⁷ AILSA, GD25/2/122; Papers of Society of Antiquaries of Scotland, NRS, GD103/2/4/27.

Feud with Bargany over Crossraguel Abbey: 1570-1573

The Kennedys probably hoped that in the confusion of the civil war they could find some way to regain control of the abbey of Crossraguel. An opportunity presented itself when the abbot Allan Stewart and James Stewart of Cardonald were accused of involvement in the cold-blooded killing of several people at the battle of Langside. They were denounced as rebels and put to the horn.¹²⁸ However it was Thomas Kennedy of Bargany, not the earl, who was given the escheat of the goods of the abbey of Crossraguel which pertained to Cardonald, including any agreements or contracts he had made with the abbot.¹²⁹ This was a reward for Bargany's service on the king's side. He was authorised to apprehend the abbot and held him captive for several weeks, during which time Bargany presumably pressurised the abbot to hand over some of the lands or profits of the abbey. At the end of January 1570, Bargany was ordered to release him within three days or be put to the horn himself, as the abbot had provided surety that he would appear at the next justice ayre to answer the charges against him.¹³⁰ Cassillis attended the convention in Edinburgh in July 1570 that appointed Lennox as regent.¹³¹ By this time the abbot had apparently settled his differences with Bargany.¹³² News of their reconciliation may have caused Cassillis to fear that Bargany would soon acquire control of Crossraguel's lands. The earl decided to intervene, and he may have heard something at the convention that gave him confidence that any actions against the abbot would be ignored.

Allan Stewart stated later that he was taken to Dunure Castle on 29 August 1570 by the earl, his brother Thomas and around 16 others. He was asked to grant the lands in Cassillis's favour and, when he refused, he was carried to the 'black vault'. On 1 September, he was stripped below the waist and his feet were held between an iron chimney and a fire, until he complied with the earl's demands and signed a 19-year lease of the abbey's lands.¹³³ However, another document, dated 10 February 1566, also claims to be a 19-year lease of the abbey and lands of Crossraguel to Cassillis. Granted jointly by Mary and Henry, Lord Darnley, it has the same annual payment, 700 merks, as the initial 5-year lease that Quintin Kennedy had granted to Cassillis in 1564. Although this lease was supposedly granted in 1566, it states that the abbey was vacant in the hands of the king and queen following the death of Quintin.¹³⁴ This makes no sense as the vacancy had ended

¹²⁸ RSS, 6, nos.266,542

¹²⁹ RSS, 6, no.542, p.109; AILSA, GD25/2/163.

¹³⁰ AILSA, GD25/1/737.

¹³¹ CSP Scot., 3, p.264.

¹³² Richard Bannatyne, *Journal of the Transactions in Scotland*, pp.55-6.

¹³³ RPC, 14, Addenda, pp.91-5.

¹³⁴ Cowan, *Historical Account of the Noble Family of Kennedy*, pp.9-11; *Crossraguel Chrs.*, vol.1, pp.173-5.

when Allan Stewart was appointed abbot of Crossraguel in July 1565. Additionally, the terms of Allan Stewart's appointment stipulated that the lease held by Cassillis was not to be extended. Although it claims to have been made under the privy seal, it is not in the register, and no business took place that day as Darnley was being invested in the French Order of St Michael at Holyroodhouse.¹³⁵ Combined with the errors in the document, this makes its provenance suspect, and there is a strong likelihood that it is a forgery.¹³⁶ If Cassillis had possessed this 1566 lease in 1570 there would have been no reason to force the abbot to give him another. The earl's initial 5-year lease was probably altered to record both Mary and her husband Henry as the grantors, possibly to support the earl's later actions against the abbot.

Stewart's complaint to the Privy Council claimed that he had been in danger of his life, and he had been burnt 'tae the banis'.¹³⁷ The reformer John Knox considered Cassillis to be a closet papist and his secretary Richard Bannatyne published a version of the story that greatly magnified the cruelty of the abbot's usage at the hands of the earl.¹³⁸ Bannatyne described Cassillis and his brother as 'tyrantis' who should 'burne without end' in hell as an example to others.¹³⁹ The earl's treatment of the abbot may have been overlooked had it not been for the involvement of Thomas Kennedy of Bargany, who had no wish to see his cousin Cassillis succeed where he had failed. On 12 September he wrote to Lennox and referred to an earlier letter in which he had informed the regent of Cassillis's actions. Bargany reminded the regent that he expected him to ensure Cassillis was punished in some way for his 'handling of the abbot'.¹⁴⁰ The spotlight Bargany shone on the incident meant it could not be ignored and Lennox ordered the earl and his supporters to set the abbot free. When they did not comply, they were 'denunceit rebellis' and put to the horn.¹⁴¹ On 28 September 1570, Lennox gifted the escheat of the earl's goods to Bargany.¹⁴² Letters were issued authorising Bargany, Kennedy of Blairquhan and others to use any means to free Allan Stewart.¹⁴³ In October 1570, Lennox awarded Bargany the escheat of the goods of Thomas Hay abbot of Glenluce, one of the earl's closest supporters, who was at the horn for non-payment of debts.¹⁴⁴ Cassillis had promised Lennox he would attend the October

¹³⁵ *RSS*, vol.5.2; William Fraser, *Henry Stewart, Lord Darnley*, p.20.

¹³⁶ The process of creating such a forgery is described in detail in *Wigtownshire Charters*, pp.79-81.

¹³⁷ *Ibid*, p.94.

¹³⁸ Bannatyne, *Journal*, pp.55-67.

¹³⁹ Bannatyne, *Journal*, p.67.

¹⁴⁰ *CSP Scot.*, 3, pp.343-4; *Calendar of State Papers, Foreign Series of the reign of Elizabeth, 1569-71*, ed. A. J. Crosby (London, 1874), p.335.

¹⁴¹ David Calderwood, *The History of the Kirk of Scotland*, ed. T. Thomson (Edinburgh, Wodrow Society, 1843), vol.3, p.69.

¹⁴² *RSS*, 6, p.174.

¹⁴³ *RPC*, 2, p.126.

¹⁴⁴ *RSS*, 6, pp.182-3.

parliament but after meeting his brother-in-law Glamis in Linlithgow he decided not to attend, possibly because he feared arrest.¹⁴⁵ The earl was not chosen by the queen's party as one of the commissioners to negotiate with the English for Mary's release.¹⁴⁶ His behaviour regarding the abbot of Crossraguel meant that he was an embarrassment to one faction and under threat of imprisonment from the other.

In November 1570, Bargany tricked the small garrison of Dunure into allowing his men entry. They took control of the castle and freed the abbot and the Privy Council authorised Bargany to hold Dunure.¹⁴⁷ Dunure had been held by the earl's ancestors for over 200 years and its loss would have been deeply felt by Cassillis, probably made even worse by the fact that it was another Kennedy who held it against him. The earl's forces besieged Dunure and in December his brother Thomas was wounded by the 'schutting with ane hagbute throw ye body'.¹⁴⁸ The earl was in trouble: his actions were widely denounced, Dunure castle had been taken and held by a Kennedy, and some of his main supporters were suffering on his account. By December, Mary had heard about his activities regarding Crossraguel. She must have been livid that one of her strongest supporters was involved in 'such miseries'. However, she took the view, at least publicly, that the earl was primarily defending himself from the aggression of others.¹⁴⁹ The king's party used the actions of Cassillis as an illustration of the poor behaviour to be expected from Mary's supporters. In March 1571, he signed a letter sent by the queen's party that asked Elizabeth to help reconcile the claims of Mary and her son.¹⁵⁰ Although Cassillis wrote offering to support Mary, he was engaged in a major armed confrontation with the most powerful cadet branch of his own kindred and could offer her no real assistance.

The situation deteriorated further. Lennox took a considerable force to Ayr in late March 1571 and threatened to wreak destruction on the earl's lands unless he surrendered. Cassillis promised to do so by 15 April, and until then his brother Thomas entered himself in ward as a pledge for the earl.¹⁵¹ The earl made what looks like a rather desperate attempt to resolve matters before that date. On 5 April, Cassillis issued the instructions regarding Crossraguel that he had given to Robert, Lord Boyd, a prominent member of the king's party. The actions required to resolve the situation included several different payments in exchange for particular documents. They were to be completed by 15 April 1571,

¹⁴⁵ *CSP Scot.*, 3, pp.401-2.

¹⁴⁶ *CSP Scot.*, 3, pp.393-4.

¹⁴⁷ *CSP Scot.*, 3, p.518; *RPC*, 2, p.126.

¹⁴⁸ *CSP Scot.*, 3, p.454.

¹⁴⁹ *CSP Scot.*, 3, p.466.

¹⁵⁰ *CSP Scot.*, 3, p.491.

¹⁵¹ *CSP Scot.*, 3, pp.510-1; Herries, *Memoirs*, p.131; *RPC*, 14, Addenda, pp.90,323.

presumably because that was the day Cassillis had to surrender himself in ward.¹⁵² James Stewart of Cardonald seems to have cooperated and the Kennedy records contain a draft assignation by Cardonald of the lands and rights of the abbey, but they are incomplete as the name of the recipient, presumably Cassillis, has not been added.¹⁵³ Cassillis wanted to present a comprehensive resolution of the Crossraguel affair, agreed by all parties, to the regent and his council. However, the agreement was never concluded as it proved impossible to meet the timetable, and the earl entered himself in ward at Stirling as promised.

When the council heard the abbot's complaint on 26 April 1571, Cassillis was present. Kennedy claimed the case should never have been brought before the Privy Council, on the grounds, that it was either a civil or a criminal matter and, as such, should be heard by the appropriate judge. No judgment was made but, 'for the quietnes of the realme and to forbid violent force', the regent and council ordered Cassillis to leave Stewart alone 'under the pain of £2000'.¹⁵⁴ The council accepted that the earl had used unlawful force against the abbot, but they were unprepared to make a judgment themselves. They referred the case to the ordinary jurisdiction without specifying what that was, and there is no record of it appearing before any other court. The most likely jurisdictions would have been either the earl's own bailie court in Carrick, or the sheriff's court in Ayr, but this would have been manifestly unfair as Matthew Campbell, the sheriff, had a bond of manrent to the earl.¹⁵⁵ This was a somewhat hollow victory for the abbot who claimed that his flesh had been 'consumed and brunt to the bones', and that he had been left with a permanent disability.¹⁵⁶ However, the Privy Council records mention no injury or disability and there is an implication that the abbot appeared to have suffered no lasting effects from his duress at the hands of the earl. In no sense was it a victory for Gilbert Kennedy either, but at least no judgment was given against him. The Kennedy kindred would have been spared much internal disruption if Cassillis had released the abbot in September 1570 when he first realised the regent would not overlook his actions.

In May 1571 Mary wrote to Cassillis while he was held in ward. Her letter said that she realised he was deserting her allegiance partly to keep his lands and partly by the 'crafty persuasionis' of their enemies. The remark regarding his lands probably alludes to the fact that several individuals loyal to Mary had recently been forfeited.¹⁵⁷ While the earl

¹⁵² AILSA, GD25/1/764.

¹⁵³ AILSA, GD25/1/776-8.

¹⁵⁴ *RPC*, 14, Addenda, p.95.

¹⁵⁵ AILSA, GD25/1/447-8; *Hamilton Papers*, vol. ii, p.5.

¹⁵⁶ Bannatyne, *Journal*, pp.55-67.

¹⁵⁷ AILSA, GD25/2/122; *Fifth Report of the Royal Commission on Historical Manuscripts* (London, HMSO,

was held, his brother Thomas attended a meeting of the queen's party, in Dunblane on 17 July, in his place.¹⁵⁸ Cassillis gained his freedom later that month by promising to join the king's party, and entering his cousin John, the heir of Kennedy of Barquhany, as his pledge within Stirling castle.¹⁵⁹ On 12 August 1571, he signed an agreement pledging obedience to the king and his regent.¹⁶⁰ When under pressure he had made similar promises before but had later returned to the queen's party when her prospects had seemed to improve. However, the threat of forfeiture was enough to ensure that Cassillis never again offered Mary any support.

Cassillis attended the Stirling parliament called by Lennox in September 1571. During the night of 3 September, a force of over a hundred men loyal to the queen's party and led by Huntly gained entry to the town. They entered the lodging houses of the principal noblemen and captured several earls, including the regent and Cassillis. The castle garrison rushed to their aid and managed to release them, but Lennox was wounded in the confusion and he died the following day.¹⁶¹ When the previous regent, Moray, had died, Cassillis had returned to the queen's support, but not this time. Maitland informed Mary that, despite the demise of Lennox, Cassillis had permanently deserted to the king's party.¹⁶² The earl of Mar, who was appointed regent on 5 September, was more conciliatory to ex-members of the queen's party than Lennox. Cassillis was one of several ex-Marians who were appointed to the Privy Council and the new regent also gave the earl a full remission of all penalties and ordered that his pledge, his brother Thomas, be set free.¹⁶³ Cassillis was a regular attendee of Mar's Privy Council.¹⁶⁴ This vindicates the regent's judgment that the best way to ensure the allegiance his cousin Cassillis was to make him part of his government.

Although Bargany and his men had left Dunure in August 1571 when Cassillis had 'returnit to the obedience' of the king, the gates of the castle were still locked and Bargany held the keys.¹⁶⁵ The Privy Council considered the dispute between Cassillis and Bargany

1876), p.616.; George R. Hewitt, *Scotland under Morton 1572-80*, p.23.

¹⁵⁸ *CSP Scot.*, 3, p.631.

¹⁵⁹ *RPC*, 2, p.79; His father is named as Hew Kennedy of Bargany, but, as Bargany was in dispute with Cassillis and his forename was Thomas, it was probably a misspelling of the earl's uncle, Hew Kennedy of Barquhany, who often acted on his behalf AILSA, GD25/1/590,593,607-8,651,653,658, 659-60,766); Hewitt, *Scotland under Morton*, p.19.

¹⁶⁰ Donaldson, *All the Queen's Men*, p.122; *CSP Sc.*, 3, p.643.

¹⁶¹ Stoney, *A Memoir of Sir Ralph Sadleir*, p.200-1.

¹⁶² *CSP Scot.*, 3, p.682.

¹⁶³ Donaldson, *All the Queen's Men*, pp.122-3; *RPC*, 2, pp.78-9. His father was Mar's cousin as their mothers were both daughters of the second earl of Argyll.

¹⁶⁴ *RPC*, 2, pp.83, 85, 119, 150.

¹⁶⁵ *RPC*, 2, p.127.

as detrimental to the public interest and made attempts to reconcile them.¹⁶⁶ On 3 March 1572, Cassillis was relaxed from the process of horning regarding Crossraguel, and the Privy Council congratulated Bargany for his actions where he had done the ‘dewitie of a gude subject’. Later that month, the keys of Dunure were returned to Cassillis, and Bargany was granted the escheat of the ‘goods and profits of lands’ pertaining to James Stewart of Cardonald who had again been put to the horn, this time for non-payment of debts.¹⁶⁷ In April Mar promised Cassillis that he would be granted George Buchanan’s annual pension of £500 from Crossraguel as soon as Buchanan was ‘otherwise provided for’.¹⁶⁸ Although Mar seems to have been sympathetic to Cassillis, by granting the escheat of Cardonald to Bargany the Privy Council ensured that Bargany had to be party to any future agreement regarding the lands of Crossraguel.

Mar died of natural causes in October and Cassillis attended the November 1572 parliament in Edinburgh that elected the earl of Morton as regent.¹⁶⁹ George Hewitt suggests that Morton was regarded as the real person in authority throughout the regencies of Lennox and Mar.¹⁷⁰ One of Morton’s first acts, at a parliament held in January 1573, was to formally reprieve the kinsmen and friends of peers such as Cassillis for actions taken before they had acknowledged the king’s authority.¹⁷¹ Cassillis attended the Privy Council on four occasions in the early months of Morton’s regency. On 30 January he and Bargany appeared in front of the Privy Council and each gave assurances that the other ‘shall be free from all molestation from his side’.¹⁷² Morton’s forces, with English assistance, captured Edinburgh castle in May and this effectively ended the civil war.¹⁷³ Cassillis had been a regular attender of the Privy Council but he stopped attending around this time. This was probably because of charges brought against him by Sir Hugh Kennedy of Girvanmains and Sir John Bellenden of Auchnoul the Justice Clerk who claimed that they had made payments on his behalf and had not been recompensed.¹⁷⁴ Morton continued the conciliatory approach taken by Mar and he seems to have personally brokered the reconciliation between Bargany and his chief. Despite this, Cassillis’s dispute with Kennedy of Girvanmains and his son-in-law Auchnoul seems to have reduced the earl’s involvement in Morton’s government.

¹⁶⁶ *RPC*, 2, p. lvii; *RPC*, Addenda, 14, p.103.

¹⁶⁷ *RPC*, 2, pp.125-7; *RSS*, 6, no.1538, pp.295-6.

¹⁶⁸ AILSA, GD25/1/788.

¹⁶⁹ *RPC*, 2, pp.119,150; *RPS*, A1573/11/1 [accessed 12 June 2016].

¹⁷⁰ Hewitt, *Scotland under Morton*, p.13.

¹⁷¹ *RPS*, A1573/1/15 [accessed 2 July 2016]; Hewitt, *Scotland under Morton*, p.34.

¹⁷² *RPC*, 2, p. lxii.

¹⁷³ Donaldson, *All the Queen’s Men*, pp.124-6.

¹⁷⁴ *RPC*, 2, pp.283-5.

Reconciliation with Bargany until the earl's death: 1573-1576

Later that year, near the end of September, a demonstration that Cassillis and Bargany were truly reconciled came when Bargany helped the earl reach an agreement with the abbot Allan Stewart regarding the lands of Crossraguel.¹⁷⁵ The abbot seems to have been forced to the negotiating table because he was in debt to Bargany, as he assigned £1000 of his payment to the laird on 6 November. The actions taken broadly followed those detailed in the earl's memorandum to Lord Boyd in 1571. The complexity of the negotiations is shown by the need for eight separate documents to cover every aspect of the abbey's possessions and rights.¹⁷⁶ The earl was the beneficiary of around 2000 acres and other lands were given to Bargany, who transferred the escheat of Stewart of Cardonald to Cassillis. In recompense, as well as a large quantity of victuals, the abbot was to receive around £200 annually.¹⁷⁷ The abbot seems to have decided that he could not hold out against the combination of Bargany and Cassillis. They possessed the escheat of Cardonald's lands and goods and Allan Stewart probably had little option but to make the best deal possible.

Although Cassillis and Bargany were reconciled the earl was in dispute with other senior members of the Kennedy kindred. The earl's uncle David Kennedy held the lands of Culzean on the coast near Maybole. As David had three daughters but no male heirs he agreed, at the third earl's request, to change the entail to his male heirs only, failing which the land would revert to the Cassillis line.¹⁷⁸ However, although David had resigned Culzean to Cassillis in 1550 on these terms there is no record that the re-grant ever took place.¹⁷⁹ When David died in early 1569 Cassillis granted the lands of Culzean to his own brother Thomas but they made no attempt to take possession of the property.¹⁸⁰ In the autumn of 1570 David's three daughters were recognised as his rightful heirs and infefted in the lands of Culzean.¹⁸¹ As Cassillis made no attempt to challenge this it is likely that he knew that the process to change the entail of Culzean had been defective in some way. However, in late 1573 or early 1574 the dispute was renewed. David's eldest daughter Margaret had married Gilbert Kennedy the heir of Kennedy of Girvanmains and the earl's supporters attacked his property of Balsagart.¹⁸² In February 1574, the two sides agreed to submit the dispute regarding Culzean to David Lindsay as 'oversman', and the 'spulze' of

¹⁷⁵ AILSA, GD25/1/803.

¹⁷⁶ AILSA, GD25/1/802-3,807-12.

¹⁷⁷ AILSA, GD25/1/802,809.

¹⁷⁸ AILSA, GD25/1/432,434,436.

¹⁷⁹ AILSA, GD25/1/532.

¹⁸⁰ AILSA, GD25/1/736.

¹⁸¹ AILSA, GD25/1/741-8,751-3.

¹⁸² AILSA, GD25/1/638.

Balsagart to arbitration by Lord Glamis and Lord Ruthven.¹⁸³ Although there is no record of the decisions taken on either matter the lands of Culzean remained in the hands of David Kennedy's daughters.

A provocation for the earl's attack on Balsagart may have been the action Girvanmains had raised against him at the Privy Council on 1 October 1573. Girvanmains, with Sir John Bellenden of Auchnoul the Justice Clerk, had acted as surety for Cassillis for certain payments. The earl had failed to reimburse them for several years, and they claimed that, if nothing was done to remedy matters, they would be unable to pay and would be put to the horn. They complained that Cassillis had a complete disregard for the law and had failed to appear to answer these charges in May 1573. The earl was given eight days, under pain of treason, to enter his person in ward in the castle of Blackness where he was to remain at his own expense until he had paid these debts.¹⁸⁴ The previous day, the Privy Council had already ordered Cassillis to put himself in ward in Blackness for another offence. For four years, the earl had failed to enact decrees obtained from the Lords of Council with respect to the rightful ownership of lands in Carrick.¹⁸⁵ The earl presumably made haste to repay Girvanmains and Bellenden, and give the rightful owners access to their property, as there is no record of him entering Blackness on these occasions.

Six months later, in May 1574, the earl was again summoned to the Privy Council. Gilbert Kennedy of Balmaclanathan's property had been occupied illegally several months earlier and the Lords of Session had denounced the perpetrators as rebels. As Cassillis was the bailie of Carrick, Balmaclanathan expected his assistance to remove the offenders but the earl had 'contemptuouslie dissobeyit' the judgment. Cassillis had been put to the horn in February for this but still refused to help Balmaclanathan recover his property. The earl was ordered to enter his person in ward in Blackness within eight days.¹⁸⁶ There is no further record of the case and Cassillis probably avoided entering himself into ward by ensuring that the offenders were quickly removed from Balmaclanathan's property.

Cassillis did not attend meetings of the Privy Council between April 1573 and February 1575. However, in March 1575 he attended a meeting at Holyrood House, and that same day he and his wife were granted the crown lands of the barony of Turnberry and its castle that the earl's father had previously leased.¹⁸⁷ From that point onward Cassillis

¹⁸³ AILSA, GD25/2/221.

¹⁸⁴ *RPC*, 2, pp.283-5.

¹⁸⁵ *RPC*, 2, pp.282-3.

¹⁸⁶ *RPC*, 2, pp.360-1.

¹⁸⁷ AILSA, GD25/1/829; *RMS*, 4, no.2372; *RPC*, 2, p.436.

again became a regular attender at Morton's Privy Council.¹⁸⁸ The earl had been involved in several disputes in the previous two years. It must have been embarrassing to the regent that on several occasions a member of his Privy Council had been put to the horn and ordered to enter himself in ward on Blackness. The award of Turnberry may have been conditional on Cassillis agreeing that he would follow due legal process in future and take up his seat at the Privy Council.

Another dispute occurred at the start of 1576. The Corrys of Kelwood just south of Dumfries had moved to Carrick in the service of John, Lord Kennedy, in the late fifteenth century. George Corry of Kelwood had often acted on the earl's behalf on matters of business and, like Bargany, he was a signatory of the First Book of Discipline.¹⁸⁹ Despite this, Kelwood claimed that, on 11 January 1576, Cassillis, Bargany and two hundred heavily armed men came 'under silence of nycht' to his house of Thomaston, within a mile of Culzean. They undermined the wall and gained entry firing hagbuts and pistols, interfered with his possessions, and took him and his heir John Corry prisoner. They were imprisoned for five days in the earl's house in Maybole, and subsequently held in other properties including Bargany's house of Newark.¹⁹⁰ The 'Historie of the Kennedyis' claimed the attack was provoked by Kelwood's refusal to give Cassillis an article of gold, weighing a pound or so, that had been found on the earl's land.¹⁹¹ The earl's mother wrote that Kelwood had been 'cummirsum' and spoke 'prud wordis' to his captors.¹⁹² The Privy Council sent letters on 4 February instructing Cassillis and Bargany to release the Corrys, and Patrick Vaus and Wallace of Craigy, the earl's half-brother, acted as sureties that the earl and Bargany would bring Corry unharmed before the council.¹⁹³ Previous disputes between the earl and senior Kennedys may have caused some branches of the kindred to be reluctant to accept the earl as their political and military leader. Cassillis seems to have taken care to act in concert with Bargany to help repair the damage their feud had inflicted on the cohesion of the kindred.

Corry of Kelwood appeared before the Privy Council in Holyroodhouse on 9 February. He gave no rationale for the start of the affair and asked the Privy Council to punish the offenders as otherwise it would encourage 'utheris to do the lyke'.¹⁹⁴ The earl's representative produced evidence that Kelwood had been outlawed through non-payment

¹⁸⁸ *RPC*, 2, pp.438,440,453,485-6,491,537.

¹⁸⁹ *John Knox's History of the Reformation*, vol.2. p.325.

¹⁹⁰ *RPC*, 2, p.486.

¹⁹¹ 'Historie of the Kennedyis', pp.11-2.

¹⁹² *CSPVB*, p.115.

¹⁹³ *RPC*, 2, p.482,486.

¹⁹⁴ *RPC*, 2, p.487.

of debts. He pointed out that, as Corry was at the horn, Cassillis, as bailie and ‘Juge ordinar’ of Carrick, was within his rights in taking the house and holding the Corrys prisoner. Kelwood complained that he had already paid the sums of money mentioned but his attackers had destroyed his receipt. The Privy Council seems to have been suspicious of the case put forward by the earl’s side. Several days later, on 14 February, they ordered that Kelwood’s house was to be returned to him and both sides were encouraged to use the law to resolve matters.¹⁹⁵ Bargany acted as surety that Cassillis and his brother Thomas would not harm Corry or his friends in future.¹⁹⁶ It is difficult to see this affair as anything else than a clear demonstration that might was right in Carrick in the 1570s. For whatever reason the dispute began, the earl was able to ride roughshod over Kelwood, his family and tenants to impress upon all that he, supported by Bargany, was the law in the region.

The earl’s brother, Thomas Kennedy the master of Cassillis, was very closely associated with all of the earl’s affairs. He had no significant lands, as although the earl had granted him heritable possession of the lands of Culzean, the award was disputed, and the property was occupied by others. Thomas was heir to the earldom until the earl had legitimate male issue. In 1575, Cassillis had been married for almost ten years, and his wife was expecting their first child. The earl and his heavily pregnant countess were spending the night in their house in Maybole when shots were fired at the house. Cassillis somehow discovered that this had been organised by his brother to cause his wife to miscarry. Although the countess gave birth to a healthy son, followed by another in 1576, Cassillis never forgave his brother.¹⁹⁷ In early December 1576 the earl was travelling from Edinburgh to Carrick when he fell and was crushed beneath his horse. Although he must have suffered considerable internal injuries he was carried back to Edinburgh where he survived for several days.¹⁹⁸ Before the fourth earl died on 12 December, he appointed his brother-in-law, Lord Glamis, as tutor to his son and heir.¹⁹⁹ This was a clear snub to his brother Thomas.

Conclusion

Gilbert Kennedy was almost eighteen when he became the fourth earl of Cassillis. The earl’s first challenge was on the national scene where the struggle between the reformers and the forces of Mary of Guise grew ever more intense. He supported the regent

¹⁹⁵ *RPC*, 2, pp.487-8.

¹⁹⁶ *RPC*, 2, pp.493,495.

¹⁹⁷ ‘Historie of the Kennedyis’, pp.12-3; This story rings true as it explains why Cassillis did not choose his brother Thomas as tutor to his infant son.

¹⁹⁸ John Simmons, ‘Kennedy, Gilbert, fourth earl of Cassillis (c.1541–1576)’, *ODNB* [<http://www.oxforddnb.com/view/article/15369>, accessed 4 Aug 2016].

¹⁹⁹ *AILSA*, GD25/1/848-9; ‘Historie of the Kennedyis’, pp.12-3.

until her death in 1560 but did not provide any material military assistance. The fourth earl inherited a united kindred who acknowledged him as chief although there were probably tensions within the family due to differences in religious affiliation. When a faction of the nobility forced Mary to abdicate and crowned her infant son as James VI the earl remained loyal to Mary. Taking counsel from senior members of the kindred was the primary mechanism of ensuring its smooth operation. The heads of several cadet branches did not support his policy and Cassillis seems to have acted without any consultation whatsoever. The result was that Bargany and his men fought on the opposing side at the battle of Langside. This was a black day indeed as never before had the head of one of the main cadet branches of the Kennedys taken arms against their chief. After Langside, although Cassillis continued to profess his loyalty to Mary he took no military action in her support and cooperated with the regime of Regent Moray over the next two years and this may have mollified the kindred to some extent.

Cassillis managed to acquire most of the lands of the abbey of Glenluce by having a kinsman, Thomas Hay, appointed as its abbot. Most of the lands of the abbey of Souleseat were also obtained and well over 6000 acres were added to the fourth earl's lands in Galloway. The earl had started the process of acquiring the lands of Crossraguel, but this was terminated by the untimely death of his uncle, and the queen's subsequent appointment of a non-Kennedy abbot to Crossraguel was extremely unwelcome. His failure to stop such an appointment may have been part of the earl's rationale for adopting the reformed religion. To stop Bargany from acquiring the lands of Crossraguel, Cassillis imprisoned the abbot in Dunure Castle and compelled him to sign documents that granted the abbey's lands to the earl. However, Bargany brought the matter to the attention of Lennox, and the castle of Dunure was attacked, taken and held by Bargany and his men, acting on the regent's behalf. As the earl's ancestor John Kennedy of Dunure had acquired the barony in the mid-fourteenth century its loss would have been keenly felt by Cassillis. The earl did not recover the castle until he had surrendered himself into ward and sworn allegiance to the king's party. When the earl's cousin Mar became regent he appointed Cassillis to the Privy Council. Not long afterwards the earl and Bargany reached an accommodation and they acted together in the acquisition of the lands of Crossraguel. Perhaps if they had cooperated earlier the lands of Crossraguel would have been acquired quickly and without fracturing the cohesion of the kindred.

The earl's relationship with some of his senior supporters also deteriorated, and several took legal action against him, possibly encouraged by the earl's failure to suppress Bargany. When each of the previous three earls had died they left several brothers and

other senior relatives who could be trusted to advise the new earl and, if required, ensure the affairs of the earldom were protected during a minority. The earl's heir was John Kennedy, a one-year-old infant, which meant a tutor would be required for him throughout his long minority. He had only one uncle, Thomas, who was not trusted by the fourth earl who appointed his brother-in-law Glamis as tutor. This almost guaranteed a period of unrest as the earl's brother would do everything possible to reverse the slight on his name and become tutor, while Bargany and the other senior Kennedys would resent the appointment of an outsider as effectively the head of the kindred for an extended period.

The earl was referred to as the 'King of Carrick' by Richard Bannatyne and none of the first three earls ever obtained that sobriquet.²⁰⁰ To a greater extent than his predecessors, the fourth earl seems to have put his own affairs ahead of those of the wider kindred, and it was his failure to consult and convince senior members of the kindred to follow his lead, that stressed and then fractured the cohesion of the Kennedys.²⁰¹ Despite his setbacks in the early 1570s the fourth earl substantially increased his landholdings. Most of the lands of the abbeys of Crossraguel, Glenluce and Soulseat were attained and, in addition, the earl extended his judicial rights in Carrick and Galloway. By the time of the fourth earl's death at the age of only 35, the Kennedys had consolidated their control of Carrick and western Galloway, and they may have seen this as a recreation of the dominion once held by their ancestor Gillebrigte son of Fergus, Lord of Galloway.

²⁰⁰ Bannatyne, *Journal*, pp.57-8.

²⁰¹ 'Historie of the Kennedyis', p.9.

Thesis Conclusion

This study has traced the history of the Kennedys, from the first record of an individual with that name in the twelfth century, possibly the eponym of the kindred, until the height of their power in 1576. The Kennedys were part of the kindred that ruled Galloway and supported the lineage that became the ruling kindred of Carrick. Their prominence within Carrick was recognised by the appointment of the head of the Kennedys as steward to the earl. Later they were appointed as bailies to the earl and recognised as the ruling kindred of Carrick. The Kennedy chiefs governed within Carrick on the earl's behalf and, in recognition of their loyal service to the crown, James IV created the earldom of Cassillis for the Kennedy chief in 1509. The thesis has investigated the tactics used by the Kennedy chiefs to survive and prosper, and consideration has been given to whether this reveals any continuity of policy throughout the period. The main discussion has concerned the Kennedys' connection to the earls of Carrick and the crown, but interactions within the kindred, policy towards the church, territorial expansion and disputes with other kindreds were also examined.

Connection to the earls of Carrick and the crown

In the late twelfth century, the Kennedys were part of the kindred of Fergus, Lord of Galloway. An ancestor of the Kennedys was involved in the fighting as Fergus's heirs fought for dominance. When Fergus's grandson Duncan was defeated by his cousin, the Scottish king imposed a settlement. Duncan was made earl of Carrick which was separated from the rest of Galloway. An indication of the importance of the Kennedys was that Duncan appointed the head of the kindred as his heritable steward. When the Bruces acquired the earldom, the Kennedys continued to act as stewards to the earls, while the male successors of Duncan's line, the de Carrick lineage, held the offices of bailie of the earldom and the 'kenkynnol' (*ceann cineoil*). The 'kenkynnol' was held by the head of the most prominent kindred in the province and gave its holder the right to lead the men of Carrick in battle. When Robert Bruce, earl of Carrick, became king the earldom became one of the titles held by the monarch or the heir to the throne.

In 1346, the Scottish king David II, earl of Carrick, and Sir Gilbert de Carrick the head of the de Carricks were captured by the English. In their absence, John Kennedy led the men of Carrick in battle against Edward Balliol and his supporters, and during this conflict he acquired considerable land and funds. When the male line of the de Carricks failed, Robert II awarded the offices they had held to John Kennedy of Dunure. The award

recognised the Kennedys' dominance in the region and, as bailie to the earls of Carrick, the Kennedys had frequent interactions with the early Stewart kings. Stephen Boardman's description of the rise of the Campbells has parallels with that of the Kennedys, and both families strengthened their position during the troubles in the fourteenth century.¹ The Bruce earls of Carrick seem to have ignored the 'kenkynnol' and led its men in battle themselves. However, by the 1370s, the Stewart earls no longer had a residence in the earldom and they rarely visited the area. This increased the importance of the Kennedys' possession of the offices of bailie and 'kenkynnol'. As bailie, the Kennedy chief was the main judicial power in the earldom and, with absentee earls, the 'kenkynnol' gave him the right to command its men in battle.

As the Kennedys had no competing lordships within Carrick they were the dominant power in the south-west. The forces of Carrick may have amounted to as many as a 1000 men and the majority of its leadership would have been Kennedy lairds. As elsewhere in Scotland, the provision of manpower for this force was probably a condition of land tenure. Until the sixteenth century we have no indications of its composition but, certainly by the time of the third earl, it seems to have consisted primarily of a force of several hundred light horsemen, and it played a significant role in harassing English troops and garrisons in the Rough Wooing.

The status of the Kennedys was raised further when the chief's heir James Kennedy married Robert III's daughter in 1403. When James's son John Kennedy reached his majority, he had a major disagreement with James I, probably about how Carrick should be governed, and he was imprisoned for flouting the king's authority in some way. The king bore no malice towards other Kennedys and showed favour to John's brothers Gilbert and James. The ability of the Kennedys to expand northwards was limited as families like the Montgomeries, Cunninghams and others were well established north of the Carrick border and there was considerable friction between their competing lordships. As a reward for his support against the Black Douglases, James II appointed Gilbert Kennedy a lord of parliament and awarded him some ex-Douglas lands. This allowed the Kennedys to spread their influence southwards into western Galloway. Another factor may have been that the Kennedys preferred to expand to the south because the prevalence of Gaelic speakers and customs in Galloway made it very similar to Carrick

¹ Boardman, *The Campbells*, pp.84-5.

During the minority of James III, Gilbert, Lord Kennedy, and his brother Bishop Kennedy were the main figures in government for several years. Annie Dunlop's biography of Bishop Kennedy proposed that he held a dominant position from much earlier but this thesis supports Norman Macdougall's later reassessment of the bishop's influence.² When James III took on his adult rule the Kennedys supported him. However, when James III faced a rebellion led by his eldest son and heir, the future James IV, John, Lord Kennedy, refused to choose between them, probably because the cost of making the wrong choice was forfeiture. Brown's description of the fall of the Black Douglases 1455 shows the penalty of challenging the monarch's authority.³ Wormald points out that others, including the earls of Huntly and Erroll, also chose to remain neutral.⁴ Although their policy of supporting neither side removed the threat of forfeiture, it may have caused James IV to have doubts concerning their loyalty and the Kennedys lost favour for several years. Their return to centre stage was probably assisted by Janet Kennedy, one of Lord Kennedy's daughters, becoming the king's mistress. James IV created a new earldom and David became the first earl of Cassillis in 1509.

Like most regional magnates the Kennedys probably aspired to the status of an earldom. For the Kennedys this desire would have been increased by their possession of the 'kenkynnol' and their connection to the lineage of Duncan the first earl of Carrick. The logical solution would have been to award their chief the earldom of Carrick. However, the earldom of Carrick had been held by the crown since the time of Robert the Bruce and the Wars of Independence, and this connection may have meant that any award of the title outside the royal family would have been seen as an unthinkable diminution of the crown's power. The new earldom had no specific territorial designation and took its name Cassillis from the main castle and barony of the Kennedy chief. Grant notes that, by the late medieval period, earldoms were often honorific rather than territorial. Many of the older earldoms had lost the majority of their original lands and the names of new earldoms sometimes had no connection to the actual lands of the new earls.⁵ As the Kennedys were already projecting their power and influence into western Galloway they may have welcomed the lack of clarity regarding the new earldom's physical boundary.

² A.I. Dunlop, *The life and times of James Kennedy, bishop of St Andrews* (Edinburgh, Oliver & Boyd, 1950); N. Macdougall, 'Bishop James Kennedy of St Andrews: a reassessment of his political career' in *Church, Politics and Society: Scotland, 1408-1929*, ed. N. Macdougall (Edinburgh, John Donald, 1983).

³ Brown, *The Black Douglases*, pp.321, 330.

⁴ Wormald, *Court, Kirk, and Community*, p.16.

⁵ A.H. Grant, 'Earls and Earldoms in Late Medieval Scotland (c. 1310-1460)' in *Essays presented to Michael Roberts: Sometime Professor of Modern History in The Queen's University of Belfast*, ed. John Bossy and Peter Jupp (Belfast, 1976), pp.36-40.

During the minority of James V, the second earl of Cassillis distinguished himself in support of the legally appointed regents, the Duke of Albany and Margaret Tudor. This brought awards of lands and offices to the Kennedys and their allies, including the appointment of the earl's brother William as Abbot of Crossraguel. When the earl of Angus took James IV captive and seized power, Cassillis and others attempted to release the king from Angus's control. Following the king's death, the third earl agreed to help Henry VIII progress a marriage between his son Edward and Mary Queen of Scots. However, when Cassillis realised that the regent Arran would not support the marriage he had to decide between supporting the regent or the English king. He agreed that, in order to confuse the English, he would continue to profess support for Henry's plan but offer no real assistance. This subterfuge helped the Scots to survive several years of English aggression. Cassillis was handsomely rewarded including the appointment of his brother Quintin as Abbot of Crossraguel. His contemporaries considered the third earl to be a patriot rather than a traitor. The regents during the minority of Mary Queen of Scots relied on his diplomatic and military skills, and Mary of Guise made Cassillis her treasurer. Historians like Merriman who have portrayed the third earl as a traitor during this period may have to revise their opinion.⁶

The fourth earl, yet another Gilbert Kennedy, supported Mary Queen of Scots when she returned from France. In the aftermath of Darnley's murder, he helped to free her from Bothwell and opposed her subsequent detention and forced abdication in favour of her son James VI. Cassillis fought on the queen's side at the battle of Langside but following the defeat and Mary's flight into England, the earl faced a dilemma. The situation he faced had similarities to the rebellion against James III led by the future James IV. In this case the choice was between Queen Mary who was held captive in England and her infant son James VI. The fourth earl used a similar strategy to that utilised by his ancestor John, Lord Kennedy. He took no part in the civil war and only supported the king's side when it was clear that they had already won.

From the 1340s until 1576, the principal line of the Kennedys successfully produced male heirs, and on only one occasion, that of James Kennedy in 1408, did the eldest legitimate son predecease his father. The earliest Kennedys were loyal supporters of the earls of Carrick. This loyalty transferred to the crown when the earldom became attached to it, and the Kennedy chiefs were noted supporters of lawful regents during the minorities of Stewart monarchs. Kennedy loyalty to the monarch was only broken once

⁶ Marcus Merriman, 'Kennedy, Gilbert, third earl of Cassillis (c.1517–1558)', *ODNB* [<http://www.oxforddnb.com/view/article/15368>, accessed 24 July 2014].

when John Kennedy so annoyed James I that he was imprisoned, forfeited and later sent into exile. In 1489 and 1568, the Kennedys were faced with a situation where the forces of the monarch were opposed by those of the monarch's heir who was also earl of Carrick. On both occasions, albeit slightly belatedly in 1568, the head of the Kennedys decided not to commit the kindred to either side, but wait for a victor to emerge.

Relations within the Kennedy kindred

No serious dissension within the Kennedy kindred is apparent in their early history, but around 1430 there appear to have been some serious problems and even violence between John Kennedy and his uncles. James I intervened in the dispute and the next chief, John's brother Gilbert, had to engage in a protracted process of arbitration to gain the kindred's clear recognition of his leadership. By the second half of the fifteenth century, the Kennedys of Bargany and the Kennedys of Blairquhan were established as the most important cadet branches of the family. Each had landholdings of several thousand acres and they had expanded their estates into Galloway. Gaelic language and customs survived in the south-west throughout the period considered. The records are silent but it is likely that this difference between them and their neighbours helped to strengthen the solidarity of the Kennedys and their allies against external threats.

The solidarity of the Kennedys seems to have been well maintained and this is an indication that the leadership of the Kennedy chiefs was generally considered to be good. Advice was sought from brothers and uncles of the head of the family and they often acted as the chief's deputy or procurator. Although the heads of the main cadet branches were occasionally in dispute with their chief, these problems were resolved or at least partially resolved through arbitration which sometimes involved marriages between the two sides and bonds of manrent. Over half of the bonds involving Kennedy chiefs were with other Kennedys, and Wormald points out that men of the same surname did not normally give written bonds to one another. She suggests this was a sign that the Kennedy chiefs had difficulty enforcing their lordship and they needed to demand evidence of allegiance from their kinsmen.⁷ However, the limited evidence available does not support this. Only seven bonds of this type have survived, and three of these are connected to settlement of the dispute within the family that followed the treason of John Kennedy in 1431.⁸ Rather than demonstrating weakness, having only a further four bonds of manrent between Kennedys

⁷ Wormald, *Lords and Men in Scotland: Bonds of Manrent, 1442-1603*, p.86.

⁸ *Ibid.*, pp.170-3; From the first recorded bond of manrent in 1442 until 1576.

and their chiefs in a period of 134 years is probably an indication of the strength and success of their leadership.

The Reformation and the conflict between Mary's and James VI's supporters destabilised the social order. Keith Brown points out that during the civil war the loyalty of kindreds was frequently divided.⁹ Kennedy of Bargany supported the Reformation while the fourth earl maintained his allegiance to the old religion. Although this may have been a sign of the weakening ties of kinship these differences in religious practice caused no serious dissension and within a few years the earl became a protestant. More serious problems occurred due to the fourth earl's continued support of the queen after her abdication. The earl's cousin Kennedy of Bargany supported the king's side and fought at the battle of Langside in opposition to the earl and his forces. In the civil war that followed Cassillis offered neither side any material support and, perhaps, if he had adopted this position before Langside, he could have convinced Bargany to support his stance and avoided this embarrassing rift in the cohesion of the kindred.

The differences between Cassillis and Bargany probably helped to fuel their competition to acquire the lands of the abbey of Crossraguel. It may well have been the earl's belief that Bargany was about to conclude a deal that forced him to take precipitate action against the abbot. Sanctioned by the regent, Bargany attacked one of the earl's main fortresses, took it and held it against the earl for a considerable period. Careful consideration would surely have caused the fourth earl to act more cautiously. Certainly, when he and Bargany did eventually reach an agreement, they were able, acting together, to successfully negotiate a deal with the abbot. On several occasions the fourth earl seems to have acted without due consideration and many members of the kindred probably had serious misgivings about the quality of their chief's leadership. Although destabilisation of the social order may have been a contributory factor, the root cause of the fourth earl's problems with Bargany was surely his gross mismanagement of the situation. Even in this instance, arbitration successfully resolved the problems between them.

It has been demonstrated that, in general, the 'Historie of the Kennedyis' is an unreliable source. However, it offers a convincing rationale for the split between the fourth earl and his brother Thomas which caused the earl to appoint his brother-in-law Glamis as

⁹ Keith M. Brown, *Noble Power in Scotland from the Reformation to the Revolution*, pp.11-12, 27.

tutor to his heir. This supports Stephen Boardman's view that, despite its inaccuracies, the 'Historie of the Kennedyis' does occasionally have some basis in fact.¹⁰

Church

Several Kennedys held positions in the church in the thirteenth and fourteenth centuries but the first to hold a major benefice was James Kennedy the brother of Gilbert, Lord Kennedy. He rose to the highest possible position within the Scottish church when he was appointed Bishop of St Andrews in 1440. Bishop Kennedy awarded several rich church benefices to Kennedys and their allies and he was probably instrumental in the appointment of Colin Kennedy as abbot of Crossraguel in 1460. He was the first Kennedy abbot of Crossraguel.

The church benefices obtained by the Kennedys stemmed primarily from Bishop Kennedy's position of authority within the church. The kindred seem to have made no attempt to create a 'dynasty' in the church and within a few years of Bishop Kennedy's death their prominence there was at an end. The acquisition of major church benefices depended on crown patronage and, when Colin Kennedy died in 1491, John, Lord Kennedy, had insufficient influence at court to secure the appointment of another Kennedy as abbot. However, when the position became vacant again in 1520, the second earl of Cassillis's position as a key supporter of Regent Albany enabled him to secure the appointment of his brother William Kennedy to the benefice. Kennedy control of the abbey was maintained when William died in 1547. The third earl was held in high favour and Quintin Kennedy was appointed the new abbot of Crossraguel. In the last few decades before the Reformation many families, including the royal house, acquired the effective possession of abbeys and bishoprics.¹¹ However, the Kennedys seem to have made no attempt to subvert the resources of the abbey of Crossraguel to their own use until 1560 when the reformers swept into power. Quintin appointed his nephew, the fourth earl, as bailie of the abbey and gave him a lease of its lands. This was almost certainly intended as the first step in a process (similar to that followed in Glenluce) which would have ended with all of Crossraguel's lands in the hands of the earl. However, when Quintin died in 1564, political expediency caused Queen Mary to appoint a non-Kennedy abbot who started to transfer the lands of Crossraguel to a relative. This was a considerable setback to

¹⁰ Stephen I. Boardman, 'Politics and Feud in Late Mediaeval Scotland' (unpublished doctoral thesis. University of St Andrews, 1989), p.12.

¹¹ Donaldson, *Scotland: James V to James VII*, pp.135-6.

the fourth earl as it meant that several thousand acres of some of the richest lands in Carrick were beyond his control.

In general, the Kennedys' approach to the church was opportunistic. They were driven by events and took full advantage of the benefits afforded by Bishop Kennedy's position. The only clear sign of a long-term policy in relation to the church was their approach to the abbacy of Crossraguel. The Kennedys' ancestor Duncan, earl of Carrick, had founded the abbey and endowed it with several thousand acres of rich farmland. The first Kennedy abbot was appointed in the middle of the fifteenth century. Although the Kennedys lost control of the benefice in 1491, it was re-imposed in 1520 and brothers of the earls held the position until 1564. The fourth earl saw the control of Crossraguel's lands as so important that he was later driven to desperate measures to acquire them.

Territorial Expansion

By the 1370s the principal line held extensive lands throughout Carrick, particularly in the north around Maybole including the baronies of Cassillis and Dunure. By the end of the fourteenth century, more than twenty Kennedy lairds are recorded holding lands in Carrick. Some of these lands had been inherited from the de Carricks while others had either been obtained through conquest or purchased. By the end of the fourteenth century the Kennedy kindred held most of the lands in Carrick and the remaining lands were either held by allies or leased by minor Kennedy lairds. Kennedy lordship in Carrick was unchallenged as none of its lands were held by other regional magnates and this reduced the likelihood of Kennedy involvement in disputes with powerful rivals.

To the north of Carrick over the river Doon the Crawfords held considerable lands and farther north several regional magnates competed for lordship including the heads of the Cunningham and Montgomerie kindreds. There is a tradition of violent disputes between the Kennedys and the Crawfords but the first direct evidence of problems between them concerns Crawford attacks on the Kennedys in the early years of the sixteenth century. Although the Kennedys held some lands north of the river Doon, in general they seem to have decided that expansion there came at too high a price because of the number and strength of the competing lordships in that area.

Galloway lies to the south of Carrick and the Kennedys had gained lands there in the Wars of Independence. These included Cruggleton, a castle associated with the lords of Galloway. These lands seem to have been passed to the Black Douglases when they were

created lords of Galloway and the presence of the Douglasses there seems to have effectively barred any Kennedy expansion into the province. After the fall of the Black Douglasses the Stewart monarchs had to fill the absence of lordship in western Galloway. Using the Kennedys was probably the obvious solution given their connection to the original ruling lineage of the area. The Kennedy chiefs obtained the barony of Leswalt and other Douglas lands in the region. This brought them into dispute with the Agnews of Lochnaw and the Gordons of Lochinvar, as well as native Gaelic kindreds such as the MacDowells and the MacLellans, and they blocked Kennedy attempts to hold courts in the area. The second earl managed to improve relations with the Agnews, MacDowells and MacLellans. They may have welcomed the lordship of the Kennedys as they were a Gaelic-speaking kindred native to the south-west who understood the area's customs and had ancestral links to the early Lords of Galloway. During the feud which followed the murder of the second earl of Cassillis the MacDowells and the MacLellans supported the Kennedys against Campbell of Loudoun and his allies the Hamiltons. Arbitration calmed the situation but the problems were only fully resolved more than a decade later when Loudoun admitted his guilt and gave the earl his bond of manrent.

By the middle of the sixteenth century the Kennedys had obtained the majority of the available lands in both Carrick and western Galloway. The biggest landowner in the region after the Kennedys themselves was the church, whose holdings included the lands of the see of Galloway and the lands of the abbeys of Crossraguel, Glenluce and Souleseat. A process of gradual alienation of church lands into the hands of laymen had begun several decades before the Reformation. The Kennedys had not implemented this practice in Carrick probably because they felt that the abbey of Crossraguel would continue to be held by a Kennedy abbot. The Kennedy chiefs were appointed bailies of the church lands of the bishop of Galloway and the abbey lands of Glenluce. Mary of Guise appointed a Kennedy ally as abbot of Glenluce and the fourth earl of Cassillis began the process of transferring the title of the abbey's lands into his own hands. Lochinvar tried to block Kennedy efforts to acquire control of the church lands in Galloway but, although he delayed them, he was unsuccessful.

The fourth earl planned to transfer the lands of Crossraguel Abbey into his control in a similar manner. However, the abbot, his uncle Quintin, died leaving the benefice vacant and in the hands of the crown and the position was awarded to a non-Kennedy. This ruined the earl's plan. He made a clumsy attempt to coerce the new abbot to grant him a

lease of the lands and this led him into a major dispute with Kennedy of Bargany. When this was resolved, Bargany helped the earl to acquire the lands of Crossraguel.

The Kennedys' involvement in disputes was reduced by their good fortune in having no real competitors for lordship within Carrick. They seem to have adopted a policy that expansion into areas already dominated by other powerful families was not worth it. However, following the demise of the Black Douglases, they were able to expand into western Galloway and they may have seen this as a recreation of the lordship held by their ancestors. They experienced resistance from local lords as they moved into the area but these problems were soon resolved. With regard to the acquisition of church lands the Kennedy chiefs demonstrated a lack of forward planning. The methods the fourth earl used to acquire church lands were questionable but arguably no worse than those used by others. By the time of his death he had obtained the majority of the church lands in Carrick and western Galloway.

There is clear continuity in the policy of the Kennedys with regard to their loyal support to the crown and to lawful regents. Other families adopted a similar approach and the regional power of the Campbells was supposedly dependent on their stratagem of cooperation with the monarch, although Boardman suggests this is an over-simplistic interpretation.¹² The particular loyalty of the Kennedys was probably influenced by their heritable role as bailies of Carrick, which meant that their main judicial authority depended on the earls of Carrick. In times of serious dispute between the monarch and the heir to the throne, the Kennedys' loyalty was conflicted and they took a neutral stance. The only clear policy of the Kennedys in regard to the church was their desire to control the lands of the abbey of Crossraguel. The appointment of a Kennedy abbot was much more likely with crown patronage, and this further underlined the importance of loyalty to the monarch.

The Kennedy policy of loyalty to the crown remained unchanged across the period considered by this thesis. There seems to be no rationale for the clear break in the historiography at the end of the fifteenth century found by Lynch and Boardman.¹³ Study of the Kennedys supports the findings of Jenny Wormald that there was no significant change in the attitudes or concerns of the nobility until much later in the sixteenth century.¹⁴ Indeed no change of note can be seen by the end point of this thesis, 1576, which

¹² Boardman, *The Campbells*, pp.6-7.

¹³ Stephen Boardman and Michael Lynch, 'The State of Late Medieval and Early Modern Scottish History' in *Freedom and Authority: Scotland c. 1050 – c. 1650*, ed. David Ditchburn and Terry Brotherstone (East Linton, Tuckwell Press, 2000).

¹⁴ Wormald, 'Bloodfeud, Kindred and Government in Early Modern Scotland', *Past & Present*, 87 (1980),

agrees with the findings of Goodare and Brown who thought that major alterations in the perspective of the nobility did not take place until the last twenty or so years of the century.¹⁵ Their loyalty brought the Kennedys considerable benefits including an earldom and a considerable extension of their landholdings and judicial rights beyond Carrick into western Galloway. By the death of the fourth earl of Cassillis in 1576 they were the dominant force in south-west Scotland and the territories they controlled matched those of their ancestor Gillebrigte, son of Fergus, Lord of Galloway.

54-97; *Court, Kirk, and Community: Scotland 1470-1625*; Wormald, 'Taming the Magnates?'; Wormald, 'Lords and Laids in Fifteenth-Century Scotland'; Jennifer M. Brown, 'Bonds of manrent in Scotland before 1603' (Ph.D. Thesis, University of Glasgow, 1974).

¹⁵ Brown, *Noble Power in Scotland from the Reformation to the Revolution*; Brown, 'The extent and nature of feuding in Scotland, 1573-1625', (PhD Thesis, University of Glasgow, 1983); Goodare, *The Government of Scotland, 1560-1625*.

Appendix: *Òran Bagraidh*, 'A Song of Defiance'

This Gaelic song may be a contemporary composition referring to the murder of the second earl. It was first published in 1978 in a collection of songs and poems entitled *Bhona hinnse Gall as iomallaiche (From the farthest Hebrides)*. An editorial note in the book contained the information that Rev. William Matheson of Edinburgh University, a Gaelic scholar, connected the events the song alludes to with the murder of Gilbert Kennedy, the second earl of Cassillis. The earl and his retinue had been ambushed by a much larger force led by several Crawford lairds as they travelled through an area of sand dunes just north of Prestwick in August 1527.¹ The fact that Matheson is cited in the book means that he had been consulted (to some extent) regarding *Òran Bagraidh* before its publication. The editorial note disagreed with Matheson's views regarding the song's connection with the 1527 killing, and proposed a much earlier composition.² However, no suggestion was made regarding what the events described in the song referred to and no alternative date was ventured.

The place names mentioned in the song clearly match with locations in south-west Scotland and although the Kennedy and Crawford families are identified it is possible that an earlier event in the area was the catalyst for its composition. However, although clashes between them were recorded in the preceding 150 years, in none of them was a Kennedy killed who could conceivably match the status of the victim in the song. The victim is referred to as being a favourite of the king, and his power as being fortunate for the queen, and these descriptions fit the profile of the second earl of Cassillis. The Kennedys were extremely proud of their links to the Scottish monarchy through several marriages over the previous centuries. The earldom was granted to the second earl's father at least partly as a reward for his marriage to a cousin of James IV in 1509. Cassillis was close to the young king, supported the dowager queen's faction in the early 1520s and was chosen by the regent Albany to act as an ambassador to England to negotiate peace with England. In 1526 Cassillis responded to a request in writing from James V to help Lennox to free him from the Douglases and Hamiltons. Only in 1527 was a senior leader of the Kennedy family, who was prominent at court and close to the queen, killed in a clash with the Crawfords. It must therefore be this event which is being referred to. The period immediately after the murder in 1527 was a difficult period for the Kennedys and a song of

¹ *From the farthest Hebrides*, pp.90-2; Pitcairn, *Trials*, vol. i, pt. i, p.136; The Herald obituary column 2 December 1995, [http://www.heraldsotland.com/news/12057471.William_Matheson/], accessed 30 September 2015]; Simmons, 'Kennedy, Gilbert, second earl of Cassillis', *ODNB* [accessed 24 July 2014].

² *From the farthest Hebrides*, pp.90-2.

defiance, looking forward to some future date when they would be able to avenge matters, would have been appropriate.

The song highlights the MacLellans as allies of the Kennedys. In July 1526 one of their principal leaders, MacLellan of Bombie, was attacked and killed at the door of the church of St Giles in Edinburgh by Gordon of Lochinvar and Douglas of Drumlanrig.³ The first earl of Cassillis had an earlier dispute with the Gordons of Lochinvar following disagreements over Kennedy rights within the Forest of Buchan.⁴ Given that leaders of both kindreds had been murdered it would be natural to combine their names within *Òran Bagraidh*. The MacLellans and the MacDowells were amongst the oldest of the kindreds of western Galloway and they seem to have allied themselves with the Kennedys.⁵ This may have been because Cassillis had acquired considerable lands and power in western Galloway but may also have been influenced by the Kennedys' ancestral links to Gillebrigte, son of Fergus of Galloway.

In his article in *Scottish Gaelic Studies*, Lorimer concluded that Gaelic was still spoken by many of the inhabitants of south west Scotland during the sixteenth century.⁶ Lorimer cited George Buchanan, a Gaelic speaker himself, who claimed that the language was still spoken in Galloway.⁷ He used the *Flyting of Dunbar and Kennedy*, composed early in the sixteenth century, as evidence proving that Gaelic was the prevailing speech in Carrick at that time. Walter Kennedy the Gaelic-speaking poet of the *Flyting of Dunbar and Kennedy* fame died around 1518, only nine years before the murder of the second earl of Cassillis.⁸ MacQueen believes that Gaelic was the language of the bulk of the population in Carrick and Galloway until at least the Reformation, though it seems to have completely disappeared in the area by the end of the seventeenth century.⁹ Gaelic survived in the nearby island of Arran until the last century.¹⁰ Lorimer quotes an English report, written at some time between 1563 and 1566, which stated that in Carrick 'the people for the moste part speketht erishe'.¹¹ Not mentioned by Lorimer is the report compiled by Alexander Hay of Easter-Kennet in December 1577 which states that the people of the earl of Cassillis 'ar

³ *Diurnal of Occurrents*, p.10.

⁴ Paterson, *History*, vol.2, pp.457-9.

⁵ Oram, *The lordship of Galloway*, pp.208-9.

⁶ Lorimer, W.L., 'The Persistence of Gaelic in Galloway and Carrick', *Scottish Gaelic Studies*, 6.2 (1949), 114-36.

⁷ Buchanan, *History*, vol.2, p.27.

⁸ Priscilla J. Bawcutt, 'Kennedy, Walter (1455? – 1518?)', *ODNB* [<http://www.oxforddnb.com/view/article/15395>, accessed 1 Oct 2015].

⁹ J. MacQueen, 'The Gaelic Speakers of Galloway and Carrick', *Scottish Studies* 17 (1973) p.17.

¹⁰ Open University - Gaelic in Modern Scotland [<http://www.open.edu/openlearnworks/mod/oucontent/view.php?id=4568&printable=1>, accessed 8 October 2015].

¹¹ *Archaeological and Historical Collections relating to the counties of Ayr and Wigton vol.4* (Edinburgh, Ayr and Wigton Archaeological Association, 1884), p.17.

mingled with the speeches of Irishe and Englishe'.¹² Hay was probably well informed regarding south-west Scotland as he was a kinsman of Thomas Hay, the last abbot of Glenluce.¹³ There seems to be considerable evidence that Gaelic was widely spoken by at least some of the people of Carrick and Galloway in the sixteenth century.

Although no Gaelic documents survive from south-west Scotland in this period, Aonghas MacCoinnich points out that it is probable that both James IV and James V may have been able to understand if not speak Gaelic and he believes that competent nobles whose estates were populated by Gaelic speakers would have 'made a point of being able to speak the language of the tenantry of their estates, even if they habitually spoke Scots themselves'.¹⁴ Gilbert Kennedy, the second earl of Cassillis, and his younger brother Thomas Kennedy of Coif both married daughters of Archibald Campbell the second earl of Argyll.¹⁵ As Argyll was Gaelic-speaking and a patron of Gaelic arts, an understanding of the language would have been very beneficial for the Kennedys' interactions with their Campbell in-laws.

The contents of *From the farthest Hebrides* were principally sourced from Angus John Macdonald, a native of North Uist, who had emigrated to Cape Breton in Canada.¹⁶ He was designated the Gaelic Editor of the book while the General Editor was a Canadian, Professor Donald Ferguson. The publication of the book met with some extremely critical reviews, including one in *The Scottish review* in November 1979 from Virginia Blankenhorn which used words like 'fraud' and 'forgery' as well as 'bogus' to describe the publication and, in particular, the input of Angus Macdonald.¹⁷ Professor Ferguson responded in defence, mainly of Macdonald, but this was countered by a riposte from Blankenhorn citing several detailed examples of Macdonald's failures or wrongdoing.¹⁸ A brief quotation from her article gives the flavour of the review,

'Mr MacDonald, in editing this collection, has not (as I may originally have suggested) confined his revisionist efforts to composing new poetry and representing it as old. In addition, he has been at pains to represent other people's compositions in an other-than-truthful manner.'

¹² *Estimate of the Scottish Nobility during the minority of James the Sixth*, ed. Charles Rogers (London, Grampian Club, 1873), p.10.

¹³ *Estimate of the Scottish Nobility*, pp.8, 11.

¹⁴ A. MacCoinnich, 'Where and how was Gaelic written in late medieval and early modern Scotland? Orthographic practices and cultural identities', *Scottish Gaelic Studies*, 24 (2008), p.314.

¹⁵ *The Scots Peerage*, vol.2, pp.463-5.

¹⁶ *From the farthest Hebrides*, pp.90-2.

¹⁷ Virginia Blankenhorn, *The Scottish review*, 16 (1979) (Glasgow, Scottish Civic Trust), Book Review.

¹⁸ Donald Ferguson, *The Scottish review*, 17 (1980) (Glasgow, Scottish Civic Trust), Correspondence.

She does not claim that Ferguson was party to this but ‘that he has been thoroughly taken advantage of’, and she accuses him of incompetence.¹⁹ In the criticism of its contents, several of the songs are identified and comments are made casting doubt on their authenticity but no specific mention is made of *Òran Bagraidh*. The book had received such damning reviews that it was generally disregarded for further academic consideration and *Òran Bagraidh* was tarred by its association with it. Several questions therefore have to be answered regarding *Òran Bagraidh*. Given the criticism of most of the contents of the book, can *Òran Bagraidh* be considered as a genuine composition? If so, when and where was it composed and what, if any, were the real historical events which inspired it?

The Rev. William Matheson believed that there were problems with some of the songs but he seemed to think that *Òran Bagraidh* had some merit. It is raw and rather garbled, which differentiated it from the majority of the contents of the book, and Matheson thought it was worthy of further research. The first verse sets the scene, harking back to halcyon days of enjoyment before the terrible day when their unnamed leader was killed. The second verse identifies *Sliochd na Feannaig* as responsible and vows revenge in no uncertain terms while the third is fulsome in its praise of the murdered leader. Verse four connects the groups *Muinntir nan Dubh-chasa* and *Sliochd a’Mhadaidh*, and praises them as warriors who rejoiced in hunting, fishing and feasting in the area. The final verse is a further cry for revenge and seems to come to a rather abrupt end.

Although the song is broadly comprehensible the version of the Gaelic text and its English translation contained in the book is extremely problematic. Michael Ansell notes that it contains many obscure words and examples of linguistic features associated with Irish dialects rather than Scottish Gaelic. The song is not recorded anywhere else and this is its sole attestation. The last few verses in particular are rather garbled and certainly not singable, making it implausible that the song had been passed down via oral transmission. This led Ronnie Black to point out that, contrary to the notes in the book, the song must have been written down at some point. He compared its style with contemporary MacGregor elegiac poetry, and believed it was similar to poems composed around 1550 or so. Michael Ansell concludes that while there are significant doubts remaining about *Òran Bagraidh*, its having been taken seriously by Matheson and Black, and its roughness (contrasting with other more polished but obviously concocted entries in the book), meant that it merited further investigation.²⁰ Following Matheson’s death in November 1995 his

¹⁹ Virginia Blankenhorn, *The Scottish review*, 17 (1980) (Glasgow, Scottish Civic Trust), Correspondence.

²⁰ Michael Ansell, ‘Place and folk-name elements of the poem *Òran Bagraidh*’, Scottish place name Society site [<http://www.spns.org.uk/CtWigtown.html>], accessed 11 September 2014].

papers were stored in the archives of the National Library of Scotland. Matheson had continued his study of *Òran Bagraidh* and the final entry in a notebook within his archived materials contains his proposed reconstruction of the Gaelic. This is shown below with his English translation and associated notes.²¹

Aoibh Comar-an-eas dom,	The joy of Comar-an-eas was mine
Aoibh Bearna na Slogh,	The joy of Bearna-na-Slogh
Aoibh bruachan Beinn Beithich,	The joy of the banks of Beinn Beithich
Aoibh 'n gleann 'n robh thu óg	A joy was the glen where you were young
Trom dom madainn an aon là,	Grievous for me was the morning of that one day ^a
Trom dom madainn a' chró	Grievous for me was that morning of gore
Mi robh t'èiric air an eislig	Your blood price was not on the bier
An caisteal Chaisil a' chró	In Castle Cassillis of the barmkin ^b
Na robh geis anns a' chró,	May there be no dissenting voice in the barmkin
Na robh geis anns a' chró,	May there be no dissenting voice in the barmkin
Cha tu 'n te mum biodhmaid diomhain	You are not the one concerning whom we would be idle
Laighidh ceudan dioghailt leinn	Hundreds will lie requited by us
Boile, beud, goin, borr,	Frenzy, scaith, wounding, swelling
Goile goirt grad doight,	Stomachs painful, suddenly scorched
Cinn gun cholainn, Sliochd na Feannaig	Heads without bodies, the Race of the Crow ^c
Dioghailt rinndearg barrdearg shinn,	Requited, red-barbed, red-tipped the spear
Reim righ-fianaid air na Fianta,	Sway of a leader over the Fians
Rosair ^d rath an rightheach thu,	A guarantee of good fortune in the royal house you were
Reim ruighinn rath na rioghainn	Unyielding sway, fortunate for the Queen
Rigaid raghainn thu aig righ,	Favourite choice for a King you were
Sainnseare sidhe sorcha seada,	Specially beloved of the bright (graceful/slender) fairy-folk
Cainnteach cruthach calma ciunnt,	Eloquent, comely, hardy, steadfast
Subhach suanach solma socair	Merry, untroubled, resourceful, deliberate
Ceutach clothach cleasda clit.	Valorous, famous, active, cherished.
Joinnti Muinntir nan Dubh-chasa ^e ,	Closely connected are the "Black feet"
Anns om Droighrich 's ^f frith-roinn,	In Auchindrain and its territory
Cineil sloinntè Sliochd a' Mhadaidh ^g ,	The tribe named Race of the Hound
Cingidh, cairpteach daoimean(?) saoi	Champions, fighters, diamonds(?), nobles
Bhiodhte breacach Loch a' Bhàrr,	There would be salmon fishing in Lochinvar

²¹ William Matheson Papers, Acc.9711, NLS.

Bhiodhte sealgach Carsa-feàrn,	There would be hunting in Carsphairn
Bhiodhte brocach Gleann nan Seamraig	There would be badger hunting in Glen Shamrock
Bhiodhte fleidhteach an Dail Rìgh	There would be feasting in Dalry
Ged bha trilis donna dosrach,	Although brown baby heads of hair
Air an ruadhadh 'san dol-dail,	Were reddened in the encounter
Greadhan congfhail toic 'ga sgoiladh,	The company that hoarded riches being made to suffer
Dearbhata sin an deireadh-griath:	That is the proven and usual outcome
Dar bhiodh sluagh nan gruaga ciar,	When the host of the dusky locks
Nan cueas deatharr cairte glas	Of the swarthy, tanned, sallow skins (would be like)
Mosgain choirbte theasmhillt bhreunta	Rotten, corrupt, heat-spoiled, foetid tree stumps
Losgainn fhairbreach theumtha bhract	Wrinkled, diseased, putrid toads

- a. i.e. that fateful day
- b. fold
- c. i.e. the Craufurds, at feud with the Kennedys?
- d. Evidence, judgment
- e. Kennedy
- f. Mures of Auchendrain allies of the Kennedy?
- g. Maclellans

The place-names in the song are listed below with their suggested locations in Carrick and Galloway:²²

<i>Cumar an eas</i>	Ness Glen, Loch Doon
<i>Bearna na Slogh</i>	Glenmuck
<i>Beinn Beithich</i>	Benbeoch, Dalmellington
<i>Caisteal Chaisil a' chro</i>	Cassillis
<i>Draoinich</i>	Auchindrain
<i>Loch a' Bharr</i>	Lochinvar
<i>Carrsa Fearn</i>	Carsphairn
<i>Gleann na Seamraig</i>	Glenshimmeroch
<i>Dail Rìgh</i>	Dalry

The families referred to in the song, with their suggested English surname are listed below:

²² Ansell, 'Place and folk-name elements of the poem *Òran Bagraidh*'.

<i>Muinntir nan Dubh-chasa</i> ²³	Kindred of the black feet	Kennedy
<i>Sliochd na Feannaig</i>	Race of the crow	Crawford
<i>Cinneil sliochd a'Mhadaidh</i>	Tribe of the wolf or dog	MacLellan
<i>Sluagh nan gruaga ciar</i>	Host of the dusky locks	Douglas

John Kennedy was mentioned in a charter of David II as the captain of the clan of Muntercasduff and the village of Kirkmichael in the heart of Kennedy territory is elsewhere referred to as Munthyrduffy.²⁴ Gilbert Kennedy of Bargany had the lands of Sanct Michaelis Muntercasduff (Kirkmichael) in 1464 and Kirkmichael is called Munterdove or Munterduffy in 1532.²⁵ There is clear evidence that *Muinntir nan Dubh-chasa* was a Gaelic name for at least part of the Kennedy clan.

In his notebook Matheson offers a translation of the other kindred identified as responsible for the killing, *Sluagh nan gruaga ciar*, as ‘the Host of the dusky locks’, but does not venture to identify the family surname. Some historians have proposed that the murder was ordered by the Douglasses, who controlled James V’s government at the time, or their Hamilton allies. This makes it likely that the *Sluagh nan gruaga ciar* refers to the Douglasses. Matheson suggested that *Sliochd na Feannaig* might refer to the Crawford family who held considerable lands across the River Doon from Cassillis. Although there is no direct proof of this, given the other evidence linking the song to the murder of the second earl of Cassillis and their heavy involvement in the deed it would be remarkable if this did not refer to the Crawfords. It was probably a sideways swipe at the family, simply taking the first part of their name in Scots and translating it into Gaelic. One potential problem regarding the composition is that there is no mention of Sir Hugh Campbell of Loudoun who was put to the horn as the man responsible for the murder of Cassillis. However, the Campbells of Loudoun had acquired their lands and influence in Ayrshire through marriage with a Crawford heiress in the early fourteenth century. Additionally, Loudoun was not present at the actual killing, and the group who ambushed Cassillis was led by prominent Crawford lairds. The Kennedys and their supporters are likely to have seen the murder as connected to the history of feud between themselves and the Crawfords, and this further supports its authenticity.

²³ Geoffrey Barrow suggested ‘the household of the servants of Duff’; Hector MacQueen, ‘The Laws of Galloway’, footnote 13, p.140.

²⁴ *RMS*, vol. 1, App.2, no. 914; *Laing Charters*, no.63.

²⁵ AILSA, GD25/1/313.

The book *From the Farthest Hebrides* claimed that North Uist men picked the song up from visits to Arran. There may have been a MacLellan family connection, as the name is common in south-west Scotland and in North Uist. However, this is only supposition and we are unlikely to resolve the transmission issue. As noted, Matheson believed that it refers to the murder of the second earl of Cassillis. This suggests composition by a bard attached to some part of the Kennedys or MacLellans in Carrick or Galloway but the author will probably never be identified.

There is considerable evidence that Gaelic was widely spoken in the region during the sixteenth century. The kindreds that have been grievously wronged, *Muinntir nan Dubh-chasa* and *Cinneil sliochd a'Mhadaidh*, are identifiable as the Kennedy and MacLellan families. Less certainly *Sliochd na Feannaig* and *Sluagh nan gruaga ciar* can be identified as the Crawford and Douglas families. The places mentioned in the song are located in Carrick and Galloway, within the territory occupied by the two kindreds which have been wronged. The Rev. William Matheson considered the song to be an authentic composition of the sixteenth century and edited the garbled text to produce a revised version. Only the events of the late 1520s, with the killing of MacLellan of Bombie in 1526 and the ambush and murder of the second earl of Cassillis in 1527, offer a convincing fit with the people and events described within the song itself. Taken together there is considerable evidence, albeit much of it circumstantial, to support Rev. Matheson's conclusion that *Òran Bagraidh* is an authentic piece of Gaelic verse composed in Carrick or Galloway in the late 1520s or early 1530s.

Bibliography

Manuscripts

British Library

Harleian Manuscript no.782

National Library of Scotland - NLS

Abell, Adam, 'The Roit and Quheill of Tyme' f.116, MS 1746.

William Matheson Papers, Acc.9711.

National Records of Scotland - NRS

B22	Edinburgh Burgh: Protocol Books
CS5&6	Acts of the Lords of Council and Session
E21	Exchequer Records: Accounts of the Treasurer
E18	Commissions for the Exchequer and Treasury
E34	Exchequer Records: Household Papers and Accounts
E38	Exchequer Records: Exchequer Rolls
GD1	Berwickshire and St Andrews writs
GD3	Papers of the Montgomerie Family, Earls of Eglinton
GD8	Boyd Papers, Burgh of Kilmarnock
GD10	Papers of the Murray Family of Broughton, Wigtownshire, and Cally, Kirkcudbrightshire
GD16	Papers of the Earls of Airlie
GD17	Title deeds relating to the lands of Carnock and Plean
GD18	Papers of Clerk family of Penicuik, Midlothian
GD20	Papers of the Earls of Glasgow (Crawford Priory)
GD25	Papers of the Kennedy Family, Earls of Cassillis (Ailsa Muniments)
GD26	Papers of the Leslie family, Earls of Leven and Melville

GD39	Records of the Earl of Glencairn
GD40	Papers of the Kerr Family (Lothian Muniments)
GD45	Papers of the Maule Family, Earls of Dalhousie
GD60	Papers of the family of Bennan and Finnarts
GD75	Papers of the Dundas Family of Dundas, West Lothian
GD96	Papers of the Sinclair family of Mey, Caithness
GD103	Papers of Society of Antiquaries of Scotland
GD109	Papers of the family of Dalrymple-Hamilton of Bargany, Ayrshire (Bargany Muniments)
GD119	Papers of Lord Torpichen
GD124	Papers of the Erskine Family, Earls of Mar and Kellie
GD138	Papers of the Stewart family, Earls of Galloway (Galloway Charters)
GD149	Papers of the Cuninghame Family of Caprington
GD154	Papers of the Agnew Family of Lochnaw, Wigtownshire
GD180	Papers of the Cathcart Family of Genoch and Knockdolian
GD220	Album of Lennox charters and letters
GD406	Papers of the Douglas Hamilton Family, Dukes of Hamilton and Brandon
RH1	Miscellaneous Transcripts
RH2	Titles relating to the Boyd of Penkill family, Ayrshire
RH15	Papers Relating to Sherifffdoms of Ayr, Wigtown and Kirkcudbright
SP6	Treaties with England
SP13	State Papers, Miscellanea

Printed Primary Sources

Accounts of the Lord High Treasurer of Scotland, I-IV, ed. Thomas Dickson and James Balfour Paul (Edinburgh, H.M. General Register House, 1877-1902).

Accounts of the great chamberlains of Scotland, and some other officers of the crown, rendered at the exchequer, ed. Thomas Thomson (Edinburgh, 1816), vol. 1, 1326-1370.

Acta Dominorum Concilii 26 March 1501 – 27 January 1502-3 (Edinburgh, Stair Society, 1943).

Acts of the Lords of Council in Civil Causes, 1496-1501, ed. George Neilson and Henry Paton (Edinburgh, HMSO, 1918).

Acts of the Lords of Council, 1501-3, ed. Alma B. Calderwood (Edinburgh, HMSO, 1993).

Acts of the Lords of Council in Public Affairs, 1501-1554, ed. R.K. Hannay (Edinburgh, HMSO, 1932).

Acts of the Parliaments of Scotland, ed. T. Thomson and C. Innes (Edinburgh, 1814-75), vols. i&ii (1124-1423 & 1424-1567).

Acts of the Privy Council of England, ed. J. Dasent *et al* (London, 1890-1964).

Agnew, Robert Vans, *Correspondence of Sir Patrick Vaus of Barnbarroch, Knight; Part 1 1540-1584* (Edinburgh, Ayr and Galloway Archaeological Association, 1887).

Anderson, Alan Orr, *Scottish Annals from English Chroniclers A.D. 500 to 1286* (Stamford, Paul Watkins, 1991).

Anderson, John, *Historical and Genealogical Memoirs of the House of Hamilton* (Edinburgh, John Anderson, 1825).

Auchinleck Chronicle, ed. Christine McGladdery, *James II* (Edinburgh, John Donald, 1990), Appendix 2.

Balfour, James, 'Annales of Scotland' in *The Historical Works of Sir James Balfour of Denylne and Kinnaird* (Edinburgh, 1824), vol.1.

Bannatyne, Richard, *Journal of the Transactions in Scotland*, ed. John Graham Dalyell (Edinburgh, 1806).

Boece, Hector, *The buik of the croniclis of Scotland, or, A metrical version of the history of Hector Boece* by William Stewart, ed. William B. Turnbull (London, Longman, 1858), vol.3.

Bower, Walter, *Scotichronicon*, ed. D. E. R. Watt *et al* , 9 vols.(Aberdeen/Edinburgh, Aberdeen University Press/Mercat Press, 1987-1998).

Buchanan, George, *The History of Scotland*, trans. J. Aikman (Glasgow, 1827), vol.2.

- Calderwood, David, *The History of the Kirk of Scotland*, ed. T. Thomson (Edinburgh, Wodrow Society, 1843).
- Calendar of Documents relating to Scotland*, ed. J. Bain, vols.1-4 (Edinburgh, 1881-8).
- Calendar of entries in the Papal registers relating to Great Britain and Ireland: Papal Letters*, vols. 4,8,10, ed. W.H. Bliss, J.A. Twemlow *et al* (London, HMSO, 1893-1909).
- Calendar of Fearn: text and additions, 1471-1667*, ed. R.J. Adam (Edinburgh, Scottish History Society, 1991), Fifth Series, vol.4.
- Calendar of Inquisitions Miscellaneous (Chancery)*, vol.1 (London, HMSO, 1916).
- Calendar of the Laing Charters AD 854-1837 belonging to the University of Edinburgh*, (Edinburgh, James Thin, 1899).
- Calendar of the Close Rolls: Edward I A.D. 1272-1279* (London, HMSO, 1900).
- Calendar of the Patent Rolls – Richard II, A.D.1396-1399* (London, HMSO, 1909), vol.vi.
- Calendar of Scottish Supplications to Rome*, vols.3-5, ed. A.I. Dunlop *et al* (Edinburgh/Glasgow, SHS, 1970-1997).
- Calendar of State Papers, Foreign Series of the Reign of Elizabeth 1559-60*, ed. J. Stevenson (London, Longman, 1865).
- Calendar of State Papers, Foreign Series of the Reign of Elizabeth 1561-2*, ed. J. Stevenson (London, Longman, 1866).
- Calendar of State Papers, Foreign Series of the Reign of Elizabeth 1564-5*, ed. J. Stevenson (London, Longman, 1870).
- Calendar of State Papers, Foreign Series of the Reign of Elizabeth 1566-8*, ed. A.J. Crosby (London, Longman, 1871).
- Calendar of State Papers, Foreign Series of the Reign of Elizabeth 1569-71*, ed. A.J. Crosby (London, Longman, 1874).
- Calendar of the State Papers relating to Scotland, preserved in the state paper department of Her Majesty's Public Record Office: the Scottish series*, ed. Markham John Thorpe (London, 1858).
- Calendar of the State Papers relating to Scotland and Mary, Queen of Scots 1547-1603*, vols.1-5, ed. J. Bain *et al* (Edinburgh. 1898-1903).
- Carte Monialium de Northberwic*, ed. Cosmo Innes (Edinburgh, Bannatyne Club, 1847).
- Cartularium Comitatus de Levenax*, ed. J. Dennistoun (Edinburgh, Maitland Club, 1833).
- Charters of the Abbey of Crosraguel*, ed. F. C. Hunter Blair (Edinburgh, Ayrshire and Galloway Archaeological Society, 1886), vol.1.

Charters of the Friars Preachers of Ayr, ed. R. W. Cochran-Patrick (Edinburgh, Ayrshire and Wigtonshire Archaeological Association, 1881).

Charters of the Royal Burgh of Ayr, ed. W. S. Cooper (Edinburgh, Ayrshire and Wigtonshire Archaeological Association, 1883).

A Chronicle of England during the Reigns of the Tudors from AD1485 to 1559, ed. William Douglas Hamilton (London, Camden Society, 1875), vol.1.

A Chronicle of the Kings of Scotland from Fergus the First, to James the Sixth, in the year MDCXI, ed. J.W. Mackenzie (Edinburgh, Maitland Club, 1830).

CIRCLE, A Calendar of Irish Chancery Letters 1244-1509, Trinity College Dublin website < <https://chancery.tcd.ie/images/rch?page=8>>; RCH: Rotulorum patentium et clausorum cancellariae Hiberniae calendarium, Hen. II–Hen. VII, ed. E. Tresham (RCI, Dublin, 1828), p.154, no.31 [accessed 12 June 2016].

Collectanea de Rebus Albanicis, ed. D. Gregory and W. F. Skene (Edinburgh, Iona Club, 1847).

Collections relating to the History of Mary Queen of Scotland, ed. James Anderson (Edinburgh, 1727).

Dalrymple, David, *Annals of Scotland from 1057 to 1371* (Edinburgh, 1819).

David Hume of Godscroft's the History of the House of Angus, ed. D. Reid (Edinburgh, Scottish Text Society, 2005), vol.1.

The Days of James III 1488-1513, ed. G. Gregory Smith (London, David Nutt, 1890).

de Beaugue, Jean, *Histoire de la Guerre D'Escosse* (Bordeaux, 1862).

de Vertot, M. l'Abbe, *Ambassades de Messieurs de Noailles en Angleterre* (Paris, 1763), vol.4.

A Diurnal of remarkable occurrents that have passed within the country of Scotland since the death of King James the Fourth till the year MDLXXV, ed. T. Thomson (Edinburgh, Bannatyne Club, 1833).

Douglas, R., *The Peerage of Scotland* (Edinburgh, 1764).

Eighth Report of the Royal Commission on Historical Manuscripts, Part III (London, HMSO, 1881).

Eleventh Report of the Royal Commission on Historical Manuscripts, Appendix, Part VI The Manuscripts of the Duke of Hamilton (London, HMSO, 1887).

Estimate of the Scottish Nobility during the minority of James the Sixth, ed. Charles Rogers (London, Grampian Club, 1873).

The Exchequer Rolls of Scotland, ed. J. Stuart *et al.*, 23 vols. (Edinburgh, General Register House, 1878-1908).

Excerpta e Libris Domicilii Domini Jacobi Quinti Regis Scotorum, 1525-1533 [editor unknown] (Edinburgh, The Bannatyne Club, 1836).

Extracts from the Council Register of the burgh of Aberdeen 1398-1570, ed. J. Stuart (Aberdeen, Spalding Club, 1844).

Extracts from the Records of the Burgh of Edinburgh, A.D. 1528-1557 (Edinburgh, Scottish Burgh Records Society, 1871).

Fifth Report of the Royal Commission on Historical Manuscripts, Part I (London, HMSO, 1876).

Foreign Correspondence with Marie de Lorraine Queen of Scotland, from the originals in the Balcarres Papers, ed. M. Wood (Edinburgh, SHS, 1923), Third series, vol.4.

Fourteenth Report of the Historical Manuscripts Commission (London, HMSO, 1894).

Fourth Report of the Royal Commission on Historical Manuscripts (London, HMSO, 1874).

Genealogical Collections concerning Families in Scotland made by Walter MacFarlane 1750-1751, ed. James Toshach Clark (Edinburgh, SHS, 1900), vol.2.

Gilpin, William, *The Life of Thomas Cranmer, Archbishop of Canterbury* (London, 1784).

Hall, Edward, *Hall's Chronicle; containing the History of England*, ed. Sir Henry Ellis (London, 1809).

The Hamilton Papers, ed. J. Bain (Edinburgh, 1890-92), vols. i and ii.

Herries, John Maxwell, *Historical memoirs of the reign of Mary, Queen of Scots, and a portion of the reign of King James the Sixth*, ed. R. Pitcairn (Edinburgh, Abbotsford Club, 1836).

Historical Manuscripts Commission: Report on the Manuscripts of the Earl of Mar and Kellie (London, HMSO, 1904).

'Historie of the Kennedyis' in *Historical and Genealogical Account of the Principal Families of the name of Kennedy*, ed. Robert Pitcairn (Edinburgh, Bannatyne Club, 1830).

Holinshed, Raphael, *Holinshed's Chronicles of England, Scotland and Ireland*, vol.5 (London, 1808).

Hume of Godscroft, David, *History of the House and Race of Douglas and Angus* (Edinburgh, 1743), vol.2.

Inventaire chronologique des documents relatifs a l'histoire d'Ecosse, ed. Alexandre Teulet (Edinburgh, Abbotsford Club, 1839).

Johannis de Fordun Chronica Gentis Scotorum, ed. W.F. Skene (Edinburgh, 1871).

John Knox, *The History of the Reformation of Religion in Scotland*, ed. W. McGavin (Edinburgh, 1832).

John Knox's History of the Reformation in Scotland, ed. W.C. Dickinson (London, Nelson, 1949).

Keith, Robert, *History of the Affairs of Church and State in Scotland from the Beginning of the Reformation until 1568* (Edinburgh, Spottiswoode Society, 1844), vol.1, ed. J. P. Lawson.

Laing, David, 'A Contemporary Account of the Battle of Floddon', *Proceedings of the Society of Antiquaries Scotland*, 7, (1886-8), 141-52.

Lawrie, A. C. (ed.), *Annals of the Reigns of Malcolm and William, Kings of Scotland, A.D. 1153-1214* (Glasgow, MacLehose, 1910).

Leslie, John, *The Historie of Scotland*, ed. E. G. Cody (Edinburgh, Scottish Text Society, 1888-1895).

Letters and Papers, Foreign and Domestic, of the reign of Henry VIII, ed. J.S. Brewer *et al.*, (London, HMSO, 1862-1932).

The Letters of James the Fourth, 1505-1513, ed. Robert Kerr Hannay (Edinburgh, T. and A. Constable, 1953).

The Letters of James V, ed. R.K. Hannay and D. Hay (Edinburgh, HMSO, 1954).

Lettres, Instructions et Memoires de Marie Stuart, Reine D'Ecosse, ed. A. Labanoff (London, 1844).

Liber Pluscardensis, ed. Felix J.H. Skene (Edinburgh, William Paterson, 1877).

Liber Protocolorum M. Cuthberti Simonis: Notarii Publici et Scribae Capituli Glasguensis AD1499-1513, ed. J. Bain and C. Rogers (London, Grampian Club, 1875), vol.1.

Liber Sancte Marie de Melrose: munimenta vetustiora monasterii cisterciensis de Melros, ed. Cosmo Innes (Edinburgh, Bannatyne Club, 1837), vols.1&2.

Sir Richard Maitland of Lethington, *The History of the House of Seytoun to the year MDLIX*, ed. John Fullarton (Glasgow, Maitland Club, 1829).

McKerlie, P.H., *History of the Lands and their Owners in Galloway* (Paisley, William Paterson, 1906), vol.1.

Melville, James, *Memoirs of his own life by Sir James Melville of Halhill*, ed. T. Thompson (Edinburgh, Bannatyne Club, 1827).

Miscellany of the Maitland Club, ed. Joseph Robertson (Glasgow, 1847), vol. iv, part 1.

Muniments of the Royal Burgh of Irvine (Edinburgh, Ayrshire and Galloway Archaeological Association, 1890), vol.1.

Nicolson, Joseph, *The history and antiquities of the counties of Westmorland and Cumberland* (London, 1777).

Nisbet, Alexander, *A System of Heraldry* (Edinburgh, Blackwood, 1816).

Papiers d'état, pièces et documents inédits ou peu connus, relatifs a l'histoire de l'Écosse au XVIe siècle, ed. Alexandre Teulet (Paris, Bannatyne Club, 1852).

Pitcairn, Robert, *Ancient criminal trials in Scotland; compiled from the original records and MSS* (Edinburgh, 1833), vol.1.

Pitcairn, R. (ed.), *Historical and genealogical account of the principal families of the name of Kennedy* (1830).

Pitscottie, Robert Lindsay of, *The Historie and Cronicles of Scotland from the Slauchter of King James the First to the ane Thousande Fyve Hundreith Thrie Scoir Fyftein Zeir*, ed. E.J.G. Mackay (Edinburgh, Scottish Text Society, 1899-1911).

Proceedings and Ordinances of the Privy Council of England, VI, ed. Nicholas Harris (London, Commissioners of the Public Records of the UK, 1837).

Proces de Condamnation et de Rehabilitation de Jeanne D'Arc dite La Pucelle, ed. Jules Quicherat (Paris, 1847), vol.4.

Protocol book of Gavin Ros, N.P., 1512-1532, ed. J. Anderson & F.J. Grant, (Edinburgh, Scottish Records Society, 1908).

Protocol Book of James Young, 1485-1515, ed. G. Donaldson (Edinburgh, Scottish Records Society, 1952).

Protocol Book of John Foular, ed. J. Durkan *et al*, (Edinburgh, Scottish Record Society, 1940-85).

The Records of the Parliaments of Scotland to 1707, ed. K.M. Brown *et al* (St Andrews, 2007-2013) <<http://www.rps.ac.uk/>>.

The Register of the Privy Council of Scotland 1545-1625, ed. J. Hill Burton and D. Masson (Edinburgh, 1877-98).

Registrum Domus de Soltre necnon Ecclesie Collegiate S. Trinitatis prope Edinburgh (Edinburgh, Bannatyne Club, 1861).

Registrum Magni Sigili Regum Scotorum, ed. J.M. Thomson *et al* (Edinburgh, 1882-1914).

Registrum Monasterii de Passelet 1163-1529, ed. Cosmo Innes (Paisley, 1832).

Registrum Secreti Sigili Regum Scotorum, ed. M. Livingstone *et al* (Edinburgh, 1908-).

Relations Politiques de la France et de L'Espagne avec L'Ecosse au XVI siecle, ed. Alexandre Teulet (Paris, 1862).

Rhymer, Thomas ed., *Foedera, Conventiones, Literae et cujuscunque generis Acta Publica inter Reges Angliae et alios quosvis Imperatores, Reges, Pontifices, Principes, vel Communitates Habita aut Tractata* (London, 1712).

Riddell, John, *Inquiry into the law and practice in Scottish peerages, before, and after the Union* (Edinburgh, Thomas Clark, 1842).

Ridpath, George, *The Border-history of England and Scotland, deduced from the earliest times to the union of the two crowns* (London, 1776).

Robertson, William, *Index of many Records of Charters 1309-1413* (Edinburgh, 1797).

Rotuli Scotiae in Turri Londiniensi et in Domo Capitulari Westmonasteriensi Asservati, vols.1&2 (London, 1814-9).

Sixth Report of the Royal Commission on Historical Manuscripts (London, HMSO, 1877).

Tenth Report of the Royal Commission on Historical Manuscripts (London, HMSO, 1885).

The Scots Peerage, ed. Sir J. Balfour Paul (Edinburgh, David Douglas, 1904-14).

The Scottish correspondence of Mary of Lorraine: including some three hundred letters from 20th February 1542-3 to 15th May 1560, ed. A.I. Cameron (Edinburgh, SHS, 1927).

Selected Cases from Acta Dominorum Concilii et Sessionis, ed. Ian Hamilton Shearer (Edinburgh, Stair Society, 1951), pp.66-7.

State papers published under the authority of His Majesty's Commission. King Henry the Eighth (London, 1836), vols.4&5, part IV.

The state papers and letters of Sir Ralph Sadler, ed. Arthur Clifford (Edinburgh, 1809).

Stoney, F. Sadleir, *A Memoir of the Life and Times of the Right Honourable Sir Ralph Sadleir* (London, Longman, 1877).

Syllabus of the documents contained in Rymer's Foedera, ed. Sir Thomas Duffus Hardy (London, Longman, 1873), vol.2.

Tytler, P.F., *A History of Scotland from the Accession of Alexander III to the Union* (Edinburgh, 1864).

Walcott, Mackenzie, *Scoti-Monasticon: The Ancient Church of Scotland* (London, 1874), vol.1.

The Warrender Papers, ed. Annie I. Cameron (Edinburgh, SHS, 1931), vol.1.

Wigtownshire Charters, ed. R.C. Reid (Edinburgh, SHS, 1960).

Wyntoun, Andrew, *The Historians of Scotland*, vol.III, *Androw of Wyntoun's Orygynale Cronykil of Scotland*, ed. D. Laing (Edinburgh, 1872).

Secondary Sources

Agnew, Andrew, *The Agnews of Lochnaw: A History of the Hereditary Sheriffs of Galloway* (Edinburgh, 1864).

Ansell, Michael, 'Place and folk-name elements of the poem *Oran Bagraidh*', Scottish place name Society site [<http://www.spns.org.uk/CtWigtown.html>, accessed 11 September 2014].

Archaeological and Historical Collections relating to the counties of Ayr and Wigton (Edinburgh, Ayr and Wigton Archaeological Association, 1884), vol.4.

Balfour-Melville, E.W.M., *James I, King of Scots 1406-1437* (London, Methuen, 1936).

Bannerman, John, 'Macduff of Fife', in *Medieval Scotland, Crown, Lordship and Community: Essays Presented to G.W.S. Barrow*, ed. Alexander Grant and Keith Stringer (Edinburgh, Edinburgh University Press, 1993).

—, 'The Scots language and the kin-based society' in *Gaelic and Scots in harmony; proceedings of the Second International Conference on the Languages of Scotland*, ed. Derick Thomson (University of Glasgow, 1988)

—, 'The Residence of the King's Poet', *Scottish Gaelic Studies*, 17(1996).

Barbe, Louis, *Margaret of Scotland & the Dauphin Louis* (Glasgow, Blackie, 1917).

Bardgett, Frank D., *Scotland Reformed: The Reformation in Angus and the Mearns* (Edinburgh, John Donald, 1989).

Barnes, Ishbel M., *Janet Kennedy, Royal Mistress: Marriage and Divorce at the Courts of James IV and V* (Edinburgh: John Donald, 2007).

Bawcutt, Priscilla, *Dunbar The Makar* (Oxford, Oxford University Press, 1992).

—, 'The art of flyting', *Scottish Literary Journal*, 10(2) (1983), 5-24.

—, 'Kennedy, Walter (1455?–1518?)', *ODNB* [<http://www.oxforddnb.com/view/article/15395>, accessed 1 Oct 2015].

Baxter, J.W., *William Dunbar a biographical study* (Edinburgh, Oliver and Boyd, 1952).

Bell, William, *Dictionary and Digest of the Law of Scotland* (Edinburgh, 1838).

Bindoff, S. T., *The House of Commons, 1509-1558* (London, Secker & Warburg, 1982).

Bingham, C., *James V: King of Scots* (London, Collins, 1971).

Black, George F., *The surnames of Scotland: their origin, meaning, and history* (New York, New York Public Library, 1946).

Black, Ronald, 'The Gaelic Manuscripts of Scotland' in *Gaelic and Scotland, Alba agus a' Ghàidhlig*, ed. W. Gillies (Edinburgh, Edinburgh University Press, 1989).

- Blakeway, Amy, *Regency in Sixteenth-Century Scotland* (Woodbridge, Boydell Press, 2015).
- , ‘The Response to the Regent Moray’s Assassination’, *SHR*, 88(2009), 9-33.
- Boardman, Stephen, *The Campbells 1250-1513* (Edinburgh, John Donald, 2006).
- , *The Early Stewart Kings: Robert II and Robert III, 1371–1406* (East Linton, Tuckwell Press, 1996).
- , ‘Royal Finance and Regional Rebellion in the Reign of James IV’ in *Sixteenth-Century Scotland: Essays in Honour of Michael Lynch*, ed. J. Goodare and A.A. MacDonald, (Leiden, Brill, 2008), pp. 15-41.
- , ‘Robert II (1371-1390)’ in *Scottish Kingship, 1306-1542: Essays in Honour of Norman Macdougall*, ed. M. Brown and R. Tanner (Edinburgh, John Donald, 2008).
- , ‘Stewart, John, first earl of Atholl (1440?–1512)’, *ODNB* [<http://www.oxforddnb.com/view/article/26486>, accessed 29 March 2016].
- Boardman, S. and Lynch, M., ‘The State of Late Medieval and Early Modern Scottish History’ in *Freedom and Authority: Scotland c. 1050 – c. 1650*, ed. David Ditchburn and Terry Brotherstone (East Linton, Tuckwell, 2000), pp. 44-59.
- Boardman, S. and Brown, M., ‘Survival and Revival: Late Medieval Scotland’ in *Scotland: A New History*, ed. J. Wormald (Oxford, Oxford University Press, 2005), pp. 77-106.
- Brady, W. Maziere, *The Episcopal Succession in England Scotland and Ireland AD1400 to 1875* (Rome, 1876).
- Breeze, David J., *Mary’s Progresses* (Edinburgh, HMSO, 1987).
- Brown, Keith M., *Noble Power in Scotland from the Reformation to the Revolution* (Edinburgh, Edinburgh University Press, 2011).
- , *Bloodfeud in Scotland 1573-1625* (Edinburgh, John Donald, 1986).
- Brown, Michael, *James I* (Edinburgh, Canongate, 1994).
- , *The Black Douglases* (East Linton, Tuckwell Press, 1998).
- , *The Wars of Scotland*, (Edinburgh, Edinburgh University Press, 2004).
- , ‘Scotland Tamed?’, *Innes Review*, 45 (1994), 120-46.
- Brown, P. Hume, *Early Travellers in Scotland* (Edinburgh, 1891).
- , *George Buchanan Humanist and Reformer* (Edinburgh, David Douglas, 1890).
- Buchanan, Patricia Hill, *Margaret Tudor, Queen of Scots* (Edinburgh, Scottish Academic Press, 1985).
- Burns, J.H., ‘The Conciliarist tradition in Scotland’, *SHR*, 42 (1963), 89-104.

- Cameron, F.R., *Annals of the house and family of Boyd, Earls of Kilmarnock and Lairds of Penkill Castle and Trochrague A.D.1153-A.D.1963* (Edinburgh, 1963).
- Cameron, Jamie, *James V: The Personal Rule 1528-1542*, ed. Norman Macdougall (East Linton, Tuckwell Press, 1998).
- Cameron, John, *The Parish of Campsie* (Kirkintilloch, 1892).
- Cant, Ronald G., *The College of St Salvator* (St Andrews, Oliver and Boyd, 1950).
- Cathcart, Alison, *Kinship and Clientage: Highland Clanship, 1451-1609* (Leiden, 2006).
- Clarke, S., *The Boyds of Penkill and Trochrig: their ancestors and descendants, with other notes relating to the family of Boyd* (Edinburgh, Blackwood, 1909).
- Cowan, David, *Historical Account of the Noble Family of Kennedy, Marquess of Ailsa and Earl of Cassillis* (Edinburgh, Advocates Library, 1849).
- Cowan, Ian, *Regional aspects of the Scottish Reformation* (London, Historical Association, 1978).
- Dawson, Jane, *John Knox* (London, Yale University Press, 2015).
- , *The Politics of Religion in the Age of Mary, Queen of Scots* (Cambridge, Cambridge University Press, 2002).
- , *Scotland Re-formed, 1488-1587* (Edinburgh, Edinburgh University Press, 2007).
- , 'Campbell, Colin, third earl of Argyll (d. 1529)', *ODNB* [<http://www.oxforddnb.com/view/article/4482>, accessed 5 Aug 2015].
- Dictionary of National Biography*, ed. Sidney Lee (London, 1892).
- Donaldson, Gordon, *All the Queen's Men: power and politics in Mary Stewart's Scotland* (London, Batsford, 1983).
- , *The Scottish Reformation* (Cambridge, Cambridge University Press, 1960).
- , *Scotland: James V to James VII* (Edinburgh, Oliver & Boyd, 1971).
- Dowden, John, *The Bishops of Scotland*, ed. J. Maitland Thomson (Glasgow, 1912).
- , *The Medieval Church in Scotland* (Glasgow, 1910).
- Duncan, A.A.M., *James I King of Scots 1424-1437* (Glasgow, University of Glasgow, 1984).
- Dunlop, Annie, *The Life and Times of James Kennedy Bishop of St Andrews* (Edinburgh, Oliver and Boyd, 1950).
- Eaves, Richard Glen, *Henry VIII and James V's Regency 1524-1528* (Lanham, University Press of America, 1987).

—, 'Margaret (1489–1541)', *ODNB* [<http://www.oxforddnb.com/view/article/18052>, accessed 14 Jan 2016].

Ellis, Stephen G., *Tudor Frontiers and Noble Power: The Making of the British State* (London, Clarendon Press, 1995).

Ferguson, W., *Scotland's relations with England: a survey to 1707* (Edinburgh, John Donald, 1977).

Fergusson, James, *The White Hind and other discoveries* (London, Faber and Faber, 1963).

Fraser, James, *Chronicles of the Frasers* (Edinburgh, SHS, 1905).

Fraser, William, *The Book of Carlaverock: memoirs of the Maxwells, Earls of Nithsdale, Lords Maxwell and Herries* (Edinburgh, 1873), vol.1.

—, *The Chiefs of Colquhoun and their Country* (Edinburgh, 1869), vol.2.

—, *The Douglas Book* (Edinburgh, 1885), vol.2.

—, *The Elphinstone Family Book of the Lords Elphinstone, Balmerino and Coupar* (Edinburgh, 1897).

—, *Henry Stewart, Lord Darnley* (Edinburgh, 1904).

—, *The Lennox* (Edinburgh, 1874).

—, *Memorials of the Montgomeries* (Edinburgh, 1859),

—, *The Sutherland Book* (Edinburgh, 1892).

Fraser-Mackintosh, Charles *Antiquarian Notes: a series of papers regarding Families and Places in the Highlands* (Inverness, 1865).

From the farthest Hebrides, ed. Donald A. Fergusson (London, Macmillan, 1978).

Gemmell, Elizabeth and Mayhew, Nicholas, *Changing Values in Medieval Scotland: a Study of Prices, Money, and Weights and Measures* (Cambridge, Cambridge University Press, 1995).

Goodare, Julian *The Government of Scotland, 1560-1625* (Oxford, Oxford University Press, 2004).

—, (2007, May 24). Mary [Mary Stewart] (1542–1587), queen of Scots.*ODNB*, [<http://www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-18248>, accessed 5 Sep. 2018].

Gordon, William, *The History of the Ancient, Noble, and Illustrious Family of Gordon* (Edinburgh, 1728), vol.1.

Grant, Alexander, *Independence and Nationhood: Scotland 1306-1469* (Edinburgh, Edinburgh University Press, 1984).

- , ‘Earls and Earldoms in Late Medieval Scotland (c. 1310-1460)’ in *Essays presented to Michael Roberts: Sometime Professor of Modern History in The Queen’s University of Belfast*, ed. John Bossy and Peter Jupp (Belfast, 1976), pp.36-40.
- Hazlett, W. Ian P., *The Reformation in Britain and Ireland: An Introduction* (London, T&T Clerk, 2003).
- The Herald obituary column 2 December 1995, [<http://www.heraldsotland.com/news/12057471>]. William_Matheson/, accessed 30 September 2015].
- Hewitt, George R., *Scotland under Morton 1572-80* (Edinburgh, John Donald, 1982).
- Holland, Richard, ‘The Buke of the Howlat’ in *Longer Scottish Poems*, ed. P. Bawcutt and F. Riddy (Edinburgh, Scottish Academic Press, 1987)
- Innes, Cosmo, *Lectures on Scotch Legal Antiquities* (Edinburgh, 1872), pp.282-5.
- Irons, James Campbell, *Leith and its Antiquities from the Earliest Times to the Close of the Nineteenth Century* (Edinburgh, 1897).
- Irving, David, *Memoirs of the Life and Writings of George Buchanan* (Edinburgh, 1807).
- Lees, J. Cameron, *The Abbey of Paisley, from its foundation until its dissolution* (Paisley, 1878).
- Lang, Andrew, *A History of Scotland from the Roman Occupation* (Edinburgh, Blackwood, 1900).
- Lorimer, W.L., ‘The Persistence of Gaelic in Galloway and Carrick’, *Scottish Gaelic Studies*, 6.2 (1949). 114-36.
- Lynch, Michael, ‘Queen Mary's Triumph: the Baptismal Celebrations at Stirling in December 1566’, *SHR*, 69 (1990), 1-21.
- MacCoinnich, A., ‘Where and how was Gaelic written in late medieval and early modern Scotland? Orthographic practices and cultural identities’, *Scottish Gaelic Studies*, 24 (2008).
- McCrie, Thomas, *The Life of John Knox*, ed. Andrew Crichton (Edinburgh, 1840).
- Macdonald, Finlay, *From Reform to Renewal; Scotland’s Kirk Century by Century* (Edinburgh, St Andrew Press, 2017).
- Macdougall, N., *James IV* (East Linton, Tuckwell Press, 1997).
- , *James IV: the Stewart dynasty in Scotland* (Edinburgh, John Donald, 1989).
- , *James III: A Political Study* (Edinburgh: John Donald, 2009).
- , ‘The Estates in Eclipse? Politics and Parliaments in the Reign of James IV’ in *Parliament and Politics in Scotland, 1235-1560 (The History of the Scottish Parliament, 1)* ed. K.M. Brown and R.J. Tanner (Edinburgh, Edinburgh University Press, 2004), 145-59.

- , ‘Bishop James Kennedy of St Andrews: a reassessment of his political career’ in *Church, politics and society: Scotland 1408-1929* (Edinburgh, John Donald, 1983).
- , ‘Douglas, Archibald, fifth earl of Angus (c.1449–1513)’, *ODNB* [<http://www.oxforddnb.com/view/article/7864>, accessed 3 Feb 2016].
- McDowall, J. Kevan, *Carrick Gallovidian* (Ayr, Homer McCririck, 1947).
- McFarlane, I.D., *Buchanan* (London, Duckworth, 1981).
- McGladdery, Christine, *James II* (Edinburgh, John Donald, 1990).
- McKean, Charles, ‘Hamilton, Sir James, of Finnart (c.1495–1540)’, *ODNB* [<http://www.oxforddnb.com/view/article/12080>, accessed 5 April 2016].
- Mackenzie, Alexander, *History of the Munros of Fowlis* (Inverness, 1848).
- McNamee, Colm, *The Wars of the Bruces Scotland, England and Ireland 1306-1328* (East Linton, Tuckwell Press, 1997).
- MacQueen, Hector, ‘The Kin of Kennedy, ‘Kenkynnol’ and the Common Law’ in *Medieval Scotland: Crown, Lordship and Community: essays presented to G.W.S. Barrow* ed. A. Grant and K. J. Stringer (Edinburgh, Edinburgh University Press, 1993).
- , ‘The Laws of Galloway: a preliminary survey’ in *Galloway: Land and Lordship*, ed. R.D. Oram and G.P. Stell (Edinburgh, Scottish Society for Northern Studies, 2001).
- , ‘Survival and success: the Kennedys of Dunure’ in *The exercise of power in Medieval Scotland c.1200 – 1500*, ed. Steve Boardman and Alasdair Ross (Dublin, Four Courts, 2003).
- MacQueen, J., ‘The Gaelic Speakers of Galloway and Carrick’, *Scottish Studies*, 17 (1973).
- Marshall, Rosalind K., *Mary of Guise* (London, Collins, 1977).
- Mason, Roger, ‘Renaissance and Reformation: the Sixteenth Century’ in Jenny Wormald ed., *Scotland: A New History* (Oxford, Oxford University Press, 2005), pp. 77-106
- , ‘Renaissance Monarchy? Stewart Kingship (1469-1542)’ in *Scottish Kingship, 1306-1542: Essays in Honour of Norman Macdougall*, ed. M. Brown and R. Tanner (Edinburgh, John Donald, 2008), pp.255-78.
- Martin Martin, *A Description of the Western Islands of Scotland* (Edinburgh, 1981).
- Maxwell, Herbert, *A History of the House of Douglas* (London, Freemantle, 1902).
- , ‘Tour of Mary, Queen of Scots’, *SHR*, 18 (1920), 1-13.
- Meikle, Maureen, *The Scottish People 1490-1625* (Raleigh, N.C., Lulu.com, 2013).
- , *A British Frontier? Lairds and Gentlemen in the Eastern Borders, 1540-1603* (East Linton, Tuckwell Press, 2004)

- Merriman, Marcus, 'The Assured Scots', *SHR*, 47 (1968).
- , *The Rough Wooings Mary Queen of Scots, 1542-51* (East Linton, Tuckwell Press, 2000).
- , 'Kennedy, Gilbert, third earl of Cassillis (c.1517–1558)', *ODNB* [<http://www.oxforddnb.com/view/article/15368>, accessed 24 July 2014].
- , 'Stewart, Matthew, thirteenth or fourth earl of Lennox (1516–1571)', *ODNB* [<http://www.oxforddnb.com/view/article/26497>, accessed 2 Aug 2016].
- Michel, Francisque, *Les Ecosais en France, les Francais en Ecosse* (Paris, 1862).
- Milne, Isabel A., 'An Extent of Carrick in 1260', *SHR*, 34 (1955), pp.46-9.
- Montgomery, Thomas Harrison, *A Genealogical History of the Family of Montgomery* (Philadelphia, 1863).
- Munro, R.W. & J., 'Mackintosh family (*per. c.* 1491–1606)', *ODNB* [<http://www.oxforddnb.com/view/article/70946>, accessed 21 June 2016].
- Nicholson, Ranald, *Scotland: The Later Middle Ages* (Edinburgh, Oliver and Boyd, 1974).
- Open University - Gaelic in Modern Scotland [<http://www.open.edu/openlearnworks/mod/oucontent/view.php?id=4568&printable=1>, accessed 8 October 2015].
- Oram, Richard, *The lordship of Galloway* (Edinburgh, John Donald, 2000).
- , 'Fleming, Malcolm, first earl of Wigtown (*d.* in or before 1363)', *ODNB* [<http://www.oxforddnb.com/view/article/54185>, accessed 18 Sept 2017].
- Parsons, Patrick J.F., 'Flodden Field: the sources and archaeology of 'a marvelous greate conflicte'' in *Fields of Conflict: Progress and prospect in battlefield archaeology*, ed. P.W.M. Freeman and A. Pollard (Oxford, Archaeopress, 2001), pp. 51-60.
- Paterson, James, *History of the County of Ayr with a Genealogical Account of the Families of Ayrshire* (Ayr, John Dick, 1848), vol.1.
- , *History of the Counties of Ayr and Wigton*, (Edinburgh, James Stillie, 1863), vol.2.
- Penman, Michael, *David II* (East Linton, Tuckwell Press, 2004).
- Radford, C.A. Raleigh, *Crossraguel Abbey* (Edinburgh, HMSO, 1988).
- Rae, Thomas I., *The administration of the Scottish frontier, 1513-1603* (Edinburgh, Edinburgh University Press, 1966).
- Rankin, James, *A Handbook of the Church of Scotland* (Edinburgh, William Blackwood, 1888).
- Reid, R.C., 'Cruggleton Castle', *Dumfriesshire and Galloway Natural History & Antiquarian Society: Transactions and Journal of Proceedings*, Third Series, 16 (1929-30),

152-60.

Ritchie, Pamela E., *Mary of Guise in Scotland, 1548-1560: a political career* (East Linton, Tuckwell Press, 2002).

Robertson, William, *Historic Ayrshire* (Edinburgh, 1891).

—, *Ayrshire its History and Historic Families* (Kilmarnock, 1908).

Rogers, Charles, *The Book of Wallace* (Edinburgh, The Grampian Club, 1889).

Ross, Ian Simpson, *William Dunbar* (Leiden, Brill, 1981).

Ruter, M., *A Concise History of the Christian Church* (New York, 1834).

Ryrie, Alec, *The Origins of the Scottish Reformation* (Manchester, Manchester University Press, 2006).

—, 'Reform without frontiers in the last years of Catholic Scotland', *English Historical Review*, 119 (2004), 27-56.

Sanderson, Margaret H.B., *Ayrshire and the Reformation: people and change, 1490-1600* (East Linton, Tuckwell Press, 1997).

—, *Cardinal of Scotland David Beaton, c.1494-1546* (Edinburgh, John Donald, 1986).

The Scottish review, vols.16 & 17 (Glasgow, Scottish Civic Trust, 1979-80), Book Review and Correspondence.

Shaw, Alexander Mackintosh, *Historical memoirs of the House and Clan of Mackintosh and the Clan Chattan* (London, 1880).

Simmons, John, 'Kennedy, Gilbert, fourth earl of Cassillis (c.1541–1576)', *ODNB* [<http://www.oxforddnb.com/view/article/15369>, accessed 4 Aug 2016].

—, 'Kennedy, Gilbert, second earl of Cassillis (c.1492–1527)', *ODNB* [<http://www.oxforddnb.com/view/article/15367>, accessed 24 July 2014].

Smellie, William, *Account of the Institution and Progress of the Society of the Antiquaries of Scotland* (Edinburgh, 1831), part III.

Stevenson, K., *Chivalry and Knighthood in Scotland, 1424-1513* (Woodbridge, Boydell Press, 2006).

Strickland, A., *Lives of the Queens of Scotland* (Edinburgh, 1852), vol.1.

Tanner, Roland J., 'Boyd family (per. c.1300–c.1480)', *ODNB* [<http://www.oxforddnb.com/view/article/3115>, accessed 8 Aug 2016].

Thomas, Andrea, *Princelie Majestie: The Court of James V of Scotland, 1528-1542* (Edinburgh, John Donald, 2005).

—, 'James V', *ODNB* [<https://doi.org/10.1093/ref:odnb/14591>, accessed 5 Dec 2017].

Thomson, Thomas, *A History of the Scottish People* (Edinburgh, 1890), vol.2.

Todd, Henry John, *The Life of Archbishop Cranmer* (London, 1831), vol.1.

Weir, Alison, *The Lost Tudor Princess: A Life of Margaret Douglas, Countess of Lennox* (London, Jonathan Cape, 2015).

White, Allan, 'Gordon, George, fourth earl of Huntly (1513–1562)', *ODNB* [<http://www.oxforddnb.com/view/article/11034>, accessed 21 June 2016].

Wormald, Jenny, 'Bloodfeud, Kindred and Government in Early Modern Scotland', *Past & Present*, 87 (1980), 54-97.

—, *Court, Kirk, and Community: Scotland 1470-1625* (Edinburgh, Edinburgh University Press, 1981).

—, *Lords and Men in Scotland: Bonds of Manrent, 1442-1603* (Edinburgh, John Donald, 1985).

—, 'Taming the Magnates?' in *Essays on the Nobility of Medieval Scotland*, ed. Keith J. Stringer (Edinburgh, John Donald, 1985), pp. 270-80.

—, 'Lords and Lairds in Fifteenth-Century Scotland' in *Gentry and Lesser Nobility in Late Medieval Europe*, ed. Michael Jones (Gloucester, Alan Sutton, 1986), pp. 181-220.

Theses

Boardman, Stephen I., 'Politics and Feud in Late Mediaeval Scotland'(unpublished doctoral thesis. University of St Andrews, 1989).

Borthwick, Alan R., 'The King, Council and Councillors in Scotland, c. 1430-1460'(unpublished doctoral thesis, University of Edinburgh, 1989).

Brown, Jennifer M., 'Bonds of manrent in Scotland before 1603' (PhD Thesis, University of Glasgow, 1974).

Brown, Keith M., 'The extent and nature of feuding in Scotland, 1573-1625', (PhD Thesis, University of Glasgow, 1983).

Brown, Michael, 'Crown-Magnate Relations in the Personal Rule of James I of Scotland (1424-1437)' (PhD Thesis, University of St Andrews, 1991).

Chalmers, Trevor, 'The King's Council, Patronage and The Governance of Scotland, 1460-1513'(unpublished doctoral thesis, University of Aberdeen, 1982).

Ditcham, Brian G.H., 'The Employment of Foreign Mercenary Troops in the French Royal Armies 1415 – 1470' (unpublished doctoral thesis, University of Edinburgh, 1978).

Emond, William Kevin, 'The Minority of James V, 1513-1528'(unpublished doctoral thesis, University of St Andrews, 1989).

Gould, J.A., 'The Religious Orders and Collegiate Churches in Scotland c.1450-1560:' (unpublished doctoral thesis, University of Glasgow, 1996).

Graham, Thomas Watson, 'Patronage, Provision and Reservation: Scotland and the Papacy during the pontificate of Paul III'(unpublished doctoral thesis, University of Glasgow, 1992).

MacGregor, Martin D.W., 'A Political History of the MacGregors before 1571' (unpublished doctoral thesis, University of Edinburgh, 1989).

Thomas, Andrea, 'Renaissance Culture at the Court of James V, 1528-1542' (unpublished doctoral thesis, University of Edinburgh, 1997).