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**Politics and Protestant Lordship in North East  
Scotland during the Reign of James VI: The Life of  
George Keith, fourth Earl Marischal, 1554-1623**

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Submitted in fulfilment of the requirements for the Degree of PhD

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## **Abstract**

George Keith, fourth Earl Marischal is a case study of long-term, quietly successful and stable lordship through the reign of James VI. Marischal's life provides a wholly underrepresented perspective on this era, where the study of rebellious and notorious characters has dominated. He is also a counter-example to the notion of a general crisis among the European nobility, at least in the Scottish context, as well as to the notion of a 'conservative' or 'Catholic' north east.

In 1580 George inherited the richest earldom in Scotland, with a geographical extent stretching along the east coast from Caithness to East Lothian. His family came to be this wealthy as a long term consequence of the Battle of Flodden (1513) where a branch of the family, the Inverugie Keiths had been killed. The heiress of this branch was married to the third earl and this had concentrated a large number of lands, and consequently wealth, in the hands of the earls. This had, however, also significantly decreased the number of members and hence power of the Keith kindred.

The third earl's conversion to Protestantism in 1544 and later his adherence to the King's Party during the Marian Civil War forced the Keiths into direct confrontation with their neighbours in the north east, the Gordons (led by the Earls of Huntly), a Catholic family and supporters of the Queen's Party. Although this feud was settled for a time at the end of the war, the political turmoil caused by a succession of short-lived factional regimes in the early part of the personal reign of James VI (c.1578-1585) led the new (fourth) Earl Marischal into direct confrontation with the new (sixth) Earl of Huntly. Marischal was outclassed, outmanoeuvred and outgunned at both court and in the locality in this feud, suffering considerably. However, Huntly's over-ambition in wider court politics meant that Marischal was able to join various coalitions against his rival, until Huntly was exiled in 1595. Marischal also came into conflict briefly with Chancellor John Maitland of

Thirlestane as a consequence of Marischal's diplomatic mission to Denmark in 1589-1590, but was again outmatched politically and briefly imprisoned. Both of these feuds reveal Marischal to be relatively cautious and reactionary, and both reveal the limitations of his power.

Elsewhere, the study of Marischal's activities in the centre of Scottish politics reveal him to be unambitious. He was ready to serve King James, the two men having a healthy working relationship, but Marischal showed no ambition as a courtier, to woo the king's favour or patronage, instead delegating interaction with the monarch to his kinsmen. Likewise, in government, Marischal rarely attended any of the committees he was entitled to attend, such as the Privy Council, although he did keep a keen eye on the land market and the business conducted under the Great Seal.

Although personally devout and a committed Protestant, the study of Marischal's interaction with the national Kirk and the parishes of which he was patron reveal that he was at times a negligent patron and exercised his right of ministerial presentation as lordly, not godly patronage. The notion of a 'conservative North East' is, however, rejected.

Where Marischal was politically weak at court and weak in terms of force in the locality, we see him pursuing sideways approaches to dealing with this. Thus he was keen to build up his general influence in the north and in particular with the burgh of Aberdeen (one result of this being the creation of Marischal College in 1593), pursued disputes through increasing use of legal methods rather than bloodfeud (thus exploiting his wealth and compensating for his relative lack of force) and developed a sophisticated system of maritime infrastructure, ultimately expressed through the creating of the burghs of Peterhead and Stonehaven. Although his close family caused him a number of problems over his lifetime, he was able to pass on a stable and enlarged lordship to his son in 1623.

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Finally, thanks to Buzz.

## **Declaration**

I certify that, except where explicit reference is made to the contribution of others, this thesis has been composed by me, the work is entirely my own and that no part of this thesis has been published in its present form.

**Signed**

## Conventions

### General

Weights and measures are left as they are found in contemporary usage and not standardised to modern usages.

Dates are rendered so that the year begins on 1 January, so 16 February 1596/7 is 1597.

Quotations are generally left as found in the original sources or calendars. Any additions to the original text and expansions of abbreviations are denoted with square brackets '[']. Definitions of obscure words are included in round brackets '()'.

Modern place names are preferred, conforming to the Ordnance Survey, although the sixteenth and seventeenth century forms are used if there is a significant difference. Hence Auquhorsk is favoured over the modern Afforsk and Auldmad is favoured over Old Maud. The modern King Edward is rendered Kingedward. Kincardineshire is referred to throughout as the Mearns, although both names were current at the time.

Personal names and family names are usually rendered according to the conventions of the online *Oxford Dictionary of National Biography*. Erroll is therefore used instead of Errol. Home and Hume are standardised as Home (but Hume Castle). Otherwise personal names are modernised for clarity, so Andrew is favoured instead of Andro and John for Jon.

The form of titles and their capitalisation conforms to the general usage in Valentine Hayward's *British Titles*. However, the forms 'Earl George' and 'Earl William', although incorrect terminology for referring to peerage titles, are used to add clarity between generations, rather than only using the terms 'third earl' and 'fourth earl'.<sup>1</sup>

### Money

All money is in Scots unless otherwise stated.

#### For Queen Mary's reign

£1 Sterling = £4 Scots

(1550) 1 French Franc = £0.55 Scots<sup>2</sup>

#### For King James VI's reign

£1 Sterling = £12 Scots

£1 Danish Thaler = £2 8s. Scots

1 French Crown = 5 English Shillings = £3 Scots

1 Scottish Angel = £4 6s. 8d. Scots<sup>3</sup>

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<sup>1</sup> V. Haywood, *British Titles* (London: Adam and Charles Black, 1951).

<sup>2</sup> Following Amy Blakeway, *Regency in Sixteenth Century Scotland* (Woodbridge: Boydell, 2015), 223.

<sup>3</sup> The value of the angel (£4 6s. 8d.) is worked out from Maitland of Thirlestane's accounts of 1590, where 84 gold angels were worth £364. BL, Add MS 22958 f.3r

## Referencing

Save for the abbreviations listed, all citations are first made in full, with shortened versions thereafter.

Kirk and presbytery record references (full references can be found in the bibliography) are given as digital images rather than folio numbers, as the digitised volumes are now more accessible to researchers than the original volumes (both online and at Register House, Edinburgh).

## Abbreviations

AUP: Aberdeen University Press

AUSC: Aberdeen University Special Collections

BL: British Library

CUP: Cambridge University Press

EUP: Edinburgh University Press

*IR: Innes Review*

NLS: National Library of Scotland

NRAS: National Register of Archives Scotland

NRS: National Records of Scotland

*ODNB: Oxford Dictionary of National Biography* (Oxford University Press). Short references are given in footnotes; the full references can be found in the bibliography.

OUP: Oxford University Press

*PSAS: Proceedings of the Society of Antiquaries of Scotland*

RCAHMS: Royal Commission on the Ancient and Historical Monuments of Scotland

*RSCHS: Records of the Scottish Church History Society*

*SHR: Scottish Historical Review*

SHS: Scottish History Society

SRS: Scottish Record Society

STS: Scottish Text Society

## Abbreviated Titles

- [1<sup>st</sup> BOD] J. Cameron, ed., *The First Book of Discipline* (Glasgow: Covenanters Press, 2005)
- [2<sup>nd</sup> BOD] J. Kirk, ed., *The Second Book of Discipline* (Edinburgh: St Andrews Press, 1980)
- [*Aberdeen Kirk Selections*] J. Stuart, ed., *Selections from the Records of the Kirk Session, Presbytery and Synod of Aberdeen* (Aberdeen: Spalding Club, 1846)
- [*Aberdeenshire Court Bk.*] D. Littlejohn, ed., *Records of the Sheriff Court of Aberdeenshire*, 3 vols (Aberdeen: New Spalding Club, 1904-1907)
- [ATCR] Aberdeen Town Council Registers
- [*Baronage of Scotland*] R. Douglas, ed., *The Baronage of Scotland* (Edinburgh: 1798)
- [*CBP*] J. Bain, ed., *Calendar of Letters and Papers relating to the affairs of the Borders of England and Scotland*, 2 vols (Edinburgh: HM General Register House, 1894-1896)
- [*Brown, Bloodfeud*] K. Brown, *Bloodfeud in Scotland, 1573-1625* (Edinburgh: John Donald, 1986)
- [*Brown, Noble Power*] K. Brown, *Noble Power in Scotland from the Reformation to the Revolution* (Edinburgh: EUP, 2011)
- [*Brown, Noble Society*] K. Brown, *Noble Society in Scotland* (Edinburgh: EUP, 2004)
- [*Buchan, Noble Family of Keith*] P. Buchan, *An Historical and Authentic Account of the Ancient and Noble Family of Keith, Earls Marischal of Scotland* (Peterhead: 1820)
- [*BUK*] D. Laing, ed., *Acts and Proceedings of the General Assembly of the Kirk of Scotland*, 3 vols (Edinburgh: Maitland Club, 1839-1841)
- [*Calderwood, History*] D. Calderwood, *History of the Kirk of Scotland*, ed. T. Thomson, 8 vols (Edinburgh: Wodrow Society, 1842-1849)
- [*Pitcairn, Trials*] R. Pitcairn, ed., *Ancient Criminal Trials in Scotland*, 3 vols (Edinburgh: Bannatyne Club, 1833)
- [*CSP, Domestic*] M. Green, ed., *Calendar of State Papers, Domestic Series of the reign of James I*, 4 vols (London: Longman, 1857-1859)
- [*CSP, Foreign*] J. Stevenson and others, ed., *Calendar of state papers, foreign series, of the reign of Elizabeth*, 22 vols (London: Longman/HM Stationery Office, 1863-1936)
- [*CSP, Scotland*] W. Boyd, A. Cameron, M. Giuseppi, J. Mackie and H Meikle, eds, *Calendar of State Papers relating to Scotland and Mary Queen of Scots 1547-1603*, 13 vols (Edinburgh: HM General Register House, 1898-1969)

[*Diurnal of Occurrents*] T. Thomson, ed., *A Diurnal of Remarkable Occurrents that have passed within the country of Scotland since the death of King James the Fourth till the year M.D.LXXV* (Edinburgh: Bannatyne Club, 1833)

[FES] H. Scott, ed., *Fasti Ecclesiae Scoticae*, 9 vols (Edinburgh: Oliver and Boyd, 1915-1950)

[FMC] P. Anderson, ed., *Fasti Academiae Mariscallanae Aberdonensis. Selections from the records of the Marischal College and University*, 3 vols (Aberdeen: New Spalding Club, 1889-1898)

[Macfarlane, *Genealogical Coll.*] W. Macfarlane, *Genealogical collections concerning families in Scotland*, ed. J. Clark, 2 vols (Edinburgh: SHS, 1900)

[Macfarlane, *Geographical Coll.*] A. Mitchell and J. Toshach-Clark, eds., *Geographical Collections Relating to Scotland Made by Walter Macfarlane*, 3 vols (Edinburgh: SHS, 1908)

[*History of Scots Affairs*] J. Gordon, J. Robertson and G. Grub, eds, *History of Scots Affairs 1537-1641*, 3 vols (Aberdeen: Spalding Club 1841)

[*Hist. MSS. Comm., Seventh Report*] *Seventh Report of the Royal Commission on Historical Manuscripts, Part 1* (London: HM Stationery Office, 1879)

[*Hist. MSS. Comm., Third Report*] *Third Report of the Royal Commission on Historical Manuscripts* (London: HM Stationery Office, 1872)

[*Hist. MSS. Comm., Fourteenth Report*] *Historical Manuscripts Commission, Fourteenth Report, Appendix Part IV: The Manuscripts of Lord Kenyon* (London: HM Stationery Office, 1894)

[*Mar and Kellie*] *Report on the Manuscripts of the Earl of Mar and Kellie Preserved at Alloa House*, 2 vols (London: HM Stationery Office, 1904)

[*HKJVI*] T. Thomson, ed., *The History and Life of King James the Sext* (Edinburgh: Bannatyne Club, 1845)

[*Aberdeen-Banff Illustrations*] J. Robertson and G. Gubb, ed., *Illustrations of the topography and antiquities of the shires of Aberdeen and Banff*, 4 vols (Aberdeen: Spalding Club, 1862)

[*JMAD*] J. Melville, *Autobiography and Diary 1556-1601*, ed. R. Pitcairn (Edinburgh: Wodrow Society, 1842)

[*Kirk, Thirds*] J. Kirk, ed., *The Book of Assumption of the Thirds of Benefices* (Oxford: OUP, 1995)

[*Knox, Works*] J. Knox, *Works of John Knox*, ed. D. Laing, 6 vols (Edinburgh: Wodrow Society, 1846-1852)

[Lindesay, *Historie*] R. Lindesay, *The Historie and Cronicles of Scotland*, ed. A Mackay, 3 vols (Edinburgh: STS, 1888-1911)

[*Melrose Papers*] J. Maidment, ed., *State Papers and Miscellaneous Correspondence of Thomas Earl of Melrose*, 2 vols (Edinburgh: Abbotsford Club, 1837)

[Melville, *Memoirs*] J. Melville, *Memoirs of his own Life 1549-1593*, ed. T. Thomson (Edinburgh: Maitland Club, 1827)

[Moysie, *Memoirs*] D. Moysie, *Memoirs of the Affairs of Scotland 1577-1603*, ed. J. Dennistoun (Edinburgh: Maitland Club, 1830)

[NSA] *New Statistical Account of Scotland*, 15 vols (Edinburgh: 1834-45)

[Ogston, *Oratio Funebris*] W. Ogston, *Oratio Funebris, in obitum maximi virorum Georgii, Marischalli Comitis* (Aberdeen: Edward Raban, 1623)

[OSA] J. Sinclair, ed., *The [Old] Statistical Account of Scotland*, 20 vols (Edinburgh: 1791-99)

[Rogers, *Estimate*] C. Rogers, ed., *Estimate of the Scottish Nobility During the Minority of James the Sixth* (London: Grampian Club, 1873)

[RMS] W. Dickson, J. Paul, J. Stevenson and J. Thomson, eds, *Registrum Magni Sigilli Regum Scotorum*, 8 vols (Edinburgh: HM General Register House, 1882-1914)

[RPCS] J. Burton and D. Masson, eds, *Register of the Privy Council of Scotland*, 14 vols (Edinburgh: HM General Register House, 1877-1898)

[RPS] K. Brown, and other eds. *The Records of the Parliaments of Scotland to 1707* (2007-2015) < <http://www.rps.ac.uk/>>

[RSS] M. Livingstone, D. Fleming and J. Beveridge, eds, *Registrum Secreti Sigilli Regum Scotorum*, 8 vols (Edinburgh: HM General Register House, 1908-1982)

[*Scots Peerage*] J. Balfour-Paul, ed., *The Scots Peerage*, 9 vols (Edinburgh: David Douglas, 1904-1914)

[*Spalding Misc.*] J. Stuart, ed., *The Miscellany of the Spalding Club*, 5 vols (Aberdeen: Spalding Club, 1841-1852)

## INTRODUCTION

George Keith, variably fourth or fifth Earl Marischal (hereafter fourth),<sup>1</sup> 1554-1623, is known principally as the founder of Marischal College in Aberdeen, less so as King James VI's ambassador to Denmark in 1589, and even less as the founder of the towns of Stonehaven and Peterhead.<sup>2</sup> Yet he had a much fuller, more distinguished and more active career than just these moments, and he was involved with a number of crucial events in the history of Scotland during the reign of James VI. As such this man is worthy of more in-depth and comprehensive study than just those isolated snippets which have been explored so far. Rather than a narrow biographical study of his life, this thesis aims to be a study of the earldom he controlled, seen from three key perspectives: the political, the religious and the regional. In the broadest terms, this thesis aims to use Marischal to explore how the ripples of the Scottish Protestant Reformation, the personal rule of King James VI and the Union of the Crowns after 1603 impacted upon the behaviour of the Protestant nobility in Scotland and upon long term stable lordship.

A number of factors make Marischal worthy of further exploration. He appears regularly in contemporary records, across a broad range of spheres. From about 1544 the Earls Marischal were identified as Protestants: remarkably early converts and especially so for noblemen of the north east, which is usually characterised as religiously conservative and Catholic.<sup>3</sup> Because of his Protestantism Marischal was keenly observed by the English ambassadors to Scotland, whose dispatches provide a wealth of evidence for his activities.<sup>4</sup> Marischal commissioned and founded cultural works, architecture and institutions, not least Marischal College in Aberdeen in 1593. He was economically active in land management, estate improvement, shipping, trade and finance, and was prominent in

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<sup>1</sup> See the appendix for an explanation.

<sup>2</sup> For the general view see: A. Cunningham, *A Guide to Dunnottar Castle* (Aberdeen: Artysans, 1998); J. Smith, *A Visitors' Guide to Marischal College* (Aberdeen: AUP, 1993).

<sup>3</sup> G. Donaldson, 'Scotland's Conservative North in the Sixteenth and Seventeenth Centuries' *Transactions of the Royal Historical Society* 16 (1966), 65-79.

<sup>4</sup> These mention Marischal's direct activities including his disposition toward various issues and his presence in matters of state. Although the accounts are highly subjective due to the individual opinions of the various diplomats, and Marischal's inclusion is based on the perceived importance of certain affairs to English interests, they give an invaluable perspective upon Marischal's courtly and political life. CSP Scotland, 13 vols; CBP, 2 vols; Rogers, *Estimate*.

regional activities such as the upholding of justice, feuding and local government, all of which has left a rich imprint in the contemporary historical record.<sup>5</sup> These were all important facets in the everyday running of Scotland at the time. Yet, despite all this, he is largely absent from contemporary histories, and this silence has echoed through the subsequent historiography, meaning that an important individual of James VI's reign has been obscured.<sup>6</sup>

Are his activities unremarkable and unworthy of comment, or has he just been missed? Marischal was not excessively different to his peers in his behaviour and activities and he was certainly less controversial than others. But that is not to say he was unimportant or that he is not interesting in his own right. The contemporary record suggests that he was very remarkable; his omission from the histories may be down to the fact that as a relatively uncontroversial figure he was first taken for granted and then subsequently forgotten. The succeeding historiographical silence may be due in large part to the later family history. The Earls Marischal were forfeited after their involvement in the Jacobite rising of 1715 and as a consequence much of their legacy, including many of their records and most of their grand architecture, was lost.<sup>7</sup> For example, for the period 1590 to 1600, of 46 recorded royal and governmental letters sent to the earl, only two survive.<sup>8</sup> In

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<sup>5</sup> Marischal appears regularly throughout the records of the Privy Council, Privy Seal and Great Seal. Likewise, the records of the General Assembly give useful evidence regarding Marischal's relationship with the Kirk. At a more local level the Town Council register of Aberdeen reveals his relationship with the burgh, just as the *Fasti Academiae Mariscallanae* reveals details of Marischal's involvement with the two universities of Aberdeen. All of these sources give abundant information about Marischal's career and pursuits. These tell us what sort of legislation and legal matters he was involved with, what commissions he was sent on, details on his family and lordly connections and help track his movements during any given year. *RMS*, vols: 1513-1546, 1546-1580, 1580-1593, 1593-1608, 1608-1620, 1620-1633; *RPCS*, 14 vols; *BUK*, 3 vols; *ATCR*, vols: XXII-L; *FMC*, 2 vols.

<sup>6</sup> The anonymous *History and Life of King James the Sext* mentions Marischal only twice. David Moysie mentions Marischal four times. Sir James Melville of Halhill is more generous. *HKJVI*, 240, 242; Moysie, *Memoirs*, 77-78, 86, 65; Melville, *Memoirs*, 288, 292, 367.

<sup>7</sup> The National Library of Scotland and Aberdeen University hold a rump of the family papers, although much has been destroyed and, in the case of any royal letters, dispersed and sold into private collections. NLS, MS 21174-21198; ACC9646; Aberdeen University Special Collections, MS 2233; MS3064/1

<sup>8</sup> NRS, E21/68, ff.206r, 215r, 222r, 226v; E21/69, ff.81r, 96r, 96v, 101r, 115v, 183r, 189r, 189v, 209r, 213v, 222r; E21/70, ff.87v, 91v, 96r, 108v, 109v, 110r, 122r, 122v, 123r, 128v, 131v; E21/71, ff.145r, 183r, 188r; E21/71, ff.43v, 81r, 96r, 101r, 110v; E21/72, ff.61v, 74v, 92v, 97r, 108r, E21/73, ff.80r, 93r, 106v, 121r, 129v, 135r; E21/74, ff.41v, 60v, 71r; Perth and Kinross Council Archive, BS9/26/1/9/1; 'Letter from King James VI of Scotland to George Keith, 4<sup>th</sup> Earl Marischal, December 1599', in the possession of John Wilson Manuscripts, Cheltenham.

addition, the forfeiture meant that there were subsequently no more earls to promote or patronise the study of their ancestors to the extent of other families, although there was some interest from branches of the family, including the Keith Earls of Kintore.<sup>9</sup>

Jenny Wormald's various works on Scottish lordship, Keith Brown's major studies of Scottish noble culture, power and bloodfeud, and Charles McKean's exploration of Scottish noble architecture have together transformed our understanding of the Scottish nobility in the sixteenth and seventeenth centuries, challenging entrenched assumptions that they were poor, self-interested, violent and backwards. The picture they collectively paint is one of an outward-looking and cultured European nobility, managing sophisticated networks of power and patronage, while exercising ideals of good lordship.<sup>10</sup> These studies are posited as broad surveys in need of further in-depth exploration to confirm or challenge their findings, necessitating close-detail individual studies, of which this thesis is one.

There exist some excellent studies of certain individual nobles active during the reign of James VI, including works on George Gordon, sixth Earl (later first Marquis) of Huntly, Francis Stewart, fifth Earl of Bothwell, both Robert and Patrick Stewart, first and second Earls of Orkney, as well as other studies which throw light on the lordship of James Stewart, second Earl of Moray, John eighth Lord Maxwell and John Kennedy, fifth Earl of Cassillis.<sup>11</sup> However, most of these individuals might be seen as oddities, atypical of the

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<sup>9</sup> The Earls of Kintore patronised Peter Buchan's *Historical and Authentic Account of the Ancient and Noble Family of Keith Noble Family of Keith*; the eighteenth-century historian and bishop Robert Keith was interested in the family history as was his contemporary Alexander Keith of Ravelstone, who also contributed to the *Baronage of Scotland*, (588-590); R. Keith, *History of the Affairs of Church and State in Scotland*, eds J. Lawson and C. Lyon, 3 vols (Edinburgh: Spottiswood Society, 1844), i, lxxxii. Yet the Earls Marischal did not receive the great nineteenth-century interest in noble families and the publishing of primary material, as exemplified by the extensive works of William Fraser, who researched some 24 families in 49 volumes. G. Barrow, 'Fraser, Sir William (1816-1898)', *ODNB*.

<sup>10</sup> The thorough study of the earl's architectural achievements, as well as his literary patronage and output are well worthy of close study, but for the sheer size of the task and the want of space they could not be a major focus of this thesis. Brown, *Noble Society*; Brown, *Noble Power*; C. McKean, *The Scottish Chateau* (Stroud: Sutton, 2001); J. Wormald, *Lords and Men in Scotland: Bonds of Manrent, 1442-1603* (Edinburgh: John Donald, 1985); J. Wormald, 'Bloodfeud, Kindred and Government in Early Modern Scotland' *Past & Present* 87 (1980) 54-97; K. Brown, 'The Stewart Realm: Changing the Landscape' in S. Boardman and J. Goodare, eds, *Kings Lords and Men in Scotland and Britain, 1300-1625* (Edinburgh: EUP, 2014), 19-36.

<sup>11</sup> B. Robertson, *Lordship and Power in the North of Scotland: The Noble House of Huntly 1603-1690* (Edinburgh: John Donald, 2011); R. Grant, 'George Gordon, Sixth Earl of Huntly and the Politics of the

wider Scottish nobility, which can skew our overall understanding. Huntly, leader of the forces of the Counter Reformation in Scotland, rebelled three times and was briefly exiled in 1595. The firebrand Bothwell fostered the Kirk against the king, repeatedly rebelled and was exiled in 1595, never to return to Scotland. Patrick, Earl of Orkney, was executed for treason in 1615. Moray's politicking led to his being murdered by Huntly in 1592. Maxwell, another leader of the Counter Reformation, often rebelled and was eventually murdered in 1593. As interesting and highly informative as this sample is, it is weighted towards the notorious, and does not represent the loyal royal servants, the moderate Protestant conformists, those who did not rebel, or those who were not killed or exiled. Although in many ways Marischal was himself atypical, for example, in reputedly being the richest earl in Scotland, the study of him in particular fills many important and neglected gaps in the historiography of the reign of King James VI, which are not covered by the nobles cited above.<sup>12</sup>

This study also fills a gap in the understanding of the long term and stable lordships where a noble did not inherit a diminished earldom, or ruin it through inept lordship. Huntly and Bothwell both succeeded to weakened earldoms, caused by the political activities of

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Counter Reformation in Scotland' (University of Edinburgh PhD Thesis, 2010); A. Forbes, *Trials and Triumphs* (Edinburgh: John Donald, 2012); A. Cathcart, *Kinship and Clientage: Highland Clanship 1451-1609* (Leiden: Brill, 2006) – which discusses Huntly's highland activities; E. Ives, "'The Bonny Earl of Murray': The Ballad as History' *Midwest Folklore* 9 (1959), 133-138; E. Ives, *The Bonny Earl of Murray; The Man, the Murder, the Ballad* (Linton: Tuckwell, 1997); H. Potter, *Bloodfeud: The Stewarts and Gordons at War* (Stroud: Tempus, 2002); E. Cowan, 'The Darker Side of the Scottish Renaissance: the Devil and Francis Stewart' in I. Cowan, and D. Shaw, eds, *The Renaissance and Reformation in Scotland* (Edinburgh: Scottish Academic Press, 1983), 125-140; R. Macpherson, 'Francis Stewart, 5<sup>th</sup> Earl Bothwell, 1562-1612, Lordship and Politics in Jacobean Scotland' (University of Edinburgh PhD Thesis, 1998); Anderson, *Robert Stewart, Earl of Orkney, Lord of Shetland 1533-1593* (Edinburgh: John Donald, 1982); Anderson, *Black Patie, The Life and Times of Patrick Stewart, Earl of Orkney, Lord of Shetland* (Edinburgh: John Donald, 1992); Anderson, *The Stewart Earls of Orkney* (Edinburgh: John Donald, 2012); K. Brown 'A House Divided: Family and Feud in Carrick under John Kennedy, Fifth Earl of Cassillis' *SHR* 75 (1996) 168-196; K. Brown, "The making of a 'politique': the Counter Reformation and the regional politics of John 8th Lord Maxwell' *SHR* 66 (1987) 151-175.

<sup>12</sup> For a discussion of Marischal's wealth, see chapter 9. The nobility of the period before James VI's personal reign are more extensively explored, such as Sir Duncan Campbell of Glenorchy, Archibald Campbell, fifth Earl of Argyll, James Stewart, first Earl of Moray, James Douglas, fourth Earl of Morton and James Hamilton, third Earl of Arran. M. MacGregor, 'A Political History of the MacGregors before 1571' (University of Edinburgh PhD Thesis, 1989), chapter 5; J. Dawson, *The Politics of Religion in the Age of Mary Queen of Scots: The Earl of Argyll and the Struggle for Britain and Ireland* (Cambridge: CUP, 2002); M. Lee, *James Stewart, Earl of Moray* (New York: Columbia, 1953); G. Hewitt, *Scotland under Morton: 1572-80* (Edinburgh: John Donald, 1982); Potter, *Bloodfeud*; E. Finnie, 'The House of Hamilton: Patronage, Politics and the Church in the Reformation Period' *IR* 36 (1985), 3-29.

their predecessors. The appointment of the Earldoms of Bothwell, Moray and Orkney to three Stewart lines had been a relatively recent occurrence (although the earldoms themselves were very old regional entities) and the roots of these men's power did not run deep. Cassillis saw his kindred fracture and collapse under incompetent leadership, while Moray and Bothwell's concentration on politics and preference to live as courtiers, rather than territorial lords, meant their earldoms were neglected. The Earls of Orkney exercised an oppressive and at times brutal lordship in the Northern Isles. None of these men inherited or exercised stable lordship, unlike Marischal.<sup>13</sup> Overall the existing sample has its greatest focus and an overrepresentation of infamous characters, which cannot be said to be wholly typical of the wider Scottish nobility. George Keith, fourth Earl Marischal is the perfect counter-example. This study focuses specifically on Marischal as a Protestant, as a loyal supporter of the crown, and as an example of successful long term stable lordship. It also aims to redress the balance, especially in the north east of Scotland, where the study of Huntly has dominated.

Huntly was Marischal's great rival nationally and locally. As Huntly is the great example of a Scottish nobleman engaging with the Counter Reformation, Marischal is an excellent counter-example for the Protestant nobility operating in the same spheres of activity. More importantly, this study of Marischal also re-evaluates the notion of 'the conservative North East', an idea which was first set out by Gordon Donaldson and subsequently modified by Bruce McLennan. They argued that the north east was a Catholic stronghold, where Protestantism was weak and, once established, was reactionary, conservative and supportive of the episcopacy. Donaldson also asserted that the nobles in

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<sup>13</sup> There have been other studies of nobles and noble families, such as Aonghas MacCoinnich's articles on the MacLeods of Lewis and the MacKenzies of Strathconon. There are also a wealth of smaller surveys, such as those contained in the *Oxford Dictionary of National Biography* and the extensive *Scots Peerage*, although by nature these works are limited in scope and extent. A. MacCoinnich, (2008) 'Sìol Torcaill and their lordship in the sixteenth century', in *Crossing the Minch: Exploring the Links Between Skye and the Outer Hebrides* (Callicvol: The Islands Book Trust, 2008), 7-32; A. MacCoinnich, 'Strathconon and the Mackenzies in the sixteenth and seventeenth centuries' in M. Marshall, ed., *Strathconon: the History and Archaeology of a North East Highland Glen* (Inverness: North of Scotland Archaeological Society, 2011), 28-37; *Scots Peerage*, 9 vols.

the north, such as Atholl, Caithness, Crawford, Huntly and Erroll, were also conservative, usually Catholic, and vied with the ultra-Protestant and pro-English southern nobles such as Gowrie, Angus and Glencairn.<sup>14</sup> Bruce McLennan barely mentions Marischal in his review of north eastern politics, leading to a hugely distorted picture centred on the Gordons and Catholicism.<sup>15</sup> These notions were subsequently repeated without question.<sup>16</sup> However, these simplistic, geographically and temporally flawed interpretations have recently been challenged by Catherine McMillan. Looking at the religious sphere, she argues that the north was not uniformly conservative or catholic, but could be as Protestant, conformist or radical as the rest of Scotland, depending on the time, place and person.<sup>17</sup> This study explores how Marischal, as a leading Protestant noble of the north east, fits into this historiographically contested landscape.

There have been numerous works discussing the nobility across Europe in this period and their overall experience, and it is worth outlining these and applying their findings to the Scottish context. Michael Bush constructed a framework to define the early modern European nobility, asserting that it broadly consisted of four main features - landownership, governmental influence, public office and military power - whose relative significance changed from place to place. Nobility was not strictly dictated by birth right, land, wealth or power, but rather by the ability to participate in a noble lifestyle.<sup>18</sup> Scott and Storrs put forward a similar definition based around birth, titles, land, privileges and offices, but underlined how nobility was not just variable from place to place, but also over

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<sup>14</sup> G. Donaldson, 'Scotland's Conservative North', 65-79; G. Donaldson, *Scottish Church History* (Edinburgh: Scottish Academic Press, 1985), 193-196; B. McLennan, 'Presbyterianism Challenged: A Study of Catholicism and Episcopacy in the North East of Scotland, 1560-1650', 2 vols (University of Aberdeen PhD Thesis, 1977).

<sup>15</sup> McLennan, 'Presbyterianism Challenged', 74-75.

<sup>16</sup> For example in M. Lynch, *Scotland: A New History* (London: Pimlico, 1991), 198, and most recently M. Meikle, *The Scottish People 1490-1625* (Lulu, 2013), 289-290.

<sup>17</sup> C. McMillan, 'Keeping the Kirk: the Practice and Experience of Faith in North East Scotland, 1560-1610' (University of Edinburgh PhD Thesis, 2016).

<sup>18</sup> M. Bush, 'An Anatomy of Nobility' in *Social Orders and Social Classes* in M. Bush, ed., *Europe Since 1500* (London: Longman, 1992), 26-46.

time.<sup>19</sup> To add to the complexity, Jonathan Dewald argued that although nobles could differ from one country to another, and even within countries, yet they all shared a broad set of noble ideologies which informed their actions and justified their position in society.<sup>20</sup> This study thus seeks to explain how Marischal, a Protestant European noble, defined himself in the Scottish context.

Some of the problems associated with defining the Jacobean Scottish nobility were highlighted by Maureen Meikle, who showed that the line between the great lairds and the lesser nobles was close to being indistinguishable.<sup>21</sup> Keith Brown has also applied these broad European frameworks to the Scottish situation. He looked at trends within Scottish noble society, and especially what it meant to be a noble, which, for Brown, was a powerful yet vague concept. Land possession, for example, was recognised as very important although it was not always essential. For Brown there were other variables, including birthright, the concept of noble virtue, wealth management, governmental office, inter-family politics, cultural pastimes and religious convictions.<sup>22</sup> Because of all the complexities surrounding the definition of noble characteristics, and as the nobility were evidently far from being a homogenous bloc, Bernard argues that a sounder understanding of the group as a whole is better served by the study of individuals and families, which is what this study of Marischal hopes to achieve.<sup>23</sup>

Attempts have also been made to define the common experience of the Scottish and wider British and European nobility. Lawrence Stone's study of the English aristocracy defined 1558 to 1641 as a period of crisis. The greater magnates temporarily lost the monopoly on power to the rising gentry, had largely given up their military role to the state,

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<sup>19</sup> H. Scott and C. Storrs, 'The Consolidation of Noble Power in Europe 1600-1800' in H. Scott, ed., *The European Nobilities in the seventeenth and eighteenth centuries* (Longman: London, 1995), i, 1-52.

<sup>20</sup> J. Dewald, *The European Nobility 1400-1800* (Cambridge: CUP, 1996), 1-5, 36, 119, 198-200.

<sup>21</sup> M. Meikle, 'The Invisible Divide: The Greater Lairds and Nobility of Jacobean Scotland' *SHR* 71 (1992) 70-87.

<sup>22</sup> Brown, *Noble Society*, especially 1-24.

<sup>23</sup> G. Bernard, 'The Tudor Nobility in Perspective' in G. Bernard, ed., *The Tudor Nobility* (Manchester: Manchester University Press, 1992), 1-6.

and had alienated much of their landholding. They hence encountered a series of severe financial difficulties, especially between 1580 and 1620.<sup>24</sup> Keith Brown's study of aristocratic finances in Scotland suggests that the Scottish nobility suffered an economic crisis in the 1590s and early 1600s, perhaps in parallel to Stone's suggested English aristocratic crisis. These were hard times for all layers of society caused by poor weather, failed harvests and rising prices. Coupled to this the expectation for conspicuous consumption among the nobility could be ruinous. This in turn led to a degree of entrepreneurialism among some nobles, such as estate improvements and financial investments.<sup>25</sup>

Further studies have indicated a possible parallel crisis for the Scottish nobility to their English counterparts. Maurice Lee argued that James' rule in Scotland was characterised by a revolution in government spearheaded by the Chancellor, John Maitland of Thirlestane. Lee suggested that this period saw the creation of a Scottish *noblesse de robe* and the gradual, although not direct, undermining of aristocratic power. The great nobles were seen by Maitland as the main obstacle to the consolidation of royal power and the exercise of the rule of law. James and Maitland aimed to reduce (but not destroy) the power of the aristocracy. James himself was more positive about his nobility, but was a firm believer that they should be properly managed.<sup>26</sup> Although aspects of Lee's argument have been wholly rejected (such as the notion of a Scottish *noblesse de robe*) there are parts which still have currency.<sup>27</sup> Julian Goodare's study of state formation in Scotland agreed that noble power was transformed during the development of 'Scottish absolutism',

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<sup>24</sup> L. Stone, *The Crisis of the Aristocracy 1558-1641* (Oxford: Clarendon, 1965), 9-15.

<sup>25</sup> Brown has subsequently revised his conclusions on aristocratic finances, now suggesting that although there were cases of individual crises, this does not indicate a wholesale noble crisis. K. Brown, 'Aristocratic Finances and the Origins of the Scottish Revolution' *English Historical Review* 104 (1989), 46-87; Brown, *Noble Society*, 92-112.

<sup>26</sup> M. Lee, *John Maitland of Thirlestane and the Foundation of Stewart Despotism in Scotland* (Princeton: Princeton University Press, 1959), 4-7, 121-123, 153, 159; M. Lee, *Government by Pen, Scotland under James VI and I* (London: Illinois University Press, 1980), 3-9; M. Lee, 'James VI and the Aristocracy' *Scotia* 1 (1977), 18-23.

<sup>27</sup> R. Zulager, 'A Study of the Middle-Rank Administrators in the Government of King James VI of Scotland, 1580-1603' (University of Aberdeen PhD Thesis, 1991), 138, 198-199.

a gradual process of centralisation between 1560 and 1625 whereby warfare, dispute management and resource extraction were increasingly conducted with reference to central government, which meant that nobles gave up some degree of regional autonomy in exchange for greater influence at the centre. Nobles were increasingly confined to advising the king and his machinery of state, rather than the king governing through the nobles. This was not however a uniform, complete or straightforward process.<sup>28</sup> The introduction of the lairds to parliament in 1587 in particular is seen to have undermined noble power as they were no longer needed to represent the interests of the lesser landowners in their localities – the old ties binding local society being severed in one stroke. Combined with this there were attempts to restrict the nobles' traditional right of access to the monarch.<sup>29</sup> The Union of the Crowns and the king's removal to England sharpened and intensified these changes. Alison Cathcart and Barry Robertson both suggest that the Earl of Huntly in particular suffered from an acute erosion of power after the Union of the Crowns, as the basis of his power, closeness to the king and autonomy in the locality, were diminished by James' removal to London and by governmental and administrative reforms.<sup>30</sup>

However, Bernard argues against many of the assertions made regarding changes in the English nobility at this time, which can also apply to Scotland. He contends that continuities were more prominent than the novelties. He suggests that there is little direct evidence for a financial crisis among the aristocracy, suggesting that although there were some difficulties, the individual cases of hardship cited cannot be taken to indicate a general rule. Likewise, it is almost inevitable that a monarch will appear more powerful and centralising, and the nobility weakened, after a stressful period of minority or civil war, both of which were also the case in Scotland.<sup>31</sup> Maitland aside, Jenny Wormald argued that James exercised a more traditional style of Scottish kingship, and a highly successful one

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<sup>28</sup> J. Goodare, *State and Society in Early Modern Scotland* (Oxford: OUP, 1999), 1, 6, 7, 37, 63; J. Goodare, *The Government of Scotland 1560-1625* (Oxford: OUP, 2004), 5, 14, 128, 175, 299.

<sup>29</sup> J. Goodare, 'The Nobility and the Absolutist State in Scotland, 1584-1638' *History* 78 (1993), 161-182.

<sup>30</sup> Robertson, *Lordship and Power*, 36-61; Cathcart, *Kinship and Clientage*, 209-218.

<sup>31</sup> Bernard, 'The Tudor Nobility in Perspective', 1-48.

at that. He respected the nobility's established place, working with them as far as possible. James was a practical politician who encouraged and relied upon personal and local alliances to secure peace.<sup>32</sup> Keith Brown's recent research argues that although this period offered difficulties to certain nobles, the continuities of their power were far greater than the changes. Instead of trying to tame the nobles, James was simply attempting to establish a working relationship with them. Overall, Brown argues that the Scottish nobles showed continuity and some dynamism, rather than decline in this period.<sup>33</sup> Likewise, noble habits remained relatively unchanged by the Union of the Crowns, with the Scottish nobility remaining fiercely independent and resistant to change.<sup>34</sup> The study of Marischal's own relationship to the crown and the exercise and basis of his power over time helps test the truth of the various claims debated above.

### **Current Research on Marischal**

There has been some modest previous research undertaken on the earls. The first and most influential published account of Marischal's life was composed in June 1623 for his funeral by William Ogston, professor of moral philosophy at Marischal College.<sup>35</sup> This contemporary Latin source is an insightful perspective on George's life, recounted by someone who knew him, drawing on common knowledge and recent memory. However, the work as a whole is almost hagiographic in nature. Ogston's account was repeated in translation in the small anonymous 1650 genealogy of the Earls Marischal.<sup>36</sup> This in turn was copied directly into the comprehensive and widely circulated (and again anonymous) 1699 manuscript genealogy of the family, which in turn was included in both Alexander Keith of Ravelstone's manuscript history of the 1750s and finally Peter Buchan's

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<sup>32</sup> J. Brown [Wormald], 'Scottish Politics 1567-1625' in A. Smith, ed., *The Reign of James VI and I* (Basingstoke: Macmillan, 1973), 23-39.

<sup>33</sup> Brown, *Noble Power*, 1-9.

<sup>34</sup> K. Brown, 'The Scottish Aristocracy, Anglicization and the Court, 1603-38' *The Historical Journal* 36 (1993) 543-576.

<sup>35</sup> Ogston, *Oratio Funeris*, 10-18.

<sup>36</sup> NLS, MS 21187, ff.1-4. For a discussion of the Keith genealogy see M. Kerr-Peterson, 'A Classical Send-off: the funeral oration of George Keith, 4th Earl Marischal (1623)' in D. McOmish and S. Reid, eds, *Neo-Latin Literature and Literary Culture in Early Modern Scotland*, (Brill, forthcoming).

published work of 1820.<sup>37</sup> Save for minor additional details, Ogston's oration resounded all the way to Buchan, with negligible further research being devoted to the earls.

Since then there has only been limited research, and what has been carried out can be divided into three categories. The first consists of brief narrative sketches contained within broader studies of the Keith family. There were several of these, of varying quality, produced in the nineteenth century, such as that by John Mackintosh in 1898, which provided brief summaries of the family descent, focusing on the more prestigious moments of their careers. For the most part these utilised Ogston's account as a basis to work in additional material.<sup>38</sup> The earls were more extensively studied in 1909 by Charles Gordon for the *Scots Peerage*, which presented an outline of each earl's life, surveying their estates and family connections. Although Gordon leaves out much of their religious, political, civic and architectural interests, it is nonetheless highly professional, and the first departure from Ogston's version.<sup>39</sup> Most recently John Simmons wrote an entry on Marischal for the *Oxford Dictionary of National Biography*. Although representing the most up to date and systematic research on the earl, this is a thumbnail sketch and the confines of the publication meant that the analysis had to be limited.<sup>40</sup>

The second category of research focuses more specifically on Marischal and comprises narrative accounts of his life contained within studies of certain places. Various histories of Dunnottar or Inverugie Castles, or the towns of Peterhead and Stonehaven, include summaries of his life, although these usually simply regurgitate information from Buchan's *Noble Family of Keith*, which was based on Ogston.<sup>41</sup> Sir Andrew Hay's account of Inverugie in 1887 seems to be the first to look at Marischal more methodically, followed

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<sup>37</sup> NLS, MS 21187a, ff.16-29; MS 21187, ff.12-33; MS 21188; ACC9646; Buchan, *Noble Family of Keith*, 51-55.

<sup>38</sup> J. Mackintosh, *Historic Earls and Earldoms of Scotland* (Aberdeen: Jolly and Sons, 1898), 282-288.

<sup>39</sup> *Scots Peerage*, vi, 25-55.

<sup>40</sup> A full history of the family is currently in preparation by Ian Dickson. J. Simmons, 'Keith, George, fourth Earl Marischal (1549/50-1623)', *ODNB*; I. Dickson, *The History of Clan Keith* (forthcoming);

<sup>41</sup> J. Longmuir, *Dunnottar Castle: Its Ruins and Historical Associations* (Stonehaven: 1894); A. Watt, *Highways and Byways Round Stonehaven*, 3<sup>rd</sup> ed. (Aberdeen: Waverly Press, 1978); J. Findlay, *A History of Peterhead* (Aberdeen: Wyllie, 1933).

by Douglas Barron's study of Dunnottar Castle in 1925. These works seem to be independent of each other, but both use various published state sources, statistical accounts and family histories to build their narratives. Both give good overviews of the earl's life, although each omits certain crucial events.<sup>42</sup> George is not the main focus of these, but is considered in order to explain the context of the towns and architecture.

The third category looks more analytically at Marischal's motivations and actions in relation to specific events. The founding of Marischal College, Aberdeen, has provoked interest in George's life, notably by Robert Rait in 1895, George Henderson in 1947 and Steven Reid in 2007.<sup>43</sup> David Stevenson also studied Marischal's involvement in the reforms at King's College.<sup>44</sup> Beyond the Aberdeen universities, Marischal has also been investigated in regard to certain political events. In his work on John Maitland of Thirlestane, Maurice Lee explored Marischal's role in relation to the dispute the two men had while in Denmark for the marriage of Anna and James VI.<sup>45</sup> The dispute with Chancellor Maitland is also discussed by Thomas Riis, in his study of Scottish and Danish relations, and in more detail by David Stevenson in his study on the royal marriage.<sup>46</sup>

Although all of these works are invaluable for advancing the understanding of Marischal and his role in specific events, they represent a view of the earl which is unfocused, underdeveloped and very patchy. They do not provide a comprehensive understanding of the man or his activities. A broader study of Marischal with closer scrutiny of his whole life is thus necessary. As long ago as 1746 an anonymous genealogist of the family stated:

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<sup>42</sup> D. Barron, *The Castle of Dunnottar and Its History* (Edinburgh: Blackwood and Sons, 1925), 43-59, A. Hay, *Castles of Aberdeenshire* (Aberdeen: 1887), 87-99; Cunningham, *Dunnottar Castle*; Smith, *Marischal College*.

<sup>43</sup> R. Rait, *The Universities of Aberdeen* (Aberdeen: Bisset, 1895), 249-260; G. Henderson, *The Founding of Marischal College, Aberdeen* (Aberdeen: AUP, 1947); S. Reid, 'Aberdeen's Toun College: Marischal College 1593-1623' *IR* 58 (2007), 173-195.

<sup>44</sup> D. Stevenson, *King's College, Aberdeen, 1560-1641* (Aberdeen UP, 1990).

<sup>45</sup> Lee, *Maitland of Thirlestane*, 205-206.

<sup>46</sup> R. Riis, *Should Auld Acquaintance Be Forgot: Scottish Danish Relations 1450-1707*, 2 vols (O Odense: Odense University Press, 1988), D. Stevenson, *Scotland's Last Royal Wedding* (Edinburgh: John Donald, 1997).

George Keith, 4<sup>th</sup> Earl Marischal, Succeeded his grandfather [to the earldom]... an exact account of whose life would be an advantage to posterity, as well as an act of justice done to his memory.<sup>47</sup>

This thesis attempts to answer this 270 year old call for research.<sup>48</sup>

### **Thesis Outline**

This thesis principally investigates Marischal's career and lordship from his return to Scotland in 1580 to his death in 1623, roughly corresponding to King James' personal reign from 1578 to 1625.<sup>49</sup> The first half explores Marischal's interaction with court politics and government, to see how he exercised his power in national affairs. The second half explores Marischal's activities in the localities, in feuding, church patronage, civic development and family relations. As the first half partly focuses on a narrative description of Marischal's involvement in Scottish politics up to 1595, this necessarily looks at some local aspects, although these themes are picked up and considered in more detail in the second half.

After the long term background is explored in chapter one, chapters two, three and four focus on the high political dramas of James VI's personal reign and Marischal's interaction with them up to 1595. In the first phase, in the 1580s, Marischal fell into violent conflict with the Earl of Huntly. In the second, between 1589 and 1591, during Marischal's ambassadorial mission to Denmark, he fought Chancellor John Maitland of Thirlestane and this prompted a brief collapse in Keith fortunes. Once his influence had been restored, in the third phase, 1591 to 1595, Marischal returned his focus to Huntly and the power struggle in the north east continued, although this time in Marischal's favour. Marischal's

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<sup>47</sup> NLS, ACC9646, 29.

<sup>48</sup> This is possibly Bishop Robert Keith, who researched a family history at this time. Keith, *History*, i, lxxxii.

<sup>49</sup> *Scots Peerage*, vi, 54-60.

overall governmental career and his relationship with the king after 1595 are considered next in chapter five.

The attention then shifts to the exercise of power in the localities. First, feuding is explored in chapter six to define the earl's motivations and priorities in protecting his earldom. His family life is then considered in chapter seven, to see how he anticipated his own death and his son's succession; and his strategies to make adequate provision for his many children. Then a detailed examination into his interaction with the reformed Kirk within his lordship is made in chapter eight, exploring the parishes to which he held patronage, and the ministers he had a role in appointing. This is done to explore what it actually meant to be a Protestant noble and to see if the earl had a coherent policy towards godly kirk patronage. This is then set within the context of wider efforts to expand his influence in the north east of Scotland, and his wealth, in chapter nine. Marischal was one of the richest nobles in Scotland and he engaged with a number of economic initiatives, such as the foundation of two new towns and three new harbours. This chapter explores whether there was an overall design to these activities and how this tied in to his political and religious strategies.

Finally in chapter 10, there is an exploration of Earl George's foundation of Marischal College in 1593 and his subsequent relationship with that institution. Marischal is recognised as 'founder' of the college, but what exactly this entailed, what he was hoping to achieve and how he understood his relationship to the college is explored. This chapter also serves to tie all the religious, political, economic and lordly threads together through one detailed case study of the exercise of his lordship.

## CHAPTER 1

### **Background to 1582**

The origins of the Keiths are obscure. All that is known for certain is that they took their name from the lands of Keith in East Lothian and the oldest traceable ancestor is Hervey de Keith in the reign of David I in the twelfth century.<sup>1</sup> The current accepted theory is that the family was of Norman descent, although there is no evidence to support this.<sup>2</sup> Regardless, George Keith, fourth Earl Marischal, had no doubts to his ancestry: he believed he was descended from the Germanic Chatti described by Tacitus, who, having been conquered by the Romans, had fled to Scotland and eventually established themselves as noblemen of the Scottish kingdom.<sup>3</sup>

All extant records indicate that the Keiths always held the office of king's marischal, later great marischals of Scotland, then Earls Marischal. This role initially comprised little more than acting as the king's farrier, but developed during the medieval period into having responsibility for the victualing of the king's hall, military justice and organising tournaments. There is some suggestion that the office entailed command of the royal cavalry and, jointly with the constable (exercised by the Earls of Erroll), had jurisdiction over chivalric courts.<sup>4</sup> By the sixteenth century it had developed into a largely ceremonial role. Contemporary details are frustratingly vague. George Keith, fourth Earl Marischal described the office only as *Regii Architriclini, vulgo Marischalli* 'the royal master of feasts, commonly known as Marischal'.<sup>5</sup> The 1699 genealogist of the Keiths is likewise light on detail, saying only that it was 'an office of great dignity and eminence, and of great power in peace and war, foreby one of the chief ancient offices of the crown'.<sup>6</sup> In the eighteenth century Alexander Nisbett noted that the marischal was responsible for the maintenance of order within whatever building Parliament was being held, ensuring

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<sup>1</sup> *Scots Peerage*, vi, 25.

<sup>2</sup> R. Squire and G. Way, *Collins Scottish Clan & Family Encyclopaedia* (London: Harpercollins, 1994), 180-181.

<sup>3</sup> Kerr-Peterson, 'A Classic Send-Off'.

<sup>4</sup> C. McGladdery, 'Keith family (per. c.1300–c.1530)', *ODNB; Scots Peerage*, vi, 25; Walter Goodal, 'A Short Account of the Officers of State, and Other Great Officers in Scotland' in Sir John Scot of Scotstarvit, *The Staggering State of Scottish Statesmen*, Charles Rogers, ed. (Edinburgh: Paterson, 1872), 25-36 at 31-32.

<sup>5</sup> Ogston, *Oratio Funeris*, 9

<sup>6</sup> Buchan, *Noble Family of Keith*, 25.

both the safety and dignity of the monarch. It came with high ceremonial importance, riding to the left of the king (or his commissioner) in the Riding of Parliament.<sup>7</sup> This presumably applied back to the sixteenth and seventeenth centuries. Otherwise the marischal, along with the constable and the Lord Lyon King of Arms, appears to have had a role in determining rank and precedence. The Lord Lyon is attributed as having ultimate responsibility for precedence, although a letter from King James to Marischal of 1594 directs the earl to ensure the correct place of the burgh commissioners of Perth in the riding of parliament for the coming session.<sup>8</sup> The visual manifestation of rank expressed in the riding of parliament was of huge social importance, often leading to disputes over place, which thus gave Marischal a degree of substance, even if his office was never fully defined.<sup>9</sup>

On firmer historical ground, the Keiths distinguished themselves in the Wars of Independence and proved loyal royal supporters throughout the middle ages. They amassed lands, partly through royal favour, but mostly through advantageous marriage, which shifted their focus from Lothian to the north east. The Keiths and their cadet branches came to hold lands right along the east coast, from Lothian to Caithness (see the appendix and figures 1-5 at the end of the chapter). William Lord Keith, Marischal of Scotland, was elevated to an earldom in 1458 by James II. His son and successor, William, second Earl Marischal, was an adherent of James III. After the king was killed at Sauchieburn, William initially had a difficult relationship with James IV, although by the end of the reign he was again a favoured royal servant.<sup>10</sup> The office of marischal and its associated role of ensuring the dignity of the monarch may have given the family a stronger predisposition to loyalty to the crown, which is certainly a consistent theme over the centuries.

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<sup>7</sup> R. Rait, *The Parliaments of Scotland* (Glasgow: Maclehose, 1924), 513-514; A. Nisbett, *A System of Heraldry*, (Edinburgh: 1804), ii, part 4, 68-76.

<sup>8</sup> Perth and Kinross Council Archive, BS9/26/1/9/1.

<sup>9</sup> A. Macdonald, *Burghs and Parliament in Scotland 1550-1651* (Farnham: Ashgate, 2007), 157-163, 166-167, 172.

<sup>10</sup> McGladdery, 'Keith family'.

The Battle of Flodden in 1513 was a disaster for the Keiths. William Keith of Troup, second son of the second earl was killed, along with Sir William Keith of Inverugie, John Keith of Ludquharn, John Keith of Craig, and many other men from the family, its cadet branches and supporters. Soon afterwards the heir to the earldom, Robert Keith, also died, representing a low point in Keith fortunes.<sup>11</sup> In 1526 the old earl died and his grandson William (Robert's son) succeeded as the third earl.<sup>12</sup> At the time the earldom consisted of six baronies concentrated in the Mearns and near Aberdeen, with the small ancestral estate in East Lothian. After Flodden, the earls also held the wardship of the heiresses of the Inverugie Keiths, Margaret and Elizabeth Keith.<sup>13</sup> William married Margaret in 1538, and at the same time secured the rest of the lands held by Elizabeth, almost doubling the size of the earldom.<sup>14</sup> Although this concentrated a large number of assets and subsequently a huge amount of wealth directly into the hands of the earls, the extinguishing of a whole cadet branch reduced the overall power of the family. As late as 1577 it was remarked that the earl had 'fewe freendes of his surname, because [of] the inheritance of Enrugy'.<sup>15</sup> The extent of the family, the marriage alliances and kin branches, can be seen in the appendix. Although the 11 major branches can be seen, this is an insignificant number to the supposed 150 boasted by the neighbouring Gordon kindred.<sup>16</sup> More wealth came to the Keiths in 1543 with the acquisition of the Abbey of Deer, when the earl's brother Robert was appointed commendator.<sup>17</sup> Robert died in 1551 and the commendatorship passed to the earl's second son, also called Robert.<sup>18</sup>

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<sup>11</sup> *Scots Peerage*, vi, 43-45; *Baronage of Scotland*, i, 74, 443; Lindsay, *Historie*, i, 268.

<sup>12</sup> *RPS*, 1526/11/61.

<sup>13</sup> *RMS*, 1513-1546, 68, no.302.

<sup>14</sup> *Ibid.*, 400-401, no.1798; J. Cameron, *James V*, ed. N. Macdougall (East Linton: Tuckwell, 1998), 147-148, 332; R. Kerr-Hannay, ed., *Acts of the Lords of Council in Public Affairs, 1501-1554* (Edinburgh: HM Register House, 1932), 321.

<sup>15</sup> Rogers, *Estimate*, 8.

<sup>16</sup> Robertson, *Lordship and Power*, 15.

<sup>17</sup> *RSS*, iii, 8, no.46; G. Donaldson, *All the Queen's Men: Power and Politics in Mary Stewart's Scotland* (Tiptree: Batsford, 1983), 19.

<sup>18</sup> *RMS*, 1546-1580, 255, no.1145; *RPS*, A1554/4/3.

William faithfully served James V throughout his reign, although, for unknown reasons, he remained ‘treasonously’ at home during the military campaign which led to James’ death in 1542.<sup>19</sup> By 1544 William had converted to Protestantism, influenced by a group of reforming lairds along the eastern seaboard, including John Erskine of Dun, and the preaching of George Wishart.<sup>20</sup> His new Protestant outlook led him to increasingly question the French alliance and to seek closer ties with England. When Regent Arran abandoned his Protestant sympathising policies in 1544, the earl was briefly involved in a failed armed rebellion with the Earl of Glencairn.<sup>21</sup> However, Marischal was gradually drawn into Mary of Guise’s developing faction against Arran and after Henry’s savage invasions of Scotland in 1546, the earl’s enthusiasm for England lessened. He fought at the Battle of Pinkie, where his heir William was captured and subsequently held prisoner for the best part of ten years, with occasional release.<sup>22</sup> After this point, Marischal appears to have aligned himself more firmly with Mary of Guise and in 1550 she took him and other major Scottish nobles to France for a year, in order to win them over to the Auld Alliance.<sup>23</sup> Mary’s courting of William succeeded; throughout the Reformation crisis, the earl was pro-Protestant, but also pro-Guise and anti-English. He did not support the Lords of the Congregation.<sup>24</sup> This may seem an odd course for someone so previously committed to Protestantism, but, contrary to Ian Cowan’s assertion that Marischal ‘was less than enthusiastic about reformed principles’, this is because the earl saw the Lords not as a

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<sup>19</sup> Cameron, *James V*, 147-148, 332; Lindesay, *Historie*, i, 356-357; Pitcairn, *Trials*, i, \*300, \*302; *RSS*, iii, 125, no.820.

<sup>20</sup> F. Bardgett, *Scotland Reformed: The Reformation in Angus and the Mearns* (Edinburgh: John Donald, 1989), 24, 35; *RSS*, iii, 125, no.820; Knox, *Works*, i, 126.

<sup>21</sup> J. Bain, ed., *The Hamilton Papers* (Edinburgh: 1892), ii, 344; *RSS*, iv, 2, no.7; M. Sanderson, ‘Cunningham, William, third earl of Glencairn (d. 1548)’, *ODNB*.

<sup>22</sup> A. Blakeway, *Regency in Sixteenth Century Scotland* (Woodbridge: Boydell, 2015), 77; A. Cameron, ed., *The Scottish Correspondence of Mary of Lorraine* (Edinburgh: SHS, 1927), 23, 26, 109, 112-113; *RPS*, 1544/11/14; Bain, *Hamilton Papers*, ii, 552; J. Wormald, *Mary Queen of Scots: A Study in Failure* (London: George Philip, 1988), 59; M. Merriman, *The Rough Wooings: Mary Queen of Scots, 1542-1551* (East Linton: Tuckwell, 2000), 237; *CSP, Scotland*, i, 9; *CPS, Foreign*, 1562, 62, no.120; D. Caldwell, ‘The Battle of Pinkie’ in N MacDougall, ed., *Scotland and War AD79-1918* (Edinburgh: John Donald, 1991), 86-87.

<sup>23</sup> *Diurnal of Occurrents*, 50; Knox, *Works*, i, 241; Ritchie, *Mary of Guise in Scotland, 1548-1560* (East Linton: Tuckwell, 2002), 70-71, 82, 262.

<sup>24</sup> Calderwood, *History*, i., 327; J. Dawson, ‘Bonding, Religious Allegiance and Covenanting’ in *Kings, Lords and Men*, 157.

Protestant force, but a pro-English one.<sup>25</sup> Some of their number, after all, were pushing for closer amity with England, and the Congregation was helped by English money and troops.<sup>26</sup> This perception and his personal loyalty to Mary neutralised the earl from taking part in any Protestant action.

In June 1560 Marischal attended Mary's death bed in Edinburgh Castle and was made one of her executors in Scotland, a high sign of favour, indicative of a trusting and close relationship.<sup>27</sup> Now freed from his commitment to Mary, Marischal and his sons William, Master of Marischal (on temporary release from captivity), and Robert, Commendator of Deer, attended the Reformation Parliament in August 1560.<sup>28</sup> Marischal was cautious politically, but his religious commitment was firmer. During the discussion for the ratification of the Confession of Faith, he stood up and declared:

though he were otherwise assured that it was true, yet might he be the bolder to pronounce it, for he saw there present the pillars of the popes church and not one of them would speak against it.<sup>29</sup>

Marischal continued his moderate course through Queen Mary's personal reign and avoided involvement in high politics. However, his children took a more active role. Marischal's eldest daughter Annas became romantically entangled with Lord James Stewart, the future Earl of Moray, and they married in 1561.<sup>30</sup> Queen Mary was fond of Annas and attended the wedding. The two remained personal friends thereafter, even during Moray's rebellion, known as the Chaseabout Raid, and after Mary's abdication in

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<sup>25</sup> As evidenced in his behaviour during the Reformation Parliament, discussed below. This was also a view expressed by Mary of Guise in a letter to the earl. BL, RP 3390/4

<sup>26</sup> I. Cowan, *The Scottish Reformation* (London: Weidenfeld, 1982), 109; *CPS, Foreign*, 1558-1559, 386, no.1008; W. Ferguson, *Scotland's Relations with England: A survey to 1707* (Edinburgh: John Donald, 1977), 71; A. Rylie, *The Origins of the Scottish Reformation* (Manchester: Manchester University Press, 2006), 168-169.

<sup>27</sup> BL, RP 1321; 3390/4; Knox, *Works*, ii, 58, 70-71; *CSP, Scotland*, i, 421-422; *Diurnal of Occurrents*, 59, 276-277; *CPS, Foreign*, 1560-1561, 107-108, no.172.

<sup>28</sup> *RPS*, A1560/8/1; *Diurnal of Occurrents*, 61, 279; *CSP, Scotland*, i, 456, 458, 460-462.

<sup>29</sup> Calderwood gives a fuller account of this speech, which can be found in chapter eight. *CSP, Scotland*, i, 467.

<sup>30</sup> *CPS, Foreign*, 1561-1562, 91, no.158; *CSP, Scotland*, i, 563.

1567.<sup>31</sup> Moray not only sought to advance the Keiths' interests through the final release of the Master of Marischal, who was still imprisoned in England, but he also attempted to make Marischal chancellor of Scotland. He failed in this, as William Maitland of Lethington instead secured the chancellorship for the Earl of Morton.<sup>32</sup> However, despite this favour, Marischal did not assist Moray in August 1565 during the Chaseabout Raid, when Moray was forced to rise in arms against Queen Mary. Marischal retreated home, while Annas went into hiding.<sup>33</sup>

Marischal had little part in Queen Mary's eventual downfall. Six years before, in November 1561, Marischal with a small number of other Privy Councillors reasoned that as subjects they could not lawfully prevent the queen from observing Mass, indicating that the earl respected the sovereign's position, regardless of religion or politics.<sup>34</sup> Later, in 1584, Mary reported that she had no ill will against him, as he had been 'no meddler in her affairs'.<sup>35</sup> It is most likely that Marischal was uneasy about Mary's deposition in 1567. Her abdication may have made it easier for him to stomach, and combined with his connections to Moray and the principal Protestant lords, this drew the Keiths towards the King's party. He was described as indifferent to Mary herself, but this did not change the fact that she had abdicated, meaning that the Keiths now owed their allegiance to the infant king and his regent.<sup>36</sup> The Master of Marischal was released from English captivity at about this time, certainly being free by 1568.<sup>37</sup> Apart from a slightly radical phase during the rule of Regent Arran, perhaps prompted by the fires of initial religious enthusiasm after his conversion to Protestantism, the earl had remained consistently loyal to the ruling authority, regardless of his kin ties, religion or the particular circumstances. We might speculate that

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<sup>31</sup> A. Blakeway, 'Keith, Annas, countess of Moray and of Argyll (c.1540–1588)', *ODNB*.

<sup>32</sup> R. Bannatyne, *Memorials of Transactions in Scotland*, ed. R. Pitcairn, (Edinburgh: Bannatyne Club, 1836), 339; Hewitt, *Scotland under Morton*, 5.

<sup>33</sup> *CSP, Scotland*, ii, 210, 225; *RPCS*, i, 379, 381; Lee, *James Stewart*, 156; Blakeway, 'Keith, Annas'.

<sup>34</sup> Knox, *Works*, ii.291.

<sup>35</sup> *CSP, Scotland*, vii, 118-121.

<sup>36</sup> A. Cameron, *The Warrender Papers*, (Edinburgh: SHS, 1931), i. 81; *CSP, Scotland*, iii, 116-117, 133; Calderwood, *History*, ii., 547.

<sup>37</sup> *RSS*, viii, 437, no.2494.

this was partly due to the ideology associated with the Keiths' hold on the office of Marischal and its function of ceremonial service to the monarch, which was also the basis of the family's history of success and prosperity.

### **Relationship with the Gordons**

William was initially allied to George Gordon, fourth Earl of Huntly through the marriage of his sister Elizabeth Keith in 1530.<sup>38</sup> However, Marischal's Protestantism and his alliance with James Stewart, Earl of Moray, strained this relationship. In 1562 Queen Mary and Huntly came into conflict. Despite the efforts of Elizabeth to negotiate with the queen on behalf of her husband, events spiralled into rebellion.<sup>39</sup> Regardless of his sister's desperate situation, Marischal remained loyal to Mary and joined her expedition which led to the death of his brother-in-law at the Battle of Corrichie.<sup>40</sup> This no doubt caused tensions in the relations between the Gordons and the Keiths, and between the two Keith siblings, as Elizabeth blamed Marischal's son-in-law Moray for the death of her husband.<sup>41</sup> Moray had been made Earl of Moray and Mar in 1561 (the latter title he gave up in September that year). Through the estates attached to these titles Moray became a powerful influence in the north of Scotland. For Marischal to have such a significant ally in the Moray Firth meant encirclement of the increasingly estranged Gordons and potentially the end of the Gordons' dominance of the north. In return, Moray, who lacked an established kin network, could tap into Marischal's moderately Protestant family network.<sup>42</sup> This change in the political landscape of the north east would have repercussions for decades to follow, especially in the 1580s and 1590s.

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<sup>38</sup> A. White, 'Gordon, George, fourth earl of Huntly (1513–1562)', *ODNB*.

<sup>39</sup> Potter, *Bloodfeud*, 65-67.

<sup>40</sup> Lindesay, *Historie*, ii, 179; J. Stevenson, ed., *Selections from Unpublished Manuscripts in the College of Arms and the British Museum Illustrating the Reign of Mary Queen of Scotland MDXLIII MDLXVIII* (Glasgow: Maitland Club, 1837), 102.

<sup>41</sup> Potter, *Bloodfeud*, 82-83.

<sup>42</sup> Donaldson, *All the Queen's Men*, 73; *CSP, Scotland*, i, 590; *Diurnal of Occurrents*, 70-71; Lindesay, *Historie*, ii, 173.

After Mary had been deposed and the civil war broke out, the Keiths and Gordons came into direct confrontation. In 1568 George Gordon, the new (fifth) Earl of Huntly (Marischal's nephew) declared his support for the queen and took control of Aberdeen and marched on Brechin, harassing Marischal's lands of Fetteresso on the way.<sup>43</sup> The Master of Marischal, with other noblemen, was given a commission by Regent Moray on behalf of the King's Party to pursue the Gordons.<sup>44</sup> However, there was a split among the Keiths as the master's brother, Robert, Commendator of Deer, supported Huntly.<sup>45</sup> Huntly's forces eventually submitted to Moray and thereafter Robert remained loyal to the king and his father. The brief interlude of peace between Keiths and Gordons was, however, broken after Moray was assassinated in 1570.

The Gordons again rose on behalf of Mary and reoccupied Aberdeen. While Huntly was occupied in the south of Scotland fighting against the forces of the King's Party, in November 1571 his younger brother, Adam Gordon of Auchindoun (another nephew to Marischal), assembled an army. The Master of Forbes and the Master of Marischal (both cousins via their maternal grandfather) were sent by Regent Mar with a powerful army to deal with him. Approaching via the Keiths' lands of Strachan, on 19 November Forbes' army crossed the Dee, where the forces of the Master of Marischal and the Laird of Drum separated from them.<sup>46</sup> The next day, isolated, Forbes was defeated at the Battle of Crabstane.<sup>47</sup>

Encouraged by the victory, Adam Gordon attacked the Mearns; and thought himself 'now to play the king' and 'gois about and takis all gentlemenis places that will not obey the queine; and sua rewles he all the north, at this present, as he pleises'.<sup>48</sup> As a result, on 18 June the regent granted a commission on behalf of the King's Party to a number of

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<sup>43</sup> Forbes, *Trials and Triumphs*, 70; Lee, *Earl of Moray*, 248-249, 256-258; *RSS*, viii, 437, no.2494.

<sup>44</sup> *RPCS*, i, 645-646; W. Fraser, ed. *The Douglas Book*, (Edinburgh: 1885), iii, 265-266.

<sup>45</sup> *RPCS*, i, 654.

<sup>46</sup> Lindesay, *Historie*, ii, 270; Bannatyne, *Memorials*, 212.

<sup>47</sup> *CSP, Scotland*, iv, 67.

<sup>48</sup> Bannatyne, *Memorials*, 213; Potter, *Bloodfeud*, 100; *Spalding Misc.*, ii, 38.

noblemen, including the Master of Marischal, to end his rampage. There is little record of how events played out.<sup>49</sup> However, throughout the civil war it was clearly the master who was active in defending the earldom on behalf of his father against the Gordons. In the following February, 1572, the Earl of Morton, representing the King's Party, settled with Huntly in the Pacification of Perth, the treaty where the King's and Queen's Parties reconciled and the latter submitted to the rule of the regent. This eventually led Adam Gordon to leave for exile in France.<sup>50</sup> The fighting between the Keiths and Gordons thus ended for a time.

Setting their past differences aside, by 1577 the Keiths had re-established friendship with the Gordons. English reports recorded that the old earl had married the new Earl of Huntly's sister and that he was 'in alliance and friendship with the Earl of Huntly'.<sup>51</sup> There is no other record of this possible marriage. It may have never happened, it may have been to an unrecorded sister who did not live long, or it may have been to Jean Gordon, the only recorded sister of the sixth earl.<sup>52</sup> Whether this agreement had been reached with the fifth Earl of Huntly, who had died suddenly in 1576, or was a subsequent act of friendship on the part of the guardians of the new earl is likewise unclear. Although the details are not forthcoming, peace was restored and this certainly suited the Gordons, as the young earl went to be educated in Paris in 1578. This was a fragile peace. The issues of the civil war, over power in the north east, allegiance to different political factions and (to a lesser extent) the two families' different religious outlook, would return.

### **Morton's Regency**

With a stability restored, at the beginning of February 1572 Annas married Colin Campbell, Lord Lorne, Master of Argyll. Colin had only just been recognised as heir to the

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<sup>49</sup> *RPCS*, ii, 143.

<sup>50</sup> Forbes, *Trials and Triumphs*, 100.

<sup>51</sup> *CSP, Scotland*, v, 253, 256, 329.

<sup>52</sup> *Scots Peerage*, iv, 541.

earldom of Argyll, following the decline in health of the earl, his elder brother, that winter. His brother had formerly been one of the Queen's Party, although he had submitted to the Regent Lennox in 1571. This marriage was seen as an act of reconciliation between the two parties. The Regent, the Earl of Mar, acted as Annas' senior male relative, not Marischal, recognising her connection to the deceased Regent Moray and the faction he represented.<sup>53</sup> In 1583 Colin was observed by English agents as 'religious and of good nature, but weak in iudgement, and ouermuche ledd by his wyef'.<sup>54</sup> Annas thus had a firm influence on both the Keiths and the Campbells.

Following Mar's sudden death, a convention was held on 15 November 1572 to choose the new regent. The Master of Marischal did not attend, instead sending a letter to the Earl of Morton saying that he and the Master of Erroll would serve whoever was chosen.<sup>55</sup> That he sent the letter directly to Morton might imply that his selection was a foregone conclusion, and that the Keiths and Hays were paying pre-emptive homage to secure favour, which was a common occurrence before most Scottish regencies.<sup>56</sup> In February 1573, Morton arranged for peace talks in Perth for the final settlement between the King's Party and the Hamiltons and Gordons from the Queen's. Huntly was to be pardoned of all his crimes committed since 1567 in return for conforming to Protestantism, recognising Morton as lawful regent, and returning all property and prisoners his supporters had seized.<sup>57</sup>

With peace formally settled, the Keiths worked to secure support and cohesion in the localities. In March 1574 the master and commendator's sister Barbara was married to Alexander Forbes of Pitsligo and in June 1575 their sister Mary was married to John

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<sup>53</sup> Dawson, *Politics of Religion*, 188.

<sup>54</sup> *CSP, Scotland*, iv, 135; Rogers, *Estimate*, 35; J. Dawson, 'Campbell, Colin, sixth earl of Argyll (c.1542-1584)' *ODNB*; J. Dawson, 'Campbell, Archibald, fifth earl of Argyll (1538-1573)', *ODNB*.

<sup>55</sup> *CSP, Scotland*, iv, 433.

<sup>56</sup> Blakeway, *Regency*, 59.

<sup>57</sup> Hewitt, *Morton*, 25-26.

Campbell of Cawdor.<sup>58</sup> Pitsligo was a prominent Buchan laird whose holdings neighboured Marischal's lands of Troup. The match with Campbell of Cawdor, who was based between Inverness and Nairn, was influenced by Annas and her new husband, and strengthened the ties between the Campbells and the Keiths.

The earl and the master were suffering from increasingly bad health as the decade wore on. By 1576, the Master of Marischal had to be excused from a convention of the nobility on grounds of illness.<sup>59</sup> Later, the 1577 'State of the nobility of Scotland', written for the English government, described Marischal and his kin as 'subject to great infirmities and sickness'.<sup>60</sup> As such, on 29 January 1574 the master had been joined in the Privy Council by the Commendator of Deer, and from this point on the commendator took over sitting on the council and conventions of estates in place of, but occasionally joined by, the master (see figure 7 at the end of the chapter 5).<sup>61</sup> With the earl and master often ill, the earldom was increasingly managed by the commendator, but also Annas, as seen in the Cawdor marriage alliance. In February 1575 the aged Earl Marischal came to Edinburgh, although his office and the business of parliament were conducted by the commendator. The commendator was appointed to committees for settling the policy of the church, to review the laws and to undertake a visitation of King's College, Aberdeen.<sup>62</sup> This shows that he had acquired a considerable degree of trust and importance in the governance of Scotland.

This growth of influence at the centre was tempered by the Keiths' gradual turn against Regent Morton. The regent had made no major efforts to foster their favour. His close supporters were usually showered with gifts of escheats or wardships, and we find

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<sup>58</sup> *RMS*, 1546-1580, 656, 681, no. 2441, 2528.

<sup>59</sup> *CSP, Scotland*, iv, 434.

<sup>60</sup> *Ibid.*, v, 253.

<sup>61</sup> Blakeway, *Regency*, 71.

<sup>62</sup> *Diurnal of Occurrents*, 343; *RPS*, 1575/3/5, 12, 18; 1575/3/6, 19.

none given to the Keiths.<sup>63</sup> The commendator was evidently part of Morton's government, but not part of Morton's following. The regent's lack of favour was combined with a family insult. In February 1574 Morton had put Annas and the Earl of Argyll to the horn, over the return of Queen Mary's jewellery, which they were forced to hand over in the following month. They reached a workable settlement in 1575, but Morton had proved forceful and stubborn, and had unnecessarily made long term enemies of Argyll, his wife and their friends.<sup>64</sup> In the following years the Keiths gradually aligned with Annas against Morton. The closeness of this relationship is expressed by how deeply the Keiths were embedded in Annas' communication network; in January 1575 Marischal wrote to his daughter to say that he had heard little news from the south to pass on to her.<sup>65</sup> In November that year the Master of Marischal was helping Argyll with his affairs, directing a letter to Annas' servant Robert Flesher to pass on another letter of Argyll's to the justice clerk.<sup>66</sup> The next month the master gave Annas and Argyll the use of his Edinburgh lodgings.<sup>67</sup> In this the Keiths were part of a broader coalition of interests, but one directed by Argyll and Annas. On 5 December 1577 the old Earl wrote to his two sons, the master and the commendator, concerning a legal dispute in the Mearns. It reveals that the old earl was still active in state affairs, but importantly it shows that the earldom was operating through the cooperation of the three men.<sup>68</sup>

The cautious path was still the family's preferred political strategy and Keiths had no major part in Argyll and Atholl's coup against Morton in 1578, which saw a broad coalition of disgruntled nobles combining to persuade the boy king to oust the regent from his office. Recognising the need to secure the favour of the new monarch, the Keiths secured the appointment of one of their number, William Keith, a younger and illegitimate

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<sup>63</sup> Hewitt, *Morton*, 35.

<sup>64</sup> Dawson, 'Campbell, Colin'; Hewitt, *Morton*, 41.

<sup>65</sup> Hewitt, *Morton*, 42; NRAS 217/Box15/295.

<sup>66</sup> NRAS 217/Box15/105.

<sup>67</sup> NRAS 217/Box15/109.

<sup>68</sup> NLS, MS 21174, ff.1-2.

son of the Laird of Ravenscraig, as a valet to the young king in August 1579, probably secured by the Commendator of Deer through his office on the Privy Council.<sup>69</sup> In May 1580 George Keith, son and heir to the Master of Marischal, returned to Scotland after his education on the continent, and took on some of the activities of the earldom to help his father and grandfather. Before the next stage of the earldom's political story is considered, it is worth looking at his life and education before this.

### **George Keith 1554-1580**

On February 1554 the Master of Marischal, in a period of release from English captivity, was married to Elizabeth Hay, daughter of George Hay, seventh Earl of Erroll.<sup>70</sup> George Keith, future fourth Earl Marischal, was born sometime in the following year.<sup>71</sup> In a break from tradition he was not named William, like his father and grandfather, but after his maternal grandfather, the Earl of Erroll. George's brother, William, was born sometime afterwards, followed by John and Robert, and they had five sisters; Margaret, Jean, Mary, Barbara and Anne.<sup>72</sup> In May 1566 George was granted the vicarage of Longley, which was possibly used to support his schoolmaster.<sup>73</sup> All we know of George's education in Scotland is that he learnt Latin, Greek and Hebrew, as well as history and politics.<sup>74</sup> In 1573, at about the age of 18, George with his brother William left Scotland for further education on the continent. They first went to Paris to learn various martial skills, including horsemanship.<sup>75</sup> Their uncle and great uncle had spent time there in the 1550s, which may in part explain why they were sent there, as it is remarkable that the two boys

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<sup>69</sup> *RSS*, vii, 332, 394, nos.2021, 2401.

<sup>70</sup> *RSS*, iv, 404, no.2423.

<sup>71</sup> George's exact year of birth is uncertain. The *ODNB* gives 1549/50, based on a reference in 1586 when he was described as 36 years old, but his parents were not married then. In 1589 he was described as 34, implying 1555, in 1592 he was described as 38, meaning 1554. In 1623 he was described as having died aged 70, so 1553. 1554/5 therefore seems the most likely time given the date of his parent's marriage. *RSS*, iv, 404, no.2423; John Simmons, 'Keith, George, fourth Earl Marischal (1549/50–1623)' *ODNB*; *CSP, Scotland*, x, 31, 714; ix, 226; Ogston, *Oratio Funebris*, 8.

<sup>72</sup> *NRS*, GD4/30; RD1/16, f.473; *RMS*, 1580-1593, 262, no.834.

<sup>73</sup> *RSS*, v, part 2, 117, no.2822.

<sup>74</sup> Henderson dismissed Rait's assertion that George was educated in King's College, Aberdeen. Henderson, *Founding of Marischal College*, 10; Rait, *Universities of Aberdeen*, 250; Ogston, *Oratio Funebris*, 10-11.

<sup>75</sup> *CSP, Scotland*, v, 421, Buchan, *Noble Family of Keith*, 51; Ogston, *Oratio Funebris*, 11.

went to Paris only a year after the St Bartholomew's Day massacre. This suggests that although the carnage represented a serious shock to the Protestant world, noble culture and habits remained unchanged.<sup>76</sup>

At the direction of their father and grandfather, and possibly also recommended by the king's tutor, Peter Young, George and William then headed to Geneva. They stayed in Theodore Beza's own household, where they learnt theology, politics, history and chorography.<sup>77</sup> Beza was a highly sought after academic on a popular route for travelling scholars. Through him the Keith boys were getting one of the best educations that Europe could offer.<sup>78</sup> Beza later praised young George to King James in his *Icones* of 1580, and sent both James and George a copy of the book.<sup>79</sup> However, in Geneva tragedy struck; William, perhaps keen to exercise the martial skills learnt in Paris, assembled a company of soldiers and went into the countryside to fight some Spanish bandits. In the ensuing brawl he was fatally wounded.<sup>80</sup> Beza later composed a poem on William's death, addressed to William's father and grandfather, in which he implores the spirit of Geneva to take revenge on the killers.<sup>81</sup> In this context Beza's gift and kind words to George may thus partly have been born out of guilt: William had been sent to Beza, and while in his care had been killed. We do not know George's involvement in this affair, but he left Geneva soon afterwards and travelled for the next three years round Germany and Italy, learning languages, and seeking out *pulcherrimis, munitissimisque urbibus, castris, pagis, incolisque celeberrima* 'the most beautiful and secure cities, castles, provinces and their most celebrated inhabitants'.<sup>82</sup>

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<sup>76</sup> RMS, 1546-1580, 255, no.1145.

<sup>77</sup> Ogston, *Oratio Funeris*, 11; H. Aubert, ed., *Correspondance de Theodore De Beza*, Tome XVIII, 1577 (Geneva: Musée historique de la Réformation, 1995), 141.

<sup>78</sup> J. Mallinson, *Faith, Reason, and Revelation in Theodore Beza 1519-1605* (Oxford: OUP, 2003), 3, 32.

<sup>79</sup> Theodore Beza, *Icones* (Geneva: 1580), f.4r; *Hist. MSS. Comm., Seventh Report Pt 1* (1879), 429.

<sup>80</sup> Aubert, *Correspondance de Theodore De Beza*, XVIII, 138-139.

<sup>81</sup> Theodore Beza, *Poemata Varia* (Geneva: 1598), 94-95.

<sup>82</sup> Ogston, *Oratio Funeris*, 12.

George returned to Scotland after seven years travelling, just before 10 May 1580.<sup>83</sup>

In all likelihood he was recalled from his wanderings to help with arrangements for the 14 year old king's imminent visit to Dunnottar as part of his northern progress.<sup>84</sup> Dunnottar was probably offered as a venue by the Commendator of Deer, in his capacity as a Privy Counsellor, perhaps recognising an opportunity to promote Keith influence with the young monarch who had not long emerged from the confines of Stirling Castle.<sup>85</sup> The court reached Dunnottar on 18 June, staying for ten days, and James hunted in the Keiths' rich deer park of Fetteresso.<sup>86</sup> On 22 June the Privy Council met in the castle, with a meagre attendance of six including the commendator. The only business that day was a supplication from the council of Aberdeen complaining that their fishing rights on the Dee and Don were being infringed.<sup>87</sup>

King James left on 28 June and had apparently been impressed by the Keith's hospitality, for in October that year George was appointed as a gentleman of the king's new bedchamber.<sup>88</sup> George tops the list of the 30 appointees to the chamber, all of whom had been handpicked by Esmé Stuart, future Duke of Lennox as Chamberlain and Alexander Erskine, Master of Mar, his deputy.<sup>89</sup> After Marischal on the list was Patrick Leslie of Pitcairlie, Commendator of Lindores, in whose company George had been when he had returned to Scotland the previous May. On that occasion Lindores was said to have returned on Lennox's instruction and was firmly identified in his faction.<sup>90</sup> In addition to this, the locations chosen for the royal progress had been 'places most favourable for

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<sup>83</sup> *CSP, Scotland*, v, 421.

<sup>84</sup> *Ibid.*, 411-414; Moysie, *Memoirs* 27, 146.

<sup>85</sup> *RPCS*, iii, 259-260.

<sup>86</sup> *Spalding Misc.*, ii, 52-53.

<sup>87</sup> *RPCS*, iii, 294.

<sup>88</sup> *RPCS*, iii, 322-323; *CSP, Scotland*, v, 531.

<sup>89</sup> A. Juhala, 'The Household and Court of King James VI of Scotland, 1567-1603' (University of Edinburgh PhD Thesis, 2003), 33.

<sup>90</sup> *CSP, Scotland*, v, 387, 421. A number of those appointed, especially Lindores and Colonel William Stewart, would be associated long after Lennox's regime collapsed. These two, along with the second Duke of Lennox would be planters in Lewis in 1598. See A. MacCoinnich, *Plantation and civility in the North Atlantic world : the case of the northern Hebrides, 1570-1639* (Leiden : Brill, 2015).

Lennox', all of which suggests that the Keiths were aligned to Lennox at this time.<sup>91</sup> Lennox had arrived in Scotland from France in 1579 and had quickly found high favour with his cousin the young king. Lennox had thus become the most influential man in the kingdom and the fount of royal patronage, but had also become the focal point of opposition to the former Regent Morton. Lennox had allied with the Chancellor of Scotland, Colin Campbell Earl of Argyll, Marischal's uncle, who was still aggrieved by Morton's mistreatment of his wife Annas Keith (who was present at Dunnottar in July 1580).<sup>92</sup> However, beside George's prestigious appointment to the chamber, the stresses of James' visit may have contributed to the early demise of the sickly Master of Marischal, who died on 9 August 1580.<sup>93</sup> George was now heir to the earldom and immediately charged with marriage, an old 'feudal' fine for an unmarried heir.<sup>94</sup>

A marriage had probably been discussed for George for some time, but on arriving back to Scotland more concrete plans were set in motion. In February 1581 a contract was negotiated for him to marry Margaret Home, sister of Alexander, sixth Lord Home.<sup>95</sup> English observers said that this was an attempt by the Kerrs to make themselves more powerful, Margaret's mother being the daughter of Walter Kerr of Cessford.<sup>96</sup> Cessford was a firm supporter of the Lennox faction, and the marriage contract was drawn up with the consent of Margaret's curator William Lord Ruthven, another lord aligned to Lennox and Argyll.<sup>97</sup>

At this time George was working to build support for himself in his regional powerbases. In October 1580 he wrote to the Laird of Arbuthnot, agreeing that the laird's son could join his retinue at court. As George would not be going to court until the end of

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<sup>91</sup> *Ibid.*, 411-414; Moysie, *Memoirs*, 27, 146.

<sup>92</sup> NRAS 217/Box 15/134, 135, 295, 298, 299, 301, 305; Dawson, 'Campbell, Colin'.

<sup>93</sup> *Spalding Misc.*, ii, 53.

<sup>94</sup> *RSS*, vii, 401, no.2452.

<sup>95</sup> *RMS*, 1580-1593, 56, no.175; AUSC, MS3064/1/1/22.

<sup>96</sup> *CBP*, i, 29.

<sup>97</sup> *RMS*, 1580-1593 56, no.175; S. Adams, 'Ruthven, William, fourth Lord Ruthven and first earl of Gowrie (c.1543-1584)', *ODNB*; M. Meikle, 'Home, Alexander, first earl of Home (c.1566-1619)', *ODNB* (2004); M. Sanderson, 'Ker, Mark (1517-1584)', *ODNB*.

that month, he suggested young Arbuthnot come to Dunnottar so that they might amuse themselves by hunting.<sup>98</sup> At the beginning of December they joined the king and served in the bedchamber for two months, before being replaced in rotation. He presumably served for a couple of further years, although there is no subsequent mention of Marischal serving in the chamber again.<sup>99</sup> One of the first things Marischal did at court was a family matter; he had James Keith, bastard son of Andrew Keith of Ravenscraig, legitimated on 20 December.<sup>100</sup>

Marischal made other efforts to build and consolidate support for himself. In January 1581 his aunt Barbara was married to Alexander Forbes of Pitsligo.<sup>101</sup> Alexander's grandmother was a Keith, and his grandson later married a daughter of the fifth Earl Marischal, so the match can be seen as part of an on-going relationship between the Lairds of Pitsligo and the Earls Marischal.<sup>102</sup> George also worked on estate improvement. In July 1581 he fell into a minor dispute with Annas Keith over a tenement he had supposedly built upon her lands of Cairntradlin in Aberdeenshire.<sup>103</sup> They settled the matter when Annas visited her father in Dunnottar that October. On 6 October she wrote to her servitor Robert Flesher about various mundane estate matters, mentioning at the end her father's sickness: 'thanks be to god as yet he is not departit fra yis lyff, always we lowk daylie for his departing'. Inserted within this letter, however, are two small notes written in her hand, saying briefly, 'my father is inlaikitt this nycht': the old earl had died.<sup>104</sup> George now succeeded as earl.<sup>105</sup>

### **The New Earl: 1581 to 1582**

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<sup>98</sup> *Spalding Misc.*, ii, 110-111.

<sup>99</sup> *CSP, Scotland*, i, 28.

<sup>100</sup> *RMS*, 1580-1593, 21, no.67.

<sup>101</sup> *RSS*, viii, 8, no.43.

<sup>102</sup> C. McKean, 'The House of Pitsligo' *PSAS* 121 (1991), 369-390.

<sup>103</sup> *NRAS* 217/Box 15/134, 1252, 1295.

<sup>104</sup> *NRAS* 217/Box 15/135.

<sup>105</sup> *NRS*, CC8/8/11.

The close proximity of the deaths of George's father and grandfather meant that he was not formally established as heir. He immediately had to pay a fine of nonentry and secure a number of costly legal titles to succeed to certain properties, pursuing these along with his new commitments as earl.<sup>106</sup> However, he had also been left a substantial fortune, a huge earldom and a large quantity of moveable assets.<sup>107</sup>

One important new connection was with the General Assembly. On 15 October, just eight days after the death of his grandfather, George was appointed by the assembly to establish a presbytery in the Mearns.<sup>108</sup> The initial participation of the nobility in the assembly, as exemplified by Earl William until 1564, had quickly dwindled. The nobility seldom attended or participated, except under exceptional circumstances, and the assembly did nothing to encourage their participation.<sup>109</sup> Cowan suggests that any continued attendance suggests genuine concern in the matters of the Kirk.<sup>110</sup> Marischal was active throughout the 1580s, indicating conscientiousness on his part. George's uncle, Robert Keith, Commendator of Deer, had been appointed to a royal committee concerning the constitution of the Kirk in 1575, and attended the General Assembly in 1578 as an observer for the crown. He did not have commission to vote or express royal opinion, simply to observe, but this had re-established the connection between the Keiths and the Kirk.<sup>111</sup> Robert was also appointed to a royal committee to review the *Second Book of Discipline* (although this was never approved), and to a further committee concerning the Kirk in general in 1579.<sup>112</sup> As George took over the reins of the earldom he was often accompanied by his uncle in such commissions. As the commendator had taken on much

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<sup>106</sup> RSS, viii, 125, no.760; ATCR, XXX, 606; *Aberdeenshire Court Bk.*, i, 383.

<sup>107</sup> For a discussion of the details of this, see chapter nine.

<sup>108</sup> BUK, ii, 531; Henderson, *Founding of Marischal College*, 44.

<sup>109</sup> D. Shaw, *The General Assemblies of the Church of Scotland 1560-1600* (Edinburgh: St Andrew Press, 1964), 73-74.

<sup>110</sup> I. Cowan, 'Church and Society in Post Reformation Scotland' *RCHS* 17 (1971), 187.

<sup>111</sup> BUK, ii, 504-506; RPS, A1575/3/6.

<sup>112</sup> RPS, 1578/7/19; 1579/10/22.

of the running of the earldom during the previous decade, he was well placed to advise George.<sup>113</sup>

The 1581 committee for the establishment of a presbytery in the Mearns included Marischal's uncle Robert, along with Alexander Keith, minister of Dunnottar, John Erskine of Dun, Superintendent of Angus and the Mearns, Andrew Mylne, minister of Fetteresso and Patrick Bonkle, minister of Fordoun.<sup>114</sup> At the following General Assembly in St Andrews on 24 April 1582 Bonkle reported that a presbytery of ministers had been set up, but as yet this did not include any gentlemen or elders.<sup>115</sup> This might imply that where the ministers had organised the ministers, Marischal and Deer had failed to organise the landowners. We hear no more of the progress of the project thereafter, the lack of any complaints at the General Assembly level might imply that it was eventually sorted out. However, this lack of committed enthusiasm for Kirk initiatives would be a recurring theme throughout Marischal's life.

In October George attended his first Parliament as marischal of Scotland with Robert Keith of Canterland acting as his deputy.<sup>116</sup> Canterland had served as marischal depute on a number of occasions, and was also deputy sheriff of the Mearns, as well as the earl's factor and servitor.<sup>117</sup> Like the commendator, Canterland was well placed to help the new earl. During that Parliament Marischal, along with his kinsmen William Keith of Ludquharn and Alexander Keith of Clackriach, were granted a commission to apprehend three criminals in Buchan, again suggesting that his older kinsmen were helping their lord learn his role.<sup>118</sup>

George remained at court throughout November. As the power of Morton waned so too did Keith support for Lennox, as the political alignment against the former regent

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<sup>113</sup> NRAS 217/Box 15/300; *CSP, Scotland*, v, 253.

<sup>114</sup> *BUK*, ii, 531.

<sup>115</sup> *Ibid.*, 549.

<sup>116</sup> *RPS*, 1579/10/1; 1581/10/1, 9, 12, 34.

<sup>117</sup> *RPS*, 1567/12/40; 1569/7/6; 1579/10/1, 2.

<sup>118</sup> *Aberdeenshire-Banff Illustrations*, iv, 630.

became less relevant. Marischal looked instead to his localities to further establish his own Keith powerbase. In December his illegitimate sister Anna was married to James Keith, the son of Canterland - the marriage of illegitimate children to cadet branches of the same family being a common noble marriage strategy.<sup>119</sup> In June 1582 his legitimate sister Mary was married to the more prestigious Robert Arbuthnot, son of the Laird of Arbuthnot.<sup>120</sup> As with the previous year's Pitsligo match, the Earls Marischal marrying daughters to the Lairds of Arbuthnot had a long precedent.<sup>121</sup> The month after Mary's contract, another contract was made to marry his sister Jean to James Gordon of Haddo, another neighbouring laird, indicating healthy relations between the Keiths and Gordons at that moment.<sup>122</sup> Finally, sometime before 1585 his sister Margaret (possibly illegitimate like Anna) was married to William Keith, apparent of Ludquharn, in a move to bring the oldest branch of the family closer to the centre, in similar manner to the Canterland match.<sup>123</sup> Through these marriages we see George pursuing a policy of reinforcing his power not only in his locality but also within his own kin network.

In April 1582 Marischal and Robert were appointed to another commission, to travel north in the summer with powers to root out papistry in the North East, and especially to proceed against Alexander Urquhart who was accused of Catholicism by the Presbytery of Ross.<sup>124</sup> Their work was halted, however, with the news that the king had been kidnapped, in the Raid of Ruthven.<sup>125</sup> With this Marischal's apprenticeship ended and he was thrown deep into factional politics.

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<sup>119</sup> She was initially betrothed to his elder brother, but he had died. *RMS* 1580-1593, 101, no.313; *RSS*, viii, 63, 101, nos.377, 609; A. Cathcart, "Inressyng of kyndnes, and renewing off thair blud': The Family, Kinship and Clan Policy in 16<sup>th</sup> Century Scottish Gaeldom' in E. Ewan and J. Nugent, eds, *Finding the Family in Medieval and Early Modern Scotland*, (Aldershot: Ashgate, 2008), 134.

<sup>120</sup> *RMS*, 1580-1593, 151, no.495.

<sup>121</sup> *Scots Peerage*, vi, 39, 43, 50, 53.

<sup>122</sup> *RSS*, viii, 317, no.1885.

<sup>123</sup> *RPCS*, vii, 395; *RMS*, 1580-1593, 262, no.834.

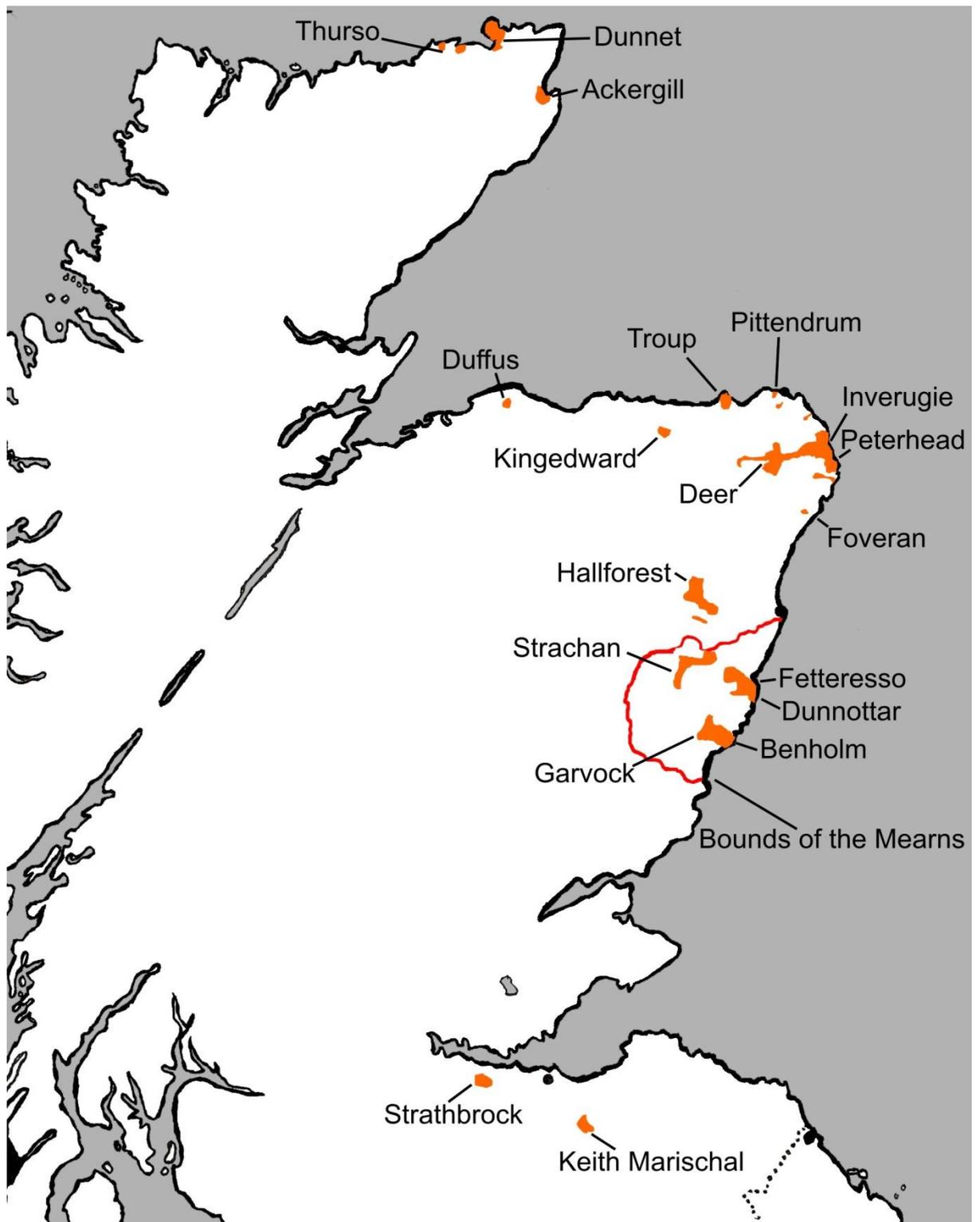
<sup>124</sup> *RPCS*, vii, 570.

<sup>125</sup> Moysie, *Memoirs*, 37.

## Conclusion

In 1580 George Keith had returned to Scotland and within a year and a half he had succeeded his grandfather as earl. He succeeded to a substantial legacy. The earldom was one of the largest in Scotland, with a wide network of regional friends and allies built through clientage and marriage, even if his immediate kin group was relatively small. The family was Protestant, although Earl William's personal enthusiasm had not translated into political action on behalf of his religion. A tumultuous relationship with the Gordons had at first seen the two families firmly allied, then split apart after the Reformation, with violence breaking out in the 1570s. This violence also briefly split the loyalties of the Keiths, with the Commendator of Deer opposing his brother and father. The relationship within and between the two families healed with the end of the civil war, but the Keiths and Gordons were increasingly rivals rather than allies, exacerbated by their confessional divide. On becoming earl, George continued the policies of his predecessor and was helped by a number of kinsmen in his new role. He set about building support for himself through the marriages of his aunts and sisters, and established himself with both the Kirk and the young king. The transition between earls was relatively smooth and gave George just enough time to settle in to his new role before a series of political storms hit Scotland.

Figure 1: Map of Scotland, showing the landholdings of the Earls Marischal.<sup>126</sup>



<sup>126</sup> RMS, 1580-1593, 745-747.

Figure 2: Map of Caithness, showing the landholdings of the Earls Marischal.

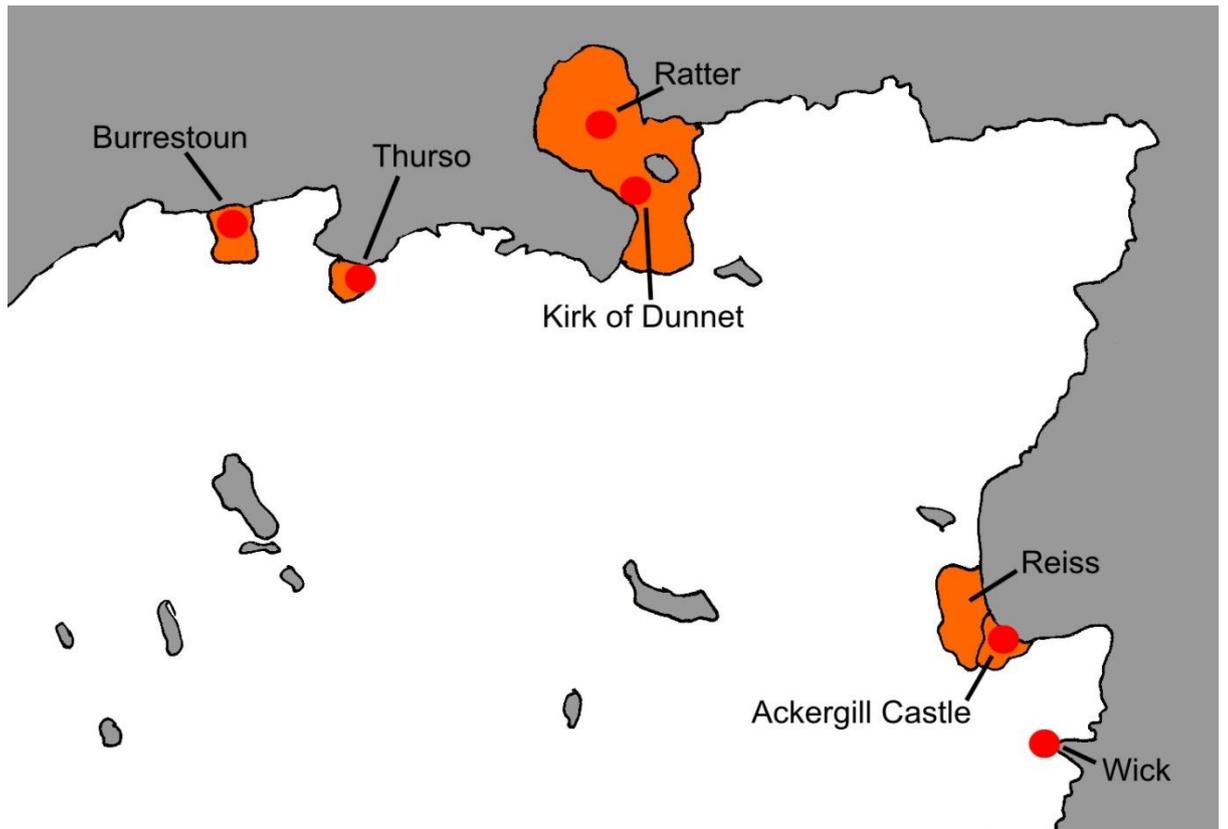


Figure 3: Map of Buchan, showing the landholdings of the Earls Marischal and the seats of neighbouring lairds.

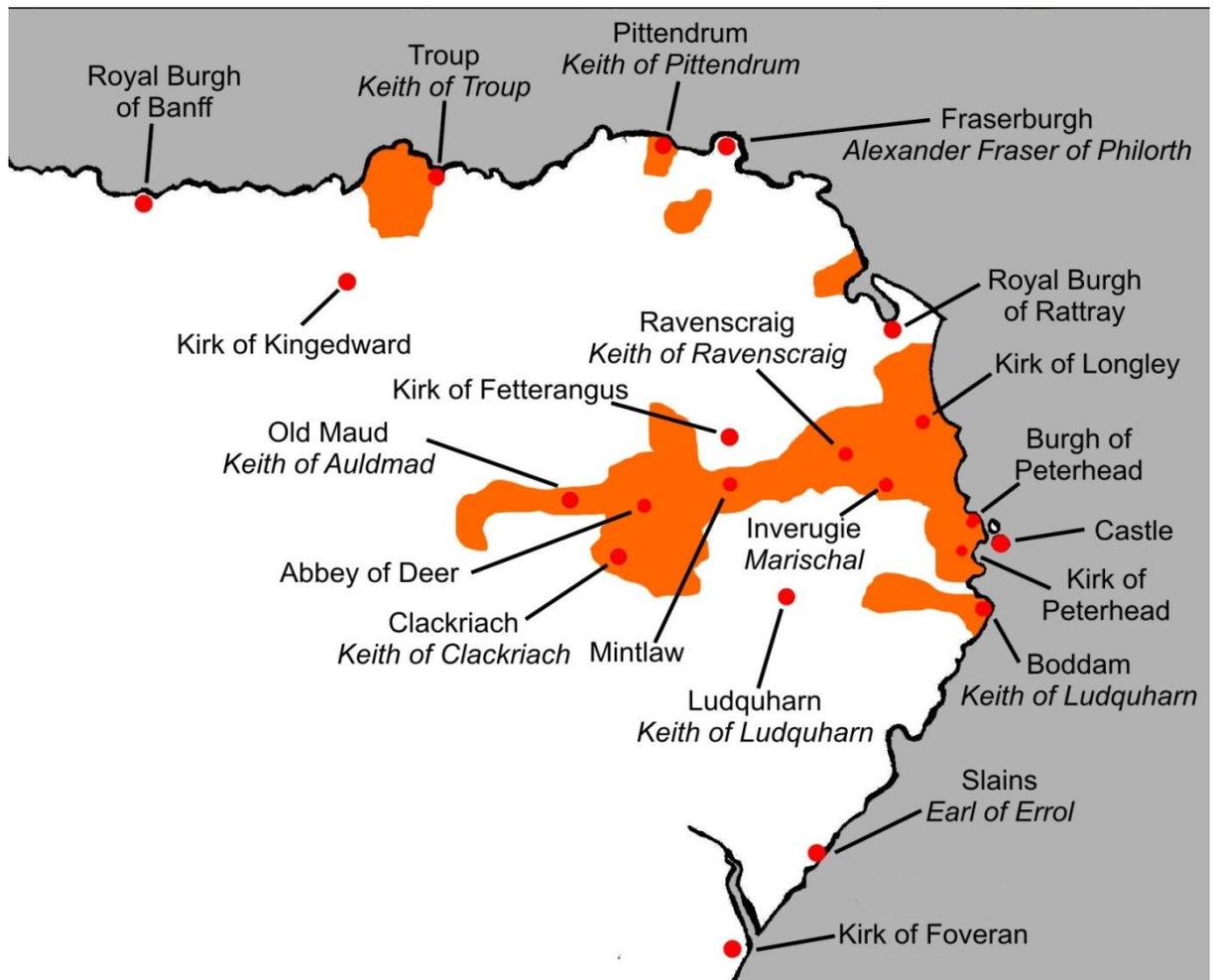


Figure 4: Map of the west of Aberdeen, showing the landholdings of the Earls Marischal.

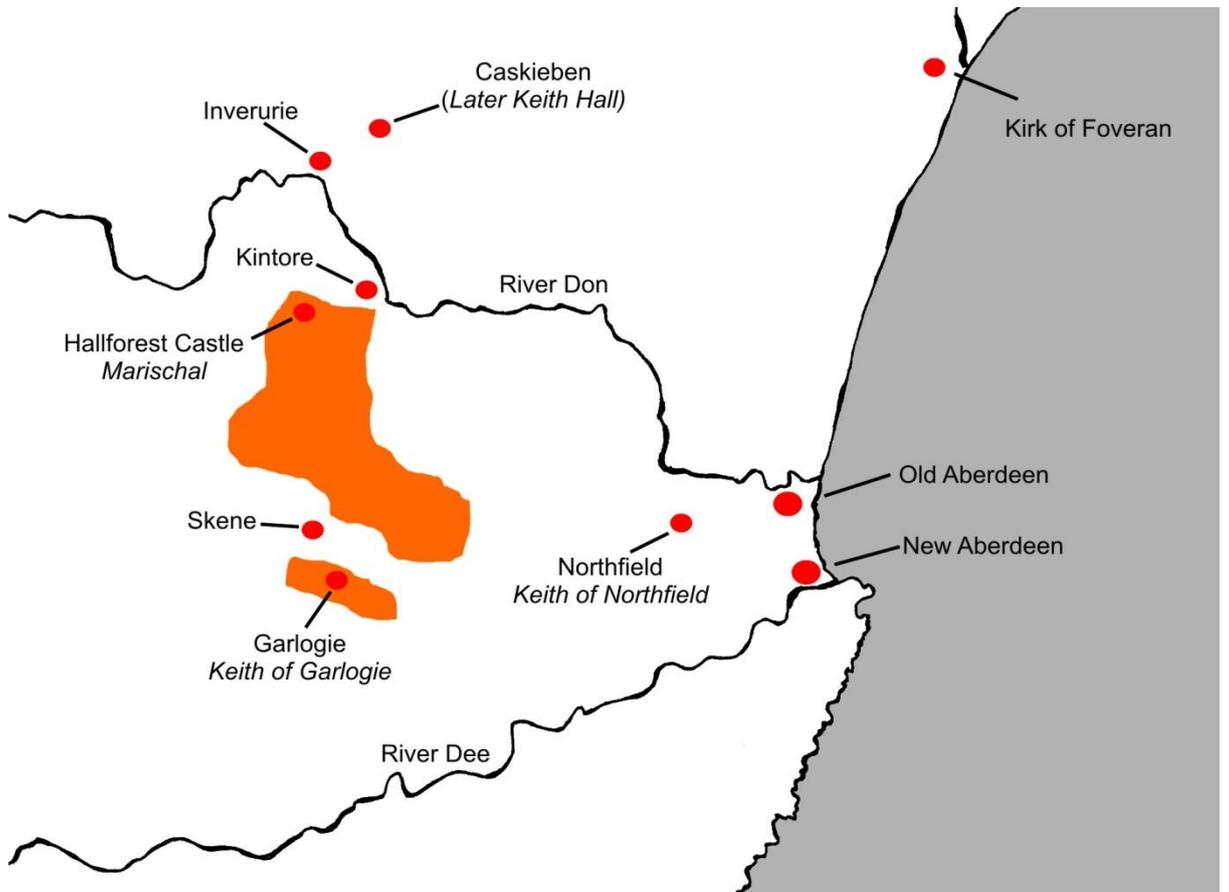
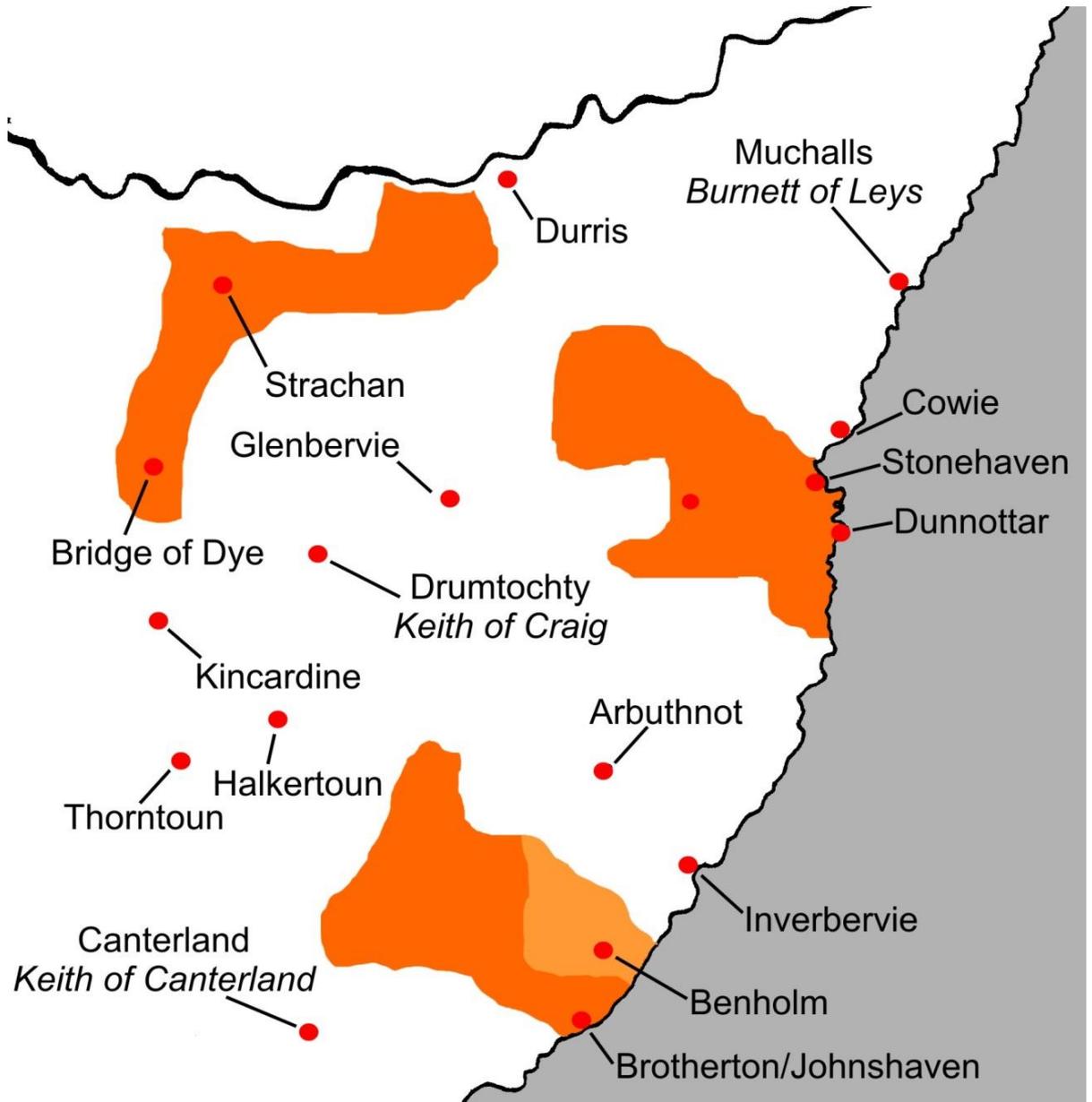


Figure 5: Map of the Mearns, showing the landholdings of the Earls Marischal, and the seats of neighbouring lairds.



## CHAPTER 2

### **The Feud with Huntly: 1582 to 1589**

The period between the Ruthven Raid in 1582 and the Brig o' Dee rebellion in 1589 saw Marischal come into direct and bloody conflict with the Earl of Huntly. This was the result of long term rivalries in the locality and the shifting fortunes of factions at court. In this struggle Marischal found himself on the wrong side of court politics and as a result found himself in danger in the localities. In both arenas he was at a disadvantage. At court he found himself in less favour and with fewer friends than his enemies, while in the locality he could not draw upon manpower or influence to match that of Huntly. Initially Marischal steered a moderate course through the Ruthven Raid, but he could not maintain this position for long.

After fighting during the Marian Civil War, the Keiths and Gordons had re-established peace in 1577. In 1582 efforts were made to reinforce this concord through the marriage of Marischal's sister Jean to James Gordon of Haddo.<sup>1</sup> However, Marischal's other connections brought the Keiths and Gordons back into conflict. The Keiths were allied to the Forbeses through the marriage of Marischal's aunt, Barbara, to Alexander Forbes of Pitsligo, and his great aunt, Elizabeth, to William seventh Lord Forbes. As a result, Marischal was implicated in Lord Forbes' killing of George Gordon of Gight in 1582. The Earl of Huntly, outraged at this murder of his kinsman, wanted retribution.<sup>2</sup> This north eastern matter was further complicated by the growing conflict at court surrounding Lennox and his faction. Marischal was associated with the opposition to Lennox, a largely Protestant group, while Huntly supported Lennox, partly attracted by his Catholic sympathies.<sup>3</sup> On 30 March 1583 Huntly wrote to Marischal to arrange a meeting to settle the differences between their associates, which settled things for a short time.<sup>4</sup> It would be several years before Marischal and Huntly came to blows, but the seeds of future conflict

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<sup>1</sup> *RSS*, viii, 317, no.1885.

<sup>2</sup> *Aberdeenshire-Banff Illustrations*, iv, 767-770.

<sup>3</sup> *CSP, Scotland*, v, 253, 256.

<sup>4</sup> This letter was extant in 1872, but is now lost. *Hist. MSS. Comm., Third Report*, 412.

were sown. The parameters of that clash, at court, in the locality and through religion, had been established.

### **1582 to 1583: The Ruthven Raid**

In August 1582 King James was kidnapped by a faction of disgruntled noblemen. These nobles were taking direct action to remove what they saw as the harmful influences of the Duke of Lennox and the Earl of Arran. This was partly a matter of the two men's domination of royal access and favour and partly over concern about extravagant royal expenditure (which was crippling the treasurer, the Earl of Gowrie). It was also influenced by religion, as Lennox especially, as a Catholic, was perceived to be a threat to the Kirk. Although by family connection and religious conviction Marischal shared much in common with the Ruthven raiders, he kept a low profile throughout the crisis.

In September 1582 Marischal was described as indifferent to both Ruthven and Lennox, although by the end of that month he had either signed (or at least promised to sign) the band against Lennox.<sup>5</sup> However, this opposition to Lennox was not converted into support for the new regime. They continued to try and win his support and, on 25 October, Marischal was appointed to the Privy Council, to sit alongside his uncle, the commendator.<sup>6</sup> He attended the October convention of estates which approved the actions of the raiders and in December and January Marischal was with the king at Holyrood.<sup>7</sup> At the time the Ruthven government was seeking the support of England and Marischal's kinsman William Keith, the king's valet, was sent as part of a diplomatic mission of Colonel Stewart to London.<sup>8</sup> Elizabeth instead put pressure on the regime by threatening to

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<sup>5</sup> *CSP, Scotland*, vi, 157, 159, 178.

<sup>6</sup> *RPCS*, iii, 522.

<sup>7</sup> *Ibid.*, 539, 544; *RPS*, 1582/10/1; Moysie, *Memoirs*, 40.

<sup>8</sup> *CSP, Scotland*, vi, 440.

release Mary so that she could assume joint sovereignty with James, an idea for which Marischal had apparently ‘replied well’.<sup>9</sup>

On 8 May 1583 James requested that Marischal join him at Linlithgow. The English reported that he, along with Angus, Bothwell and Mar were the king’s preferred and only counsellors at that time.<sup>10</sup> Throughout this crisis Marischal had steered a moderate course and avoided being overtly supportive of the regime; his loyalty was to the king. In fact the only major dispute Marischal was involved with was against the Earl of Bothwell at the end of June. The two men got into a fight during a game of football and arranged a duel, before James intervened and reconciled the two.<sup>11</sup> This may have had something to do with Bothwell’s on-going dispute with Marischal’s brother-in-law Lord Home, or was perhaps simply the result of high spirits.<sup>12</sup>

Marischal went home for a time, but was recalled by James who directed him to be at St Andrews on 28 June for a convention. In the intervening period, James dramatically escaped his captivity and fled to the castle of St Andrews. The Earls of Arran and Huntly advanced with armed followings and Marischal retired to his own estates to avoid any trouble.<sup>13</sup> Present only on the periphery of events, and largely non-committal towards the regime, Marischal echoed the course his grandfather had taken during the Reformation crisis and Queen Mary’s abdication. This strategy had worked, as he had the favour of the king and had so far avoided making enemies. However, many of the like-minded Protestant nobility, natural allies for Marischal at court, fled into exile, leaving a political imbalance.

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<sup>9</sup> *Ibid.*, 312.

<sup>10</sup> *Ibid.*, 447, 462, 463, 466.

<sup>11</sup> *Ibid.*, 475.

<sup>12</sup> Brown, *Bloodfeud*, 128.

<sup>13</sup> *CSP, Scotland*, vi, 508, 519.

## 1583 to 1585: the Arran Regime

At the request of James, Marischal quickly returned to St Andrews on 3 July. While most nobles were sent away, Marischal, prepared in full armour, was kept by James because he was trusted and thought to be indifferent to the two sides.<sup>14</sup> It is perhaps going too far to suggest that Marischal was completely indifferent; his Protestant sympathies were closer to the raiders, but, much like his aunt's husband, the Earl of Argyll, he was selected because he was a moderate, loyal to the king and disapproving of the radical methods used by the raiders. During the discussions in St Andrews it was proposed that Marischal go as ambassador to England to discuss the proposed league and 'association', a plan outlining shared sovereignty between James and Mary. However, James firmly refused to allow the association go any further and the mission was abandoned.<sup>15</sup> This at least shows that Marischal was considered a suitable person to be ambassador, perhaps as he was able to draw upon the expertise developed by his kinsman, William Keith, from his mission of the previous year.

On 9 July Marischal departed suddenly from court. With Huntly and Crawford's imminent arrival and rumours circulating, Marischal feared that:

something should be done in the Court contrary to his mind and good liking, and that by withstanding the same he should offer himself to offence and disgrace with the King; therefore he chose to give place.<sup>16</sup>

The Ruthven crisis had seen Huntly assert himself as a dangerous political force, having formed a close friendship with the king. This was a growing concern for Marischal, especially as Huntly was becoming more assertive in the north east.<sup>17</sup>

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<sup>14</sup> Melville, *Memoirs*, 288-290; *RPCS*, iii, 575-6.

<sup>15</sup> *CSP, Scotland*, vi, 529.

<sup>16</sup> *Ibid.*, 528; J. Spottiswood, *The History of the Church of Scotland*, ed. M. Russell, (Edinburgh: Bannatyne Club, 1850), ii, 301.

<sup>17</sup> Grant, 'George Gordon', 57-58.

On 31 July 1583 a rumour was put about that Marischal was raising forces in the north with the Masters of Glamis, Lord Forbes and John Leslie of Balquhain, in order to kidnap James again. This was a false rumour, but was spread by the remnants of the Lennox faction, led by James Stewart, Earl of Arran, to scare the king.<sup>18</sup> Clearly Marischal was now recognised as part of the pro-English Protestant faction. However, he did not yet fear for his life as others did: on 19 September Balquhain assigned his lands to Marischal and then fled to Carlisle, knowing that Huntly would seize them otherwise.<sup>19</sup>

Above any aspect of religion or international politics, Marischal's primary concern became the rise of Huntly. At the start of October 1583 James sent for Marischal, but the earl replied by saying that he refused to be a courtier while Huntly, having recently been made Lieutenant of the North, held jurisdiction over his lands.<sup>20</sup> Marischal, the Lord Forbes and Alexander Irvine of Drum, saw this not only as threatening, but as an insult to their families, as they had been the king's men during the civil war, unlike the Gordons.<sup>21</sup> Melville of Halhill noted that nobles obtaining commissions with privileges over other's lands was the chief cause of the strife among the nobility at this time, and it was certainly the root of Marischal's feud with Huntly.<sup>22</sup> Lieutenancy was the most authoritative royal office in the localities, involving a wide range of powers, which when given to an already dominant lord could often destabilise regional political balances.<sup>23</sup> A second request to come to court was likewise refused, but Marischal eventually came in December, due to the arrival of his kinsman, Andrew Keith, who had long been away as a mercenary and courtier for the King of Sweden.<sup>24</sup>

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<sup>18</sup> *CSP, Scotland*, vi, 562.

<sup>19</sup> *Ibid.*, 616; *RSS*, viii, 246-247, no.1515.

<sup>20</sup> *CSP, Scotland*, vi, 629.

<sup>21</sup> *RPCS*, iv, 51; Brown, *Noble Power*, 97; Calderwood, *History*, iv 250, 435.

<sup>22</sup> Melville, *Memoirs*, 405.

<sup>23</sup> Brown, *Noble Power*, 97.

<sup>24</sup> *CSP, Scotland*, vi, 637, 639; *CSP, Foreign*, 1575-1577, 34, 243, nos. 60, 609; S. Murdoch, *Network North* (Leiden: Brill, 2006), 98-99, 255; Moysie, *Memoirs*, 47.

In 1583 Andrew had been sent as Swedish ambassador to England over a dispute concerning relations with Russia.<sup>25</sup> In London at the same time was the mission of Colonel Stewart, which included William Keith, who may have influenced Andrew's decision to visit Scotland.<sup>26</sup> David Moysie described Andrew as:

a gallant man of proportion and fashioun; and albeit of meane parents, yet throw his guid behaviour promovit to great honor.<sup>27</sup>

Andrew had probably known the acting chancellor, the Earl of Arran, while the latter had been a mercenary in Sweden.<sup>28</sup> Marischal and the Commendator of Deer arrived at court in early December.<sup>29</sup> As a sign that Andrew had given Marischal more standing and security, on 11 February he returned to the Privy Council.<sup>30</sup>

Andrew only intended to visit Scotland temporarily, but was soon persuaded to stay. On 15 March he was made Lord Dingwall, in reward for his good work in Sweden.<sup>31</sup> English ambassadors reported that Andrew's advancement was at the behest of Arran, as Dingwall had an 'inwardness' with him. Arran, knowing of the good favour Dingwall had built up with Elizabeth, wished him to return to her as ambassador for Scotland. Dingwall was 'verily persuaded to bring mighty things to pass', and on the same day he and Marischal were chosen as ambassadors to go to England. Because of Dingwall's favour with Arran, he very quickly became deeply mistrusted by many at court: the Earl of Gowrie wrote to Marischal warning him to be wary of Dingwall's closeness to Arran, although he was sure that Dingwall himself had good intentions.<sup>32</sup> For unknown reasons, five days later Marischal was removed from the mission and Dingwall was mooted to take

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<sup>25</sup> J. Berg and B. Lagercrantz, *Scots in Sweden*, trans Hort (Stockholm: Stellan Stal Boktryckeri, 1962), 19.

<sup>26</sup> *CSP, Scotland*, vi, 440; *CSP, Foreign*, 1583, 330, no.303; *CSP, Foreign*, 1583-1584, 293, nos.350, 351

<sup>27</sup> Moysie, *Memoirs*, 47-48.

<sup>28</sup> R. Marshall, 'Stewart, James, earl of Arran (c.1545-1596)', *ODNB*.

<sup>29</sup> *RPCS*, iii, 613; *RPS*, 1583/12/1; *CSP, Scotland*, vi, 682.

<sup>30</sup> *RPCS*, iii, 640.

<sup>31</sup> Moysie, *Memoirs*, 48; *RSS*, viii, 328, no.1931; *RPS*, 1584/5/54; Cameron, *Warrender Papers*, ii 413.

<sup>32</sup> *CSP, Scotland*, vii, 40-41.

it over, although he was instead directed to Sweden.<sup>33</sup> He took with him a letter from King James to King John III of Sweden, asking for his release from his eighteen years' service, so that he could permanently return to Scotland.<sup>34</sup> Dingwall wrote to Bowes, the English ambassador, on 20 March 1584, clarifying that he had nothing to do with the manoeuvrings of Arran as only 'compliments of courtesies' existed between them, which Bowes was inclined to believe.<sup>35</sup>

Through Dingwall, Marischal was able to gain favour with the Earl of Arran, which served in part to cancel out the rise of Huntly at court. However, any goodwill Marischal had made with Arran was lost as quickly as it was gained. In April 1584 the exiled Protestant lords made an abortive raid on Stirling. They were in communication with a number of discontented noblemen, including Marischal, Bothwell, Forbes and Kerr of Cessford, all of whom were exposed.<sup>36</sup> Arran's repressive and arbitrary style of government was causing considerable anxiety among the nobility, who feared for their property, hence their increasing opposition.<sup>37</sup> On 5 May 1584 Marischal was formally pardoned for his treasonable communication during the Raid, but at a price, namely, having to sit on the assize of the Earl of Gowrie. The presence of Marischal and other noblemen gave the court just enough legitimacy to see through the earl's execution.<sup>38</sup> Marischal had been forced to attend this assize on pain of treason, although he refused to vote, along with the Earl of Moray, which served only to further enrage Arran.<sup>39</sup> Marischal now had Arran as well as Huntly to worry about.

Although pardoned, Marischal was not free from danger. On 7 May he arrived at Dundee on his way to court at the request of the king. However, a friend of the earl

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<sup>33</sup> *Ibid.*, 43.

<sup>34</sup> W. Fraser, *Memorials of the Earls of Haddington*, 2 vols (Edinburgh: 1889), ii, 52-53.

<sup>35</sup> *CSP, Scotland*, vii, 43.

<sup>36</sup> *Ibid.*, 93; Melville, *Memoirs*, 325.

<sup>37</sup> Melville, *Memoirs*, 324.

<sup>38</sup> *RSS*, viii, 351, no.2044; *CSP, Scotland*, vii, 106; *RPS*, 1584/5/29; Pitcairn, *Trials*, i, 116-118.

<sup>39</sup> *RPS*, 1584/5/29; *CSP, Scotland*, vii, 124.

(probably William Keith) warned him away, as he and other nobles from the north would be 'put at'.<sup>40</sup> The following day he proceeded to court at the reassurance of his aunt's husband, the Earl of Argyll, the ageing chancellor. On 9 May he was still at court, although it was reported that he was not clear of danger, while Lord Forbes and the Master of Oliphant had fled for their safety.<sup>41</sup> The next day the Commendator of Deer wrote to Annas Keith, Countess of Argyll, stating that Marischal was working on the particulars of a contract of hers.<sup>42</sup> Although the exact nature of the matter is not mentioned, this clearly shows Marischal working in the family interest, despite the danger of staying at court. On 14 May he was noted as still at court and 'still untouched'.<sup>43</sup> The favour of King James and Chancellor Argyll was perhaps enough to deter Arran and Huntly.

At the start of the May 1584 Parliament Marischal performed his ceremonial duties, although he complained that his office of marischal was undermined by the presence of the king's guard within the tolbooth.<sup>44</sup> Matters came to a head on 22 May when he was embarrassingly forced to give up his place to Colonel William Stewart of the guard, one of Arran's men, an outright usurpation of his office of marischal.<sup>45</sup> The onslaught against the earl continued the next day when Dingwall was pressured to compel Marischal to admit his guilt in having foreknowledge of the Stirling Raid, although he refused to do so.<sup>46</sup> Finally, on 27 May the earl departed home, due to an apparent sickness, no doubt the result of these embarrassments.<sup>47</sup>

Releasing pent-up frustration, Marischal was away from court throughout June in order to bring John Chalmers of Balbithan to justice for the murder of Alexander Keith of Auquhorsk. Marischal arranged a cash settlement for the widow and children, took part of

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<sup>40</sup> *CSP, Scotland*, vii, 118.

<sup>41</sup> *Ibid.*, 118-121.

<sup>42</sup> NRAS 217/Box 15/304.

<sup>43</sup> *CSP, Scotland*, vii, 127.

<sup>44</sup> *RPS*, 1584/5/1, 2, 4.

<sup>45</sup> *CSP, Scotland*, vii, 124, 147; *RPS*, 1584/5/5.

<sup>46</sup> *CSP, Scotland*, vii, 148.

<sup>47</sup> *Ibid.*, 156.

Balbithan for himself and had Chalmers and his accomplices exiled from Scotland for two years.<sup>48</sup> By taking a leading and active role on behalf of the dependants of his murdered kinsman, Marischal was expressing a central feature of good lordship, showing he was active in carrying out the fundamental responsibilities of his position in society.<sup>49</sup> Regardless of his weakness at court, he was at least proving himself a proactive lord to those within his lordship and a strong force to those outside.

He returned to court in the summer, aiming to get exemption from Huntly's lieutenancy, which remained a fruitless endeavour. Huntly had arrested one of Marischal's men, which underlined the pressing need to remove himself from the Gordons' jurisdiction.<sup>50</sup> From July to October there were rumours that the situation was so bad that Marischal and Bothwell were in constant danger from Arran and close to fleeing from Scotland. In the wake of the Black Acts, a series of restrictions and governmental interventions into the operation of the Kirk, and with a number of other Protestant nobles and ministers in exile in England, these two, both former pupils of Beza and both critics of the acts and of Arran, were seen as the last hope for the godly cause in Scotland. Bothwell eventually capitulated and sought Arran's favour, leaving Marischal alone and in more danger.<sup>51</sup> The English Lord Hundson even remarked: 'and for th[e] Erle Marshall, he ys the only nobell mane that ys too be accowntyd of too stande faste for matters of relygyon'.<sup>52</sup> To increase the danger of the earl's situation, his aunt's husband and friend in government, the chancellor, Colin Campbell, Earl of Argyll, had died on 10 September. Alone, there was little Marischal could do and in a sign of desperation, that winter he presented John Maitland of Thirlestane, the royal secretary, to the benefice of Strathbrock, not as minister, but to receive the revenues. This was a clear bid on Marischal's part to build support. Although Maitland had initially supported Arran's government, he had become

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<sup>48</sup> NLS, MS 21183, f.37; *RMS*, 1593-1608, 336-337, no.1017; NRS, PS1/55 f.33r.

<sup>49</sup> Wormald, 'Bloodfeud, Kindred and Government', 70.

<sup>50</sup> *RPCS*, iii, 760; *CSP, Scotland*, vii, 252-253.

<sup>51</sup> Aubert, *Correspondance de Theodore De Beza*, XXV, 182-187, 211-216, 219-221, 250-254.

<sup>52</sup> *CBP*, i, 312.

increasingly discontented by the earl's violent and arbitrary rule. As such Maitland was increasingly undermining the power of Arran and becoming a focus of opposition, whom Marischal was now seeking as an ally.<sup>53</sup>

In May 1585 Marischal was described as well affected towards England and the exiled lords, and was seen as part of a rumoured assembly of northern nobles, including his enemy Huntly, who were all disgruntled with Arran's regime.<sup>54</sup> Huntly was growing increasingly estranged from Arran. For Huntly and Marischal to be perceived as prepared to set aside their differences indicates how deeply the nobility had come to dislike Arran. However, the next day Marischal, with his brother John Keith and nineteen retainers, killed William Keith the heir of the Laird of Ludquharn and seized Robert Keith, Marischal's youngest brother.<sup>55</sup> This was part of a long running quarrel between Marischal and his brother, born from Robert's perception of the inadequacy of his portion. This was a common problem among noble families - Marischal's other brother John had secured the lands of Troup, whereas Robert had nothing.<sup>56</sup> The dispute between the brothers would later be ruthlessly exploited by Huntly, and it is possible that Robert was already encouraged by the Gordons. The branch of Ludquharn had supported Robert's claim and suffered as a result. William Keith of Ludquharn's mother was a member of the Gordons of Lesmoir and he considered the Gordons of Gight as close kinsmen. They may thus have resented Marischal's involvement in the Forbeses' killing of the Laird of Gight in 1582.<sup>57</sup> Marischal's killing the Ludquharn boy would have consequences in the following years. There are no details on how the incident happened. There is no instance throughout the rest of Marischal's life of his killing anyone else, other than in a legal capacity, which might suggest that the killing was an accident.

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<sup>53</sup> NRS, GD30/1968; Lee, *John Maitland*, 61-63.

<sup>54</sup> *CBP*, i, 183; *CSP, Scotland*, viii, 137; Grant, 'George Gordon', 84-85.

<sup>55</sup> *RMS*, 1580-1593, 262, no.834; NRS, PS1/52 f.140r.

<sup>56</sup> Brown, *Noble Society*, 166-168; NRS, RD1/16 f.473.

<sup>57</sup> *Aberdeenshire Court Bk.*, i, 248; ii, 55.

As opposition to Arran mounted, the direct danger to Marischal lessened and he was able to return to court safely. Marischal and the Commendator of Deer thus attended a convention in St Andrews in July and signed the 'bond concerning the true religion', which proposed a general defence of the Kirk, but also to pursue a defensive league with England against the Catholic nations of Europe.<sup>58</sup> As Arran's regime crumbled, the exiled lords sitting on the English border felt the time was right to march into Scotland. After knowledge was gained that the exiled lords were advancing, Marischal was ordered to gather forces for the king.<sup>59</sup> However, when the lords attacked Stirling on 5 November 1585 Marischal yielded without a fight.<sup>60</sup> He had more in common with the aggrieved lords than with Arran's government and may have again been communicating with them: the royal valet William Keith certainly was.<sup>61</sup> By this time Arran knew that he had alienated so many nobles that there was no hope left, and he slipped away quietly during the assault.<sup>62</sup>

### **1585 to 1589: Trouble in the North**

With the threat from Arran now removed, Marischal returned his focus to Huntly. With William Keith working as the king's valet and now promoted to the royal wardrobe, the earl had a sufficient presence at court to advance the family interest, so through 1586 he concentrated his efforts in the locality. In February Marischal gained permission from the Town Council of Aberdeen to turn two derelict tenements opposite the tolbooth into a large townhouse. This was a firm projection of his power into a burgh formally dominated by Huntly, and evidence of his determination to assert his presence in the north east.

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<sup>58</sup> *RPS*, 1585/7/1.

<sup>59</sup> *CSP, Scotland*, viii, 137.

<sup>60</sup> *Ibid.*, 150; Calderwood, *History*, iv, 390.

<sup>61</sup> *RPS*, 1587/5/1.

<sup>62</sup> *HKJVI*, 215.

Aberdeen was keen to shake free from Huntly and Marischal provided them with an agreeable alternative.<sup>63</sup>

In September 1586 Marischal raised legal proceedings against Samuel and George Keith, nephews to Ludquharn, who were harassing his lands.<sup>64</sup> In November Marischal bought further charges against Ludquharn. As a consequence of Marischal having killed his son, Ludquharn was harbouring these two Keiths, along with his own son Alexander, who ‘consultis and devyses all kynd of oppressioun, greif, and stowth upoun the said Erllis tennentis and servandsis.’<sup>65</sup> The Keiths of Ludquharn were in open revolt against their lord. Settlement was, however, swiftly reached on 25 January 1587 when Marischal took responsibility for the killing, paid £1333 6s. 8d. to Ludquharn and promised to provide and support the widowed Margaret Keith (who was also his sister) and foster her children.<sup>66</sup> The settlement did not wholly work, as in the following year Ludquharn’s second son, Nathaniel, was put to the horn for harassing Marischal’s lands.<sup>67</sup> Marischal eventually came to a modified arrangement with Ludquharn whereby the earl provided 24 salmon and the annual teind scheaves on Ludquharn’s lands in return for his continued ‘good behaviour’.<sup>68</sup> Marischal was clearly doing all he could to maintain kin cohesion. In March 1587, Marischal also temporarily settled some of the problems with his brother, giving him the earldom’s lands of Caithness.<sup>69</sup>

Marischal then returned to court. From the business he brought to be ratified by the Privy Council it is clear that he had been very busy in the north, further building his influence in Aberdeen by gaining possession of the properties of the Black and White

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<sup>63</sup> APCR, XXXI, 736-738; K. Brown, ‘Burghs, Lords and Feuds in Jacobean Scotland’ in M. Lynch, ed., *The Early Modern Town in Scotland* (London: Croom, 1987), 104,106.

<sup>64</sup> *Aberdeenshire-Banff Illustrations*, iv, 640; *FES*, vi, 212.

<sup>65</sup> *RPCS*, iv, 118-119.

<sup>66</sup> NRS, RD1/26, ff.205v-206v.

<sup>67</sup> NRS, PS1/56, f.108v.

<sup>68</sup> NRS, RD1/50, f.459. This settlement worked very well in the long term, as the murdered William’s son, future Laird of Ludquharn, would wholly support Marischal’s son and accompany him on trips to London and help reorganise the parish of Peterhead. See chapters six and eight.

<sup>69</sup> NLS, MS 21183, f.49.

Friars there, and formulating plans for the new towns of Peterhead and Stonehaven.<sup>70</sup> All of this sought to extend and consolidate his power in the north. It was a busy time in more ways than this, however, as he had also sired a bastard child, Gilbert, who was legitimated in May 1587.<sup>71</sup>

Some alleviation of the feud with Huntly also came at this time. On 14 May 1587 King James held the 'Feast of Reconciliation', where feuding nobles, including Marischal and Huntly, were made to publicly settle their differences and walk hand in hand through Edinburgh.<sup>72</sup> For the feud between the two men to be recognised in such a manner suggests that it had reached an unacceptable magnitude, hence prompting royal intervention. Small attempts were made to arrange legal settlement, and Marischal's brother John Keith was brought before the Privy Council for destroying John Gordon of Gight's house of Cairnbanno.<sup>73</sup> This sort of petty raiding was no doubt common, but largely unrecorded. The Feast of Reconciliation was more of a 'political photo opportunity' than an exercise to seriously resolve the feuds. The root cause of the conflict, Huntly's lieutenancy having jurisdiction over Marischal's lands, remained.<sup>74</sup>

Despite the on-going tensions, Marischal and the Keiths did well in the parliament that year. The commendatorship of the Abbey of Deer was erected into the temporal lordship of Altrie, in advance of the earl's mission to Denmark, where it was intended that Marischal would settle James' marriage. William Keith, the king's valet, in reward for his valiant efforts of the previous year in the failed negotiations with Elizabeth to save Queen Mary, was knighted and granted the lands of Delny in Ross-shire.<sup>75</sup>

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<sup>70</sup> *RPCS*, iv, 163, 169, 170, *RMS*, 1580-1593, 418, 445-446, 447, 463-464, no.1249, 1309, 1312, 1341; *RPS*, 1587/7/23 L. Taylor, ed., *Aberdeen Council Letters 1552-1633* (Oxford: OUP, 1942), 28-29.

<sup>71</sup> *Scots Peerage*, vi, 54.

<sup>72</sup> Calderwood, *History*, iv, 613; Moysie, *Memoirs*, 62.

<sup>73</sup> *RPCS*, iv, 173.

<sup>74</sup> J. Goodare and M. Lynch, 'James VI: Universal King' in J. Goodare and M. Lynch, eds., *The Reign of James VI*, (East Linton: Tuckwell, 2000), 4.

<sup>75</sup> *CSP, Scotland*, ix 1580-1593, 445, 456-459, 463, no. 1309, 1331, 1341.

That winter the feud with the Gordons flared up again with considerable intensity and loss for Marischal. On 28 November 1587 John Keith of Craiggallie was killed by the Gordon Lairds of Gight, Lesmoir and Crechie.<sup>76</sup> The following month Marischal and Huntly met in Aberdeen in an attempt to come to some sort of settlement. None was reached and when the two parties separated Huntly sent Gight back into the town to kill Marischal. Gight failed, but in the scuffle John Keith, apparent of Clackriach, was killed. According to David Moysie the general feeling was that Huntly was motivated as a Catholic to kill the Protestant Marischal, although it seems that this deed had much more to do with power, influence, and noble pride.<sup>77</sup> That Huntly had ordered Marischal's assassination is not inconceivable as he would later famously kill the second Earl of Moray. Where the Keiths' success over the centuries had largely come from moderation combined with loyalty and service to the crown, the Gordons had flourished through their - at times - ruthless control of the north as royal lieutenants and the suppression of their rivals. Killing fellow peers could thus be one of Huntly's methods in doing so.<sup>78</sup>

The attempt to murder Marischal went a step beyond harassment of lands and tenants though, or even subordinate lairds fighting each other, as the substance of the feud had been up to that point. In fact this shocking murder attempt was long remembered. Six years later, in 1593, when royal forces marched against the rebel catholic earls, charges brought against Huntly included 'the slaughter of John Keith when Huntly practiced to have killed the Earl Marischal'.<sup>79</sup> Marischal sought redress at court and on 27 December 1587 he and Gight were ordered to restrict their followings at the trial set for 5 January, as both intended to attend with intimidating retinues.<sup>80</sup> The exact settlement is not recorded,

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<sup>76</sup> *History of Scots Affairs 1537-1641*, i, xxxiii.

<sup>77</sup> This incident even came to the notice of the Spanish Government. M. Hume, ed., *Calendar of letters and state papers relating to English affairs : preserved principally in the Archives of Simancas*, 4 vols (London: HM Stationery Office, 1892-1899), iv, 227; *Spalding Misc.*, ii, 59; Moysie, *Memoirs*, 154; W. Kennedy, ed., *Annals of Aberdeen* (Aberdeen: 1818), i, 140.

<sup>78</sup> Brown [Wormald], 'Scottish Politics 1567-1625', 28; Potter, *Bloodfeud*; Grant, 'George Gordon'.

<sup>79</sup> *CSP, Scotland*, xi, 48.

<sup>80</sup> *RPCS*, iv, 236, 238.

although Marischal was gifted the escheat of Gight's forfeited accomplice Captain John Gordon, while James Keith of Drumtochty (the deceased Keith's brother-in-law) was gifted the escheat of James Gordon of Haddo.<sup>81</sup> Haddo was married to Marischal's sister Jean, but the earl would exact further revenge on him. Jean died soon after, and the earl refused to hand over any of her tocher lands. He claimed that as these had been entailed to their eldest son, who had also died, the agreement was now void.<sup>82</sup> The earl could not match the Gordons in sheer force, but he could and did strike back in other ways.

At the beginning of February Marischal and Lord Altrie (formerly the Commendator of Deer) attended the General Assembly.<sup>83</sup> Having been lobbied by certain noblemen, on 6 February 1588, the General Assembly sent a group, including Marischal, the Earls of Angus and Mar and various lords, lairds and ministers, to confer with the king about purging Scotland of Jesuits and their harbourers. Perceiving an imminent danger to the country and the slowness of the legal system, the Kirk and nobles wanted extraordinary legislation to deal with the papists, so that Catholicism would equate to conspiring treason.<sup>84</sup> The meeting had some success, as the king issued a proclamation ordering the Jesuits to leave Scotland, although he did not agree to the stronger powers as was requested.<sup>85</sup> The Counter Reformation in Scotland was too scattered and individual to have been a real threat to the kingdom. However, the activities of men like John, eighth Lord Maxwell or Huntly led to a perception in the Kirk of imminent danger.<sup>86</sup> Marischal thus had a ready ally against the Gordons. In July 1588 a Convention of the Estates appointed commissioners for the rooting out of papistry in Scotland, and to enforce the legislation against Jesuits. Marischal was appointed commissioner for the Mearns with his young -

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<sup>81</sup> *Ibid.*, 240, 248; NRS, PS1/57, ff.15v, 16v, 85r.

<sup>82</sup> Haddo claimed that the poverty this caused him forced him into fornication as he could not afford to remarry. My thanks to Catherine McMillan for this reference. NRS, CH2/146/1/8.

<sup>83</sup> *BUK*, iii, 704.

<sup>84</sup> *BUK*, ii, 704-705.

<sup>85</sup> *CSP, Scotland*, ix, 536.

<sup>86</sup> Brown, 'The Making of a Politique', 152-175.

and probably Catholic by this time - cousin, Francis Hay, Earl of Erroll.<sup>87</sup> This was no use, however, against Huntly in Aberdeenshire.

The Kirk made a natural ally for Marischal against the Catholic Huntly. However, religion seems to have been used by Marischal simply as another bludgeon against the Gordons, as at the same General Assembly there were complaints that the kirks of Deer, under Marischal's care, were frustrated for the funds which he had promised in the infeftment made with the creation of the lordship of Altrie.<sup>88</sup> This may have been due to disruption caused by the bloodfeud, but for the issue to be brought to the General Assembly indicates a persistent grievance and failure on the part of the earl to honour his commitment. He was using the Kirk politically, but at the same time neglecting the kirks in his locality. Marischal, it seems, fostered the Kirk and an anti-Catholic policy in the same way that Huntly invoked the forces of the Counter Reformation; both wanted the support of the resources of either Kirk or Counter Reformation, but only committed to the respective causes on a limited basis.<sup>89</sup>

Marischal was rarely at court through 1588, but as Sir William Keith of Delny was admitted to the Privy Council that March, he could now represent family interests. This freed Marischal to attend to the localities and check any Gordon intrusions.<sup>90</sup> On 1 August the king made a further futile attempt to reconcile Marischal and Huntly, dining with them in Edinburgh, before both were due to ride north to prepare defences against the Spanish Armada, which had been sighted on the coast of England.<sup>91</sup> Marischal was charged with the defence of the Mearns, Aberdeenshire and Buchan, while Huntly was responsible for

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<sup>87</sup> *RPCS*, iv, 300-301.

<sup>88</sup> *Ibid.*, 717.

<sup>89</sup> Grant, 'George Gordon', 338-340.

<sup>90</sup> *RPCS*, iv, 248, 260, 274, 286, 293, 317, 321.

<sup>91</sup> *CSP, Scotland*, x, 89-90; *RPCS*, iv, 301.

Banff to Inverness (excepting Moray).<sup>92</sup> There is little evidence to say how the Armada alert panned out in the localities.<sup>93</sup>

King James' reconciliation of Huntly and Marischal may have tempered the conflict for a while, but Marischal sought to combat his rival in other ways. At the General Assembly of January 1589 Marischal sat on a further committee to discuss ridding Scotland of papists, along with certain noblemen and burgesses, including the Earl of Angus and the Master of Glamis. After a long consultation they defined three major threats: - the maintainers of papists and papistry, the Jesuits, seminary priests and their traffickers, and the enablers, receivers and entertainers of the first two categories. All were to be punished. The recommendations were then passed to the king for implementation.<sup>94</sup> This only led to a renewal of the act against Jesuits, and again Marischal was appointed for the Mearns (despite being in Denmark at the time).<sup>95</sup> It is notable that in 1588 and 1590 Marischal was only appointed to the Mearns, while other men were appointed to Aberdeenshire. This limited his sphere of activity to areas he already controlled as sheriff, which were also already soundly Protestant. If he was hoping to gain a commission for Aberdeenshire in order to gain legislative power against Huntly, it was not to be. These efforts were largely dead letters. James had contained religious agitation as part of his policy of religious restraint.<sup>96</sup>

Even with the support of some additional jurisdiction, it is unlikely Marischal could have used it practically against Huntly. A story included in the 1661 genealogy of the Mackenzies suggests that in February 1589 Marischal recieved another humiliation from

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<sup>92</sup> *RPCS*, iv, 307.

<sup>93</sup> The notion that Marischal salvaged cannon from the *St Michael* at Peterhead has been dismissed. A. Hallen, *The Scottish Antiquary or Northern Notes and Queries* (1888), 337.

<sup>94</sup> At this time Marischal was described as being an enemy to Huntly, although oddly Altrie was described as a papist and a friend of Huntly. Presumably he was confused with Marischal's errant brother Robert. *BUK*, ii, 741-742; *CSP, Scotland*, ix, 667; Calderwood, *History*, v, 3.

<sup>95</sup> *RPCS*, iv, 463-467.

<sup>96</sup> M. Sanderson, 'Catholic Recusancy in Scotland in the Sixteenth Century', *IR* 21 (1970), 90.

Huntly. At a meeting in Perth, Marischal declared in front of Huntly that he was second to him in neither wealth nor power. Huntly replied:

that you compare yourself to me in power is nothing; there is forsooth a vassal of mine with his forces is able to exterminate you from the bounds of the Mearns.

Huntly met the chief of the Mackintosh, whom he ordered to embarrass Marischal, sending a force of 600 men to ravage the lands of Buchan and the Mearns. Meeting no resistance they brought back a wealth of plunder to the gates of Strathbogie.<sup>97</sup> This rather neat, one sided and probably apocryphal story may contain a core of truth of the Gordons and their allies raiding Marischal's lands. Presumably, with his much smaller kingroup and fewer local allies, Marischal had enough trouble defending his earldom yet alone launching any counter-raids. If this story has any truth, and is dated accurately, it may have prompted Marischal to submit and to seek peace, as at a meeting of 15 February, Huntly and Marischal settled their disputes in Aberdeen, once and for all it seemed.<sup>98</sup> To shore up this peace, on 6 March they submitted their feud to the king, and eight cautioners were appointed for each. They thereafter 'agreed, shaken hands and drunk together'.<sup>99</sup> On 9 March the king dined with both in Huntly's lodgings in Edinburgh.<sup>100</sup> With Marischal due to go to Denmark, the king wanted Marischal to be able to leave without hesitation or concern about Huntly menacing his doorstep.

Yet again, this reconciliation did not work, although as a result of wider court politics. In January 1589 the English intercepted a secret communication signed by Huntly and the Lord Maxwell, sent to Spain, stating that they would support a Catholic invasion if Spain provided 60,000 men and plenty of money to support them. Huntly was briefly imprisoned when this was discovered, but James did not take the accusations seriously and

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<sup>97</sup> Macfarlane, *Genealogical collections*, i, 244-245. The Mackintosh and the Clan Chattan they led had a complicated relationship with the Earls of Huntly, see Cathcart, *Kinship and Clientage*.

<sup>98</sup> *History of Scots Affairs*, xxxliii.

<sup>99</sup> Noted erroneously by the English ambassador as 7 April, the middle of Huntly's rebellion. *RPCS*, iv, 364; *CBP*, i, 337.

<sup>100</sup> *CSP, Scotland*, ix, 709; x, 4, 6.

so the earl was quickly released and reinstated to his former position. Outraged by this, on 13 March, an armed assembly of Marischal, Angus, Mar, Morton, and Glamis, led by Chancellor Maitland, encouraged the Provost of Edinburgh to raise the town in arms, and all were apparently prepared to kill Huntly if he returned to Edinburgh after hunting with the king. Huntly duly fled north and raised an army with the Earls of Erroll and Crawford to fight Maitland and his faction. The Earl of Bothwell simultaneously rose in the border.<sup>101</sup> Ruth Grant argues that the subsequent rebellion was the result of James aiming to balance and manipulate the two factions, but in doing so he lost control, which resulted in strong reaction from Maitland and his faction, which in turn forced the Earls of Huntly and Bothwell into open rebellion.<sup>102</sup> What became known as the Brig o' Dee rebellion presented Marischal with a new and significant problem. Where the feud up to this point had simply involved him and Huntly, these Catholic rebellions included a range of north eastern nobles with whom Marischal was not prepared to come into conflict. Chief among these was the young Francis Hay, Earl of Erroll, who was Marischal's cousin via his mother. This complication would act as a significant brake on Marischal's pursuit of Huntly.

After the Catholic earls mustered their forces in the north, Marischal gathered troops and joined the king at Brechin (figure six).<sup>103</sup> On the night of 17 June the king's forces were at Dunnottar. Huntly's troops approached Cowie, but lost nerve and suddenly retreated. The next day the rebel forces melted away at the Brig o' Dee. Marischal took the surrender of Aberdeen and James entered the town triumphant.<sup>104</sup>

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<sup>101</sup> *CBP*, i, 336.

<sup>102</sup> R. Grant 'The Brig o' Dee Affair, the Sixth Earl of Huntly and the Politics of the Counter Reformation' in *The Reign of James VI and I*, 93-109.

<sup>103</sup> *CSP, Scotland*, x, 25, 36 Moysie, *Memoirs*, 75.

<sup>104</sup> *CSP, Scotland*, x, 42, 60, Moysie, *Memoirs*, 75; *RPCS*, iv, 405.

On 17 May Marischal was made Lieutenant of the North and was given the keeping of his cousin Erroll's confiscated Palace of Slains.<sup>105</sup> This was presumably at Marischal's request so he could safeguard his kinsman's property. Marischal told the king that he would not pursue the rebels or seize their lands and goods without first being supplemented with a royal force of 50 cavalry and 100 musketeers for the summer.<sup>106</sup> The intention was presumably that these men would provide a badge of royal authority to his own forces. Marischal's ability to actually carry out the role of lieutenant that year is questionable. At the time he was due to set out for Denmark at any moment and could not have performed such an office, especially as the bulk of his prominent kinsmen, such as Dingwall and Ravenscraig, were to help with the mission. However, it was a wise move on the part of King James. With Huntly no longer lieutenant, the root of conflict between the two earls was removed and Marischal no longer had to fear his rival having jurisdiction over his lordship while he was away. On 26 May Marischal, Dingwall and Altrie sat on the assize which found Huntly, Erroll, Crawford and Bothwell guilty of treason.<sup>107</sup> On the following day the three Keiths, joined by Sir William Keith of Delny, sat together on the Privy Council. They were four out of 14 attendees, representing the sudden and unexpected pinnacle of Keith influence in the affairs of Scotland.<sup>108</sup>

### Conclusion

When Marischal left for Denmark in 1589 he had firmly established himself in his earldom. He continued his predecessor's largely moderate, Protestant sympathising course. He had successfully navigated a neutral course through the Ruthven crisis and survived the difficulties of Arran's repressive administration. However, the consequence of this political manoeuvring led him into direct confrontation with the Earl of Huntly. With a smaller kin group, the Keiths suffered considerably at the Gordons' hands. Marischal proved temperate;

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<sup>105</sup> AUSC, MS3064/3/3/1/1.

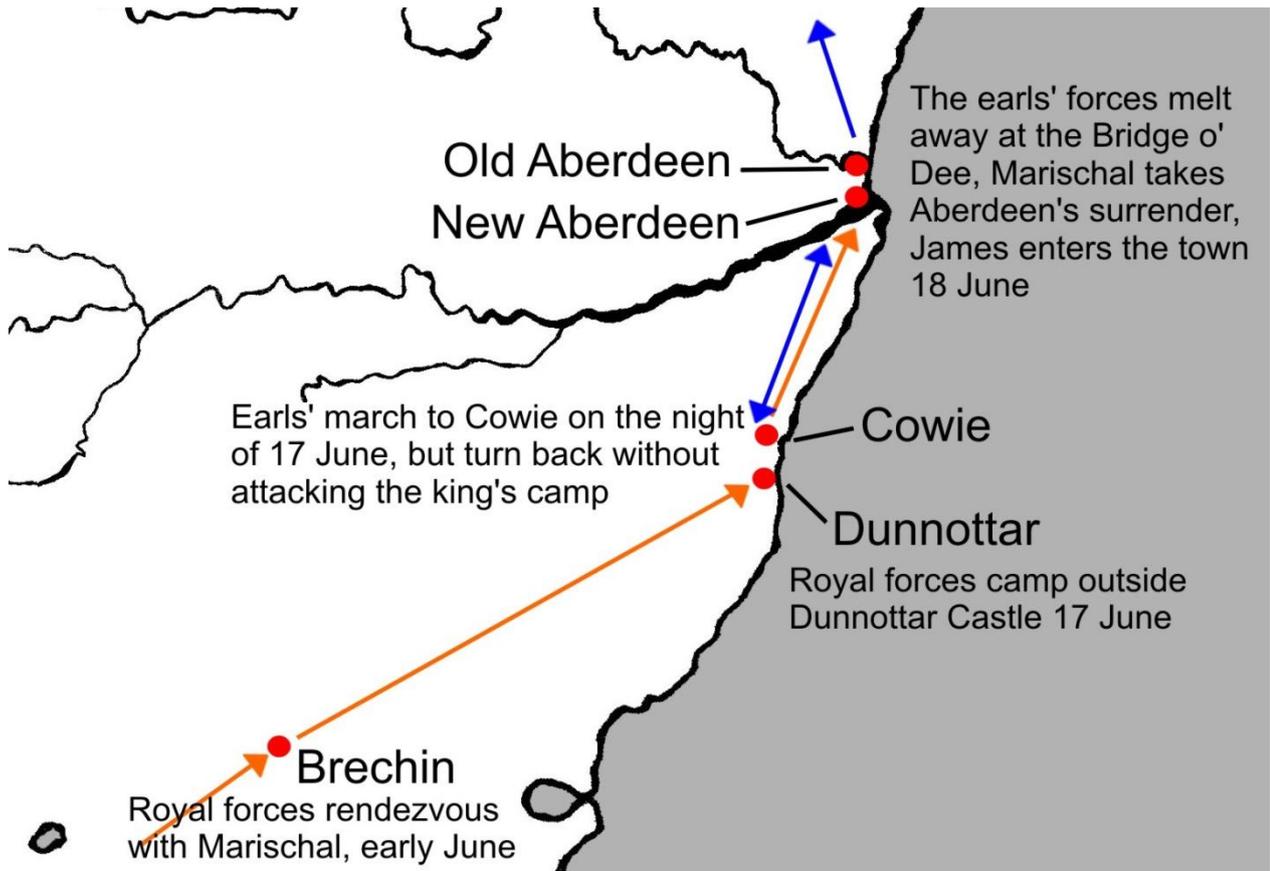
<sup>106</sup> *CSP, Scotland*, x, 75.

<sup>107</sup> *Ibid.*, 84-85; Pitcairn, *Trials*, i, 178.

<sup>108</sup> *RPCS*, iv, 385.

the feud did not escalate too far and there were a number of meetings to negotiate settlement. However, the Keiths' solidarity had been fractured by conflict between Marischal and his youngest brother. Yet, if the bloodfeud with Huntly progressed badly, there were some significant tactical advances. The Keiths now had two Lords, Dingwall, and Altrie, along with a voice in the king's ear in the chamber, Sir William Keith of Delny. The earl was favoured with being earmarked to lead a prestigious embassy and he had successfully established himself as a force in the burgh of Aberdeen, as well as consolidating his influence on the north east coast through the creation of Peterhead and Stonehaven. In many ways, although bruised, by 1589, Marischal and the Keiths were at the height of their powers.

Figure 6: The Brig o' Dee Rebellion



## CHAPTER 3

### **Denmark and Feud with Chancellor Maitland: 1589-1591**

Marischal's mission to Denmark in 1589 for the king's marriage has traditionally been seen as good politically for him, but bad financially:

in the embassy he behaved to the great admiration of the Danes, and the glory of the Scottish nation, and received the particular commendation of the King and council for his singular good service at that time. This affair, though it brought him great honour, yet it made a vast diminution in his opulent fortune.<sup>1</sup>

In fact the outcome of the mission was the other way around: the mission had little impact on the earl's finances, but led to his humiliation and the temporary collapse of the Keiths as a political force. It created a new and significant feud, this time with the chancellor, John Maitland of Thirlestane. As recently as May 1589 Marischal had been allied with Maitland as they shared a combined interest against the Earl of Huntly and his faction.<sup>2</sup> Where the feud with Huntly was primarily a conflict of and in the localities, which occasionally spilled into court politics, this new feud with Maitland was entirely court-based. This was an arena to which Marischal was not suited, his power being rooted in land, kin and wealth. This chapter will explore the events leading up to this conflict, which developed alongside the preparations for the mission to Denmark, and then its consequences. The long term Scottish relationship with Denmark, King James VI's own diplomatic objectives and the fine detail of the marriage negotiations have been well studied by Thomas Riis, Cynthia Fry and David Stevenson respectively.<sup>3</sup> As such this chapter will not concentrate on the mission at large, but will focus specifically on Marischal's involvement and the impact it had on his position within Scottish politics.

King James' possible marriage to a Danish princess had been mooted in 1587, Denmark being an obvious choice for a marriage alliance as a Protestant country with

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<sup>1</sup> Buchan, *Noble Family of Keith*, 53.

<sup>2</sup> *CBP*, i, 336; *CSP, Scotland*, x, 64.

<sup>3</sup> Riis, *Should Auld Acquaintance Be Forgot*; C. Fry, 'Diplomacy and Deception: King James VI of Scotland's Foreign Relations with Europe (c.1584-1603)' (University of St Andrews PhD Thesis, 2014); Stevenson, *Scotland's Last Royal Wedding*.

strong trading links with Scotland. Initial negotiations were conducted over two years by James' former tutor, Peter Young and Colonel William Stewart of Pittenweem. Eventually a full formal ambassadorial mission would be required, led by a top-ranking nobleman as a representative of the king, to finalise the negotiations, marry Princess Anna as James' proxy and then bring her back to Scotland. Initially the Earls of Bothwell and Huntly were earmarked to take the lead in this, but by August 1587 Marischal had been chosen instead.<sup>4</sup> Marischal was well suited for the mission. He was rich and thus able to shoulder the initial cost of the voyage, and was of sufficiently high noble status for such a prestigious role. He was fluent in Latin and German (the language of the Danish court), had travelled extensively round the courts and cities of Europe during his grand tour, and had strong connections with the Baltic world through his kinsman Lord Dingwall.<sup>5</sup>

A marriage tax of £100,000 was levied in the 1587 parliament, where the payment for Marischal's ambassadorial role was also agreed, namely the conversion of the landed estates of the Abbey of Deer into the permanent temporal lordship of Altrie, which was granted to Robert Keith, the commendator.<sup>6</sup> Sir James Melville of Halhill recalled that the Privy Council had initially asked that Robert Keith undertake the mission, but he excused himself because of his old age and poor health, and suggested that Marischal replace him.<sup>7</sup> This, it seems, is wrong: although Altrie was granted leave by the Privy Council to remain at home due to his poor health in July 1587, he had no diplomatic experience and was of insufficient rank for such a prestigious task.<sup>8</sup> Melville was presumably attempting to make sense of the creation of the lordship of Altrie. Although Robert was indeed the recipient of

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<sup>4</sup> R. Bell, ed., *Extract from the Despatches of M. Courcelles, French Ambassador at the Court of Scotland* (Edinburgh: Bannatyne Club, 1828), 79; *CBP*, i, 268.

<sup>5</sup> Dingwall had trading links to Denmark and had served as ambassador there for the Swedish Crown. *CSP, Scotland*, iv, 692; *ATCR*, XXXI, 298-304.

<sup>6</sup> Melville, *Memoirs*, 353; *RPS*, 1587/7/20.

<sup>7</sup> Melville, *Memoirs*, 365, 367.

<sup>8</sup> *NRS*, PS1/55, 138r.

this gift, he only really received the title. The lordship was immediately entailed to Marischal, who was already the feuar of all its lands.<sup>9</sup>

Marischal requested that Lord Dingwall accompany him on the mission, as well as James Scrymgeour, the Constable of Dundee, who also had experience travelling around the Baltic.<sup>10</sup> Two lawyers were also appointed, John Skene and William Fowler, as well as James' secretary George Young.<sup>11</sup> The composition of this team was not without criticism. Resentful that he had not been chosen, Peter Young, a driving force behind the preliminary marriage negotiations, commented that Marischal and Dingwall 'will not both make a wise man'.<sup>12</sup> However, after Young had calmed down, he later conceded that Marischal had excellent experience derived from travel, great ability with languages, and the requisite nobility for the task.<sup>13</sup>

Marischal and his team were assigned for the mission, but a number of factors combined to delay their eventual departing, not least the protracted nature of the initial negotiations. James and Chancellor Maitland did not wish to send the full, formal and final delegation under Marischal until the match looked to be certain, for fear of a humiliating rebuke.<sup>14</sup> When things were assured, Marischal expected to sail for Denmark in April 1589.<sup>15</sup> However, that month the Brig o' Dee rebellion (detailed in chapter two) caused the voyage to be postponed while Marischal marshalled troops for the king and order was restored to the north east.<sup>16</sup> Once the dust had settled Marischal resumed preparations.

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<sup>9</sup> Buchan, *Noble Family of Keith*, 43-47.

<sup>10</sup> H. Rollock, *De augustissimo Iacobi VI Scotorum Regis, & Annae, Frederici 2, Danorum Regis filiae conjugio, 13 Kal. Septemb. 1589. in Dania celebrato, Georgio Scotiae Mareschallo sui Regis vicem obeunte, epithalamium*, trans. D. McOmish (Glasgow: Bridging the Continental Divide, 2014) <[http://www.dps.gla.ac.uk/delitiaie/display/?pid=d2\\_RolH\\_001&aid=RoIH](http://www.dps.gla.ac.uk/delitiaie/display/?pid=d2_RolH_001&aid=RoIH)> [accessed 1 September 2015].

<sup>11</sup> Melville *Memoirs*, 368.

<sup>12</sup> *CSP, Scotland*, x, 95.

<sup>13</sup> Bodlian Library MS Smith 77 ff.145-148 .

<sup>14</sup> Stevenson, *Scotland's Last Royal Wedding*, 13-14.

<sup>15</sup> Moysie, *Memoirs*, 73; *CSP, Scotland*, x, 11.

<sup>16</sup> *CSP, Scotland*, x, 25.

Further delays now came through a new challenge from Chancellor Maitland. Maitland was unenthusiastic about the whole Danish match, considering it to have been forced upon James by ‘mean men for their own glory’, referring to Young and Colonel Stewart.<sup>17</sup> Maitland instead wanted James to marry the sister of King Henry of Navarre, (later Henry IV of France). James wavered. After ten days of indecisive debate, on 28 May, Marischal, who had been idly sitting on the side-lines of this dispute, discharged two of his ships in exasperation, evidently not expecting to set sail in the immediate future.<sup>18</sup> This act sparked considerable anxiety among those who wanted the Danish match, especially the Town Council of Edinburgh, which was eager to secure advantageous trade in the Baltic. The council immediately went to the king to compel him to favour Denmark: James gave way and finally confirmed that the match with Anna was the one to be pursued and that Marischal should prepare to sail as soon as possible.<sup>19</sup> Marischal’s frustrated gesture had forced the issue, and Maitland was not pleased that his plans for the Navarre match had been thwarted.<sup>20</sup>

Initially, Marischal and the Keiths were only to receive the Lordship of Altrie for the mission and none of the taxation of £100,000, only an exemption from paying towards it.<sup>21</sup> As the Keiths had been enjoying the revenues of the abbey since 1547, this was not much of a reward for such a substantial and costly undertaking. Although reasonably affluent, Deer was far from being the wealthiest former monastic institution in Scotland, emphasised by the fact that while abbeys such as Dunfermline or Arbroath were hotly fought over, the Keith acquisition of Deer went entirely uncontested. The income in 1573, after the third was removed, was around £448 5s. 8d. a year, a decent sum in itself, but paling in comparison to Dunfermline (£908 13s 4d), Melrose (£1,697 11s. 5d.) or Arbroath

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<sup>17</sup> *Ibid.*, 97.

<sup>18</sup> *Ibid.*, 77, 81-82, 88.

<sup>19</sup> Cameron, *Warrender Papers*, i, 105.

<sup>20</sup> *CSP, Scotland*, x, 97.

<sup>21</sup> *RPCS*, iv, 628-629.

(£2,553 14s.).<sup>22</sup> In light of this apparently slender reward, on 4 June 1589 it was agreed that in order to cover some of his expenses Marischal should take £10,000 from Queen Elizabeth's subsidy to James (an occasional sum of money granted by the English queen to the Scottish king in order to keep his good favour). The earl also borrowed £1736 13s. 4d. specifically for his personal expenses in Denmark, which he later claimed back from the collector of the marriage tax. Marischal also borrowed an additional £8000 at this time, although this seems to have been a general loan for other purposes, as he did not claim it back from the taxation.<sup>23</sup> This indicates that although the mission was expensive, it was within his means to undertake and suggests that he considered it worth it in terms of the potential prestige and political favour. In later life the earl certainly took a great deal of pride in having undertaken the task, and it was recognised as a point of prestige: in his funeral procession in 1623 the sealed commission for the mission was paraded directly in front of his coffin on a velvet cushion.<sup>24</sup>

On 10 June 1589 that commission for Marischal 'to treat for the Marriage of Princess Anne of Denmark' was signed by the king.<sup>25</sup> Marischal was given a list of points of negotiation by Maitland, concerning Anne's dowry, Scottish trade, military alliances and the Orkney and Shetland Islands. These points were perceived by many at court to be overly excessive and intentionally made unreasonable by Maitland to sabotage the mission. It was feared that Maitland would thus cause the Danes to reject the marriage and

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<sup>22</sup> All of these figures should be used with caution, but might be taken to show the comparative wealth of the institutions. Kirk, *Thirds*, 23-29, 207-209, 358-363, 458-459.

<sup>23</sup> This loan may have been for the 1589 building works at Keith Marischal House, especially as the loan being secured against that estate. NRS, RD1/30, ff.503v- 504r; RD1/33, ff.8r-10v; *RPS*, 1592/4/25; J. Marwick, ed., *Extracts from the records of the Burgh of Edinburgh* (Edinburgh: Scottish Burgh Record Society, 1882), iv, 543-544; J. Goodare, 'Parliamentary Taxation in Scotland, 1560-1603' *SHR* 68 (1989), 50; NRS, PS1/60 f.6r; *CSP, Scotland*, x, 88, 94; BL, Add MS 22958, f.4v; H. Sangster, 'Parish of Humbie', in *OSA*, vi, 162.

<sup>24</sup> Court of the Lord Lyon, 'Funerals', vol.36, 36.

<sup>25</sup> Copied and translated in Barron, *Dunnottar Castle and its History*, 134-137.

embarrass Marischal.<sup>26</sup> Nevertheless, at last, on 17 June Marischal and his company sailed for Denmark.<sup>27</sup>

### **June-November 1589: The Marriage in Denmark**

Marischal arrived in Copenhagen on 29 June 1589 and was warmly received.<sup>28</sup> After the initial formalities he set forward the Scottish demands for the marriage, which were too much, as expected. The Danes rejected them. They accused the Scots of attempting to break off the marriage with such unreasonable conditions and set a deadline, 24 August, for the negotiations to be concluded. They also wanted Marischal to return to Scotland to tell James this himself, in order to underline their seriousness.<sup>29</sup> Marischal, already humiliated, wisely avoided this further embarrassment to himself and his country and took the opportunity to visit the nearby German cities and the Princes of the Holy Roman Empire as he had been ordered by James, while sending Dingwall, Young and Skene back to Scotland to ask for further instructions.<sup>30</sup>

On 26 July Dingwall, Young and Skene arrived in Aberdeen, finding the king there. They reported that no headway had been made in the negotiations and that it was Maitland's fault, due to the ridiculous conditions.<sup>31</sup> Marischal's employment of his kinsmen in the embassy had also been used as leverage against the Scots in the negotiation, as a letter they carried conveyed the Danes' disapproval of the choice of Dingwall. Dingwall had previously been the Swedish ambassador to the Danes, and then he had apparently been an 'offensive' negotiator. The Danes would not entertain Marischal or Dingwall again unless the Scottish demands were reduced.<sup>32</sup> The Danish criticism of Dingwall was disregarded by the Scots as negotiation bluster, and he was given £1000 to

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<sup>26</sup> *CSP, Scotland*, x, 95, 97, 103-105; 'The Danish Account of the Marriage' in Stevenson, *Scotland's Last Royal Wedding*, 79-83 (hereafter 'Danish Account').

<sup>27</sup> *CSP, Scotland*, x, 108.

<sup>28</sup> *CSP, Scotland*, x, 115.

<sup>29</sup> 'Danish Account', 79-83; *CSP, Scotland*, x, 131.

<sup>30</sup> *CSP, Scotland*, x, 132.

<sup>31</sup> *Ibid.*, 123, 126; *RPCS*, iv, 505; Moysie, *Memoirs*, 78.

<sup>32</sup> *CSP, Scotland*, x, 132.

cover the costs incurred in coming back to Scotland and a further £1666 14s. 4d. to take two ships for a return visit.<sup>33</sup> On 4 August a Privy Council meeting was held and Dingwall was dispatched with orders to accept whatever terms were offered and to bring Anna back without delay.<sup>34</sup> James wrote to Marischal with the same orders, but also thanked and praised him for his good judgement in having remained in Denmark and saving the mission.<sup>35</sup> Therefore, after Dingwall had returned to Denmark, on 20 August the marriage contract was finalised and the marriage ceremony was held, where Marischal stood as proxy for King James.<sup>36</sup> Marischal made speeches in German on behalf of James and there was a great banquet and heavy drinking.<sup>37</sup> At the wedding Marischal also presented Anna with a jewel he had purchased on behalf of the king.<sup>38</sup>

With the marriage complete it was now time to leave. When Marischal embarked for home he was presented with rich gifts in thanks for his efforts. A later account described as ‘ane ritche jowell, all set with dyamontis’ worth £4000 and ‘the Quene of Denmarkis pictour in gold, set about with ritche dyamontis’ worth £3333 6s. 8d.<sup>39</sup> Another gift, less spectacular, but no less expensive and certainly more useful, was a quantity of timber, which he used in the reconstruction of his palace of Keith Marischal in East Lothian.<sup>40</sup>

On 5 September Anna’s fleet sailed from Copenhagen. Around 8 September they stopped at Flekkerøy for six days (figure seven).<sup>41</sup> At the same time preparations were made for the Queen’s arrival in Scotland, which was expected at the end of the month.<sup>42</sup>

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<sup>33</sup> NRS, E22/14, f.92v; E21/67, f.159r.

<sup>34</sup> *CSP, Scotland*, x, 132; *RPCS*, iv, 405; NRS, E22/14, f.89r.

<sup>35</sup> Folger Shakespeare Library, X.c.108; BL, RP 7260.

<sup>36</sup> Barron, *Dunnottar Castle and its History*, 134-137; *RMS*, 1580-1593, 594-595

<sup>37</sup> ‘Danish Account’, 85-86; Rollock, *De augustissimo Iacobi VI Scotorum Regis*.

<sup>38</sup> Stevenson works out the value at £12,600, although this is based upon a misreading of the accounts as 1000 thalers, when they actually read 1030. Stevenson, *Scotland’s Last Royal Wedding*, 23; BL, Add MS 22958 f.8v.

<sup>39</sup> Pitcairn, *Trials*, iii, 562-564.

<sup>40</sup> H. Sangster, ‘Parish of Humberie’, in *OSA*, vi, 162.

<sup>41</sup> ‘Danish Account’, 86-90.

<sup>42</sup> *CSP, Scotland*, x, 150, 154.

Lord Dingwall arrived in Stonehaven on 15 September and brought news that he had been separated from the main fleet by bad weather, but expected it to be not far behind.<sup>43</sup> The Queen's fleet had, however, been forced back. A second attempt was also driven back by a storm, then a third attempt, when several ships were scattered, including Marischal's own, the *Gabriel*. The fleet reassembled at Flekkerøy by 25 September, where they remained for eight days.<sup>44</sup> In Scotland they were still expected at any moment and James was growing increasingly frustrated.<sup>45</sup> On 2 October there was still no news and James dispatched search parties.<sup>46</sup>

A fourth attempt to cross the North Sea was made and the fleet put to sea for two days, but was yet again forced back to Flekkerøy. The Danish admiral Peder Munk and the Danish ambassadors decided to give up and return to Denmark for the winter. Marischal argued strongly against this - he wanted to put Anna aboard a smaller ship to brave the seas - but the Danes refused. He at least stopped them from heading back to Copenhagen and a compromise was reached whereby the fleet headed to Oslo to winter there. On 10 October news of this turn of events arrived in Scotland.<sup>47</sup>

Marischal's insistence on the Oslo compromise appears to have suited no one, but its significance has been missed. By at least getting part of the way Marischal was demonstrating to the king that he had done everything in his power to get Anna back to Scotland that year. Marischal was presumably hoping that the Scots would send their own fleet with the authority to bring Anna back to Scotland as soon as possible. However, impatient now for his new Queen, on 22 October James himself set sail for Norway with a large retinue of courtiers and noblemen, Chancellor Maitland and Sir William Keith of

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<sup>43</sup> *Ibid.*, 155; Moysie, *Memoirs*, 79.

<sup>44</sup> 'Danish Account', 86-90.

<sup>45</sup> *CSP, Scotland*, x, 157.

<sup>46</sup> *Ibid.*, 162; Cameron, *Warrender Papers*, i, 109.

<sup>47</sup> *CSP, Scotland*, x, 167; 'Danish Account', 86-90; G. Akrigg, *Letters of King James VI and I* (London: California University Press, 1984), 94-95.

Delny among their number.<sup>48</sup> By persuading the Danes to settle on Oslo, Marischal's obduracy had made James' bold, unexpected and famous action possible.

### **1589-1590: James and Anna's Honeymoon**

James arrived in Oslo on 19 November.<sup>49</sup> On 23 November James was married in the religious ceremony; two days later, Marischal was thanked for his good work and released from his office of ambassador.<sup>50</sup> On 15 December Dingwall again returned to Scotland, to Leith, with news of the marriage. He also brought the additional gossip that Marischal was now in conflict with Maitland.<sup>51</sup>

Before heading to Denmark, Marischal was part of Maitland's faction.<sup>52</sup> Marischal's animosity towards Maitland had risen during the chancellor's obstruction of the Danish match and then because of his unreasonable points of negotiation, which had embarrassed the earl. This pent-up frustration was released on the 19 November, in an argument over precedence. Marischal, having become used to being treated like a king for five months, argued that he should have priority of place over Maitland, 'be raisoun that he was ane ancien erle, and had bene employed in that honorable commission'.<sup>53</sup> Maitland resisted and James supported him, further humiliating the earl. James' Scottish followers thereafter 'wair devydit into twa factionis': one for Marischal, supported by Scrymgeour and Dingwall; the other for Maitland, which, crucially, had the favour of the king.<sup>54</sup>

Maurice Lee has suggested that Marischal was primarily upset over money as he wanted to use part of Anne's dowry to defray his costs as ambassador, a move which

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<sup>48</sup> Melville, *Memoirs*, 372; *CSP, Scotland*, x, 421; Moysie, *Memoirs*, 80.

<sup>49</sup> Moysie, *Memoirs*, 80; 'Danish Account', 86-90.

<sup>50</sup> Moysie, *Memoirs*, 81; Stevenson, *Scotland's Last Royal Wedding*, vii, 35-36; *RPCS*, iv, 438-440.

<sup>51</sup> Moysie, *Memoirs*, 81; *CSP, Scotland*, x, 221.

<sup>52</sup> *CSP, Scotland*, x, 64.

<sup>53</sup> Melville, *Memoirs*, 372.

<sup>54</sup> *Ibid.*, 372-373.

Maitland blocked. Maitland had apparently already spent part of it, which doubly irritated Marischal.<sup>55</sup> Money, however, was only a small part of the problem, but obviously, with the expedition prolonged over the winter, Marischal's costs grew far greater than he had initially expected. Eventually Marischal was granted 6030 thalers (about £14,472) by Maitland, to cover the cost of the expensive jewel purchased for Anna's wedding gift.<sup>56</sup> Money was a side issue: this small gesture was not enough to make up for Maitland having insulted Marischal's honour and embarrassed him on several occasions.

As a more severe and lasting consequence of Marischal and Maitland's quarrel, 'George Hum schot out quyetly Willyem Keith, fra his office of master of the garderob.'<sup>57</sup> The removal of Sir William Keith of Delny from the king's wardrobe now became a serious cause of enmity between Marischal and Maitland. George Home's wife was Elizabeth Gordon of the Gight family, so Marischal's feud with Huntly was no doubt feeding into this.<sup>58</sup> Maitland and Home sullied Delny's reputation with the king and James had apparently taken displeasure with Delny 'that he was noted to have bein more riche in his apperrell then the king', embarrassment for James in front of the Danes and the new in-laws.<sup>59</sup> Although Maitland could settle with Marischal to some extent over money, as James had taken exception to Delny, it was harder to make peace with the earl, who saw the chancellor as responsible. Maurice Lee saw this whole episode as entirely unnecessary, arguing that Maitland's arrogance served only to alienate one of the few nobles who may have been sympathetic to his programme of reform.<sup>60</sup> Marischal and Maitland kept the dispute civil to avoid embarrassing the king; on 20 March 1590 it was reported that they were outwardly but not inwardly soothed.<sup>61</sup> Together they sued for a royal pardon for the exiled David Cunningham of Robertland, who had been involved in the murder of Hugh

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<sup>55</sup> Lee, *John Maitland*, 205-206.

<sup>56</sup> BL, Add MS 22958, f.8r.

<sup>57</sup> Melville, *Memoirs*, 372.

<sup>58</sup> Meikle, *The Scottish People*, 236.

<sup>59</sup> CSP, *Scotland*, ix, 276.

<sup>60</sup> Lee, *John Maitland*, 205-206.

<sup>61</sup> CSP, *Scotland*, x, 256.

Montgomerie, fourth Earl of Eglinton in 1586, as part of an on-going feud between the Cunninghams and Montgomeries.<sup>62</sup>

On 30 November a large company of James' entourage left for Scotland, leaving the king with Maitland and Marischal and their respective followers. Delny stayed with the earl, hoping that by staying near the king he might regain his office.<sup>63</sup> The Scottish party then headed to Denmark, where they arrived on 21 January 1590.<sup>64</sup> In Denmark we are told that James 'maid guid cheir, and drank stoutlie till spring tyme'.<sup>65</sup> In the intervals between drinking, James and his entourage mainly hunted, but also made excursions, as on 19 April when they visited the astronomer Tycho Brahe on his island of Hven.<sup>66</sup>

In the spring James, his wife and their entourage returned to Scotland, arriving at Leith on 1 May 1590.<sup>67</sup> At Anna's coronation on 17 May, Marischal signed the confirmation of the marriage contract and Dingwall, in the office of 'under Marischal', was given the honour of walking in front of the king and behind the heralds into Holyrood Abbey during the coronation ceremony.<sup>68</sup> Marischal's main role at this time was to attend to the Danish Ambassadors while they were in Scotland.<sup>69</sup>

Marischal had been away ten months in total. A taxation of £100,000 had been raised for the marriage, from which Marischal claimed his loan of £1736 13s. 4d. and the interest which had taken it to £2419.<sup>70</sup> He had been given £10,000 from Elizabeth's subsidy, a further £14,472 from Anna's dowry to cover some of his expenses, and had received gifts worth at least £7333 6s. 8d. This meant he received a total of £34,224 6s. 8d., aside from the Lordship of Altrie. It is impossible to know if this adequately met the

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<sup>62</sup> 'Danish Account', 95; *Scots Peerage*, iii, 442-443.

<sup>63</sup> Melville, *Memoirs*, 410; 'Danish Account', 95.

<sup>64</sup> 'Danish Account', 99.

<sup>65</sup> *JMAD*, 277.

<sup>66</sup> 'Danish Account', 99; *CSP, Scotland*, x, 256.

<sup>67</sup> Moysie, *Memoirs*, 83.

<sup>68</sup> Moysie, *Memoirs*, 83; *RMS*, 1580-1593, 594-595, no.1733.

<sup>69</sup> Calderwood, *History*, v, 62; E22/14 ff.113r, 206r.

<sup>70</sup> *RPS*, 1592/4/25; *NRS*, RD1/30, ff.503v- 504r; Goodare, 'Parliamentary Taxation', 50.

entirety of the earl's expenses. We know the jewel he purchased for Anna cancelled out the money received from the dowry. Ship hire for ten months may have cost him around £18,000, more than we know he received for the mission in total. However, as he did not claim the additional £8,000 loan he had also taken out before departing for Denmark, this suggests his expenses had not outstripped his income by much.<sup>71</sup> Lord Dingwall, on the other hand had spent at least £5,000 and had lent the king furnishings worth a further £1,000, for which he was not remunerated until January 1592.<sup>72</sup> Marischal does not seem, therefore, to have been out of pocket. He was, however, out of favour. Sir James Melville of Halhill asserted that James soon confided to him that he regretted having sent Marischal, the Constable and Dingwall at all, which Halhill thought was the result of Maitland's discrediting the earl to the king. Melville replied:

I said, that I understode that the Erle Marchall, for his awen part, had behaved him self very honorably and discretly, as the [Danish ambassadors] had informed him.

The king would not listen though; his opinion of the earl was tarnished.<sup>73</sup>

### **1590-1591: Maitland**

Back in Scotland, Marischal found ready allies in his dispute with Maitland. One of the primary causes of the Brig o' Dee rebellion in 1589 had been Huntly and Bothwell's resentment of the power of the chancellor. Over time, animosity towards his reforming policies and political actions had grown. Maurice Lee suggests that Maitland set about bringing the nobility to order, to curb their 'great power and lawless behaviour'. The nobles, however, perceived this as an attack on their very existence and the basis of their powers,

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<sup>71</sup> Hire of the ship, the *Gift of God*, cost the earl £600 a month and we know he initially hired three ships. NRS, RD1/33, ff.8r-10v.

<sup>72</sup> NRS, PS1/63, ff.117v-118v.

<sup>73</sup> Melville, *Memoirs*, 374.

both at court and in the locality. Maitland's humiliation of Marischal in Denmark was seen as an embodiment of the chancellor's intent towards the rest of the nobles.<sup>74</sup>

Although returning low on favour, Marischal retained his own position at court. However, he had lost his permanent man at court and voice in the king's ear, Sir William Keith of Delny, now expelled from James's household and his office of master of the king's wardrobe. The only Keith now near the king's person was Andrew Keith, a mere usher.<sup>75</sup> It was no secret that Marischal was openly hostile to Chancellor Maitland; various parties including the king sought to reconcile them. On 16 May 1590 it was arranged that their feud would be resolved in the following week, after Anna's coronation.<sup>76</sup> Marischal stipulated that he would only reconcile with Maitland if Delny was restored to the king's favour.<sup>77</sup> Nothing came of this attempted settlement.

At the start of October 1590 Dingwall went to James at Linlithgow to lobby on behalf of Delny, but met with no success. By this point Maitland was earnestly seeking to reconcile with Marischal, as he and the Master of Glamis both tried to treat with the king on behalf of Delny, again with no success.<sup>78</sup> Maitland was in serious trouble politically and had created a number of powerful enemies among the higher nobility because of his reforming policies, the restrictions he was placing on royal patronage and on access to James. He was therefore desperately in need of allies.<sup>79</sup> As Marischal had supported him before the mission to Denmark, the earl was an obvious person to reconcile with as soon as possible. Despite Maitland seeking Marischal's support and attempting to restore Delny at court, the damage had been done. James would not restore Delny and ordered him to stay away from court.<sup>80</sup> Marischal still blamed Maitland for the king's negative opinion of

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<sup>74</sup> Lee, *Government by Pen*, 3-9.

<sup>75</sup> J. Gibson Craig, *Papers Relative to the Marriage of King James the Sixth of Scotland* (Edinburgh: Bannatyne Club, 1828), Appendix 24, 32.

<sup>76</sup> *CSP, Scotland*, x, 294.

<sup>77</sup> *Ibid.*, 299.

<sup>78</sup> *Ibid.*, 401.

<sup>79</sup> Goodare, 'The Nobility and the Absolutist State', 161-182.

<sup>80</sup> *CSP, Scotland*, x, 401.

Delny. With James' intransigence, the chancellor could not backtrack and extricate himself from the wrath of Marischal.

In September, Maitland had a reprieve when Keith focus was wrenched away from court and towards Buchan. In September 1590 Marischal's youngest brother Robert seized the Abbey of Deer. This action was presumably rooted in his on-going dissatisfaction with his provision from the earldom. The targeting of Deer was symbolic, as for two previous generations the second sons, both also called Robert, were made commendators of the abbey.

English observers remarked that Robert's seizure of Deer was part of the general discord in the north caused by Huntly's feuds against Marischal, Atholl, Moray and the Grants.<sup>81</sup> While James was in Denmark, the Earl of Bothwell had set about forming a 'Stewart faction' at court, which included the Earls of Moray and Atholl. As neighbours to his lands and rivals in the pursuit of spheres of influence in the locality, this was a dangerous development for Huntly, and he was active in resisting their advances and activities. Huntly would have been keen, therefore, to destabilise Marischal's lordship so that he could not directly assist the Stewarts.<sup>82</sup> Since the failure of the Brig o' Dee rebellion, Huntly had been active in fostering support for himself among the discontented supporters of his rivals, which became a successful strategy in wrong-footing his enemies, including Moray, Atholl and Argyll.<sup>83</sup> For example, Huntly was seen as the mastermind behind John Campbell of Ardkinglas' assassination of John Campbell of Cawdor (who was also married to Marischal's aunt) on 4 February 1592, in a move to destabilise the lordship of the young Earl of Argyll.<sup>84</sup> It is probable that while Marischal was in Denmark Huntly had fostered Robert's discontent, seeing the youngest brother as an obvious weak spot; and

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<sup>81</sup> Ibid., 423; Moysie, *Memoirs*, 85.

<sup>82</sup> Ives, *The Bonny Earl of Moray*, 20-24.

<sup>83</sup> Grant, 'George Gordon', 290-292.

<sup>84</sup> J. MacPhail, ed., *Highland Papers*, 4 vols (Edinburgh: SHS, 1914), i, 143-194; *CSP, Scotland*, x, 705.

we know that Robert was certainly assisted by Huntly's man, Captain John Gordon of Buckie.<sup>85</sup>

Marischal and Altrie were granted royal permission to raise troops from the Mearns, Forfarshire, Aberdeenshire and Banffshire.<sup>86</sup> Aberdeen raised forty hagbutters alone and we might extrapolate a substantial force of a few hundred men were raised beyond this, buttressed by the earl's own collection of artillery.<sup>87</sup> Marischal's force arrived outside the abbey, initiating a siege. Exactly how much fighting was involved is unclear. The two forces may have simply faced off while negotiations carried back and forth, especially as the earl may have been wary of causing damage to the abbey. Such an approach would also explain the unusually long length of the siege.<sup>88</sup> On 4 December, a month into the stand-off, at a parlay at the nearby kirk of Old Deer William Jak and Hew Crawford, representatives of Robert, provisionally agreed to surrender and deliver the abbey.<sup>89</sup> Yet for some reason nothing happened and the stalemate continued. Then, on 15 December, after six weeks of deadlock, Marischal's forces managed to dislodge Robert from the abbey, who then dramatically fled with some of his men to the nearby castle of Fedderat. Marischal pursued him there. After a failed attack on the castle on 18 December the two sides called a truce.<sup>90</sup>

On 2 January 1591 arrangements were made that Alexander Marshall of Bracklamore would surrender the abbey. From this agreement we learn that the majority of the family had remained loyal to the earl. Siding with Marischal and Altrie were Lord Dingwall, the out of favour Sir William Keith of Delny and Marischal's other brother John Keith of Troup.<sup>91</sup> Robert, by contrast had a disparate group of local supporters and servitors, his principal agents being Captain John Gordon, Patrick Chalmer, William Jak

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<sup>85</sup> *RPCS*, iv, 679.

<sup>86</sup> *RPCS*, iv, 533; *Aberdeenshire-Banff Illustrations*, ii, 423-424.

<sup>87</sup> *ATCR*, XXXIII, 806; *NLS*, MS 21183, ff.47-48.

<sup>88</sup> Long sieges were very rare. see R. Crawford, 'Warfare in the West Highlands and Isles of Scotland, c. 1544-1615' (University of Glasgow PhD Thesis, 2016).

<sup>89</sup> *RPCS*, iv, 552.

<sup>90</sup> *Aberdeenshire-Banff Illustrations*, ii, 423-424; *History of Scots Affairs*, i, xxxiii.

<sup>91</sup> *RPCS*, iv, 561.

and Andrew Clerk.<sup>92</sup> However, Robert had limited support from within the kingroup, including Nathaniel Keith, son of the Laird of Ludquharn, no doubt still resenting the earl's murder of his brother in 1585.<sup>93</sup> After an agreement had been reached, Marischal left his kinsmen to tidy up the mess: by 13 February he was back at court.<sup>94</sup> However, it appears that matters were not properly resolved, as on 13 February Altrie and Robert skirmished near the abbey, and a man on Altrie's side called Macnab was killed. Robert then raided Altrie's house of Mintlaw and carried off a number of possessions.<sup>95</sup>

While Marischal was in the north dealing with Robert, in Edinburgh efforts were made to encircle Maitland. Attempts were made to reconcile Marischal and Huntly, through the mediation of Lord Home, Marischal's brother-in-law.<sup>96</sup> At this time Huntly was actively seeking to return to a position of influence at court and was happy to make friends with old enemies to achieve this. By reconciling with Marischal, Huntly could also concentrate all his efforts on his increasingly intense and bloody feud with the Earl of Moray along the Moray Firth.<sup>97</sup> Marischal and Huntly met in Montrose in February and reached an amicable settlement.<sup>98</sup> Marischal's focus now turned back towards the court and he was present there throughout most of the spring.<sup>99</sup> In early June 1591 Marischal entertained Huntly at Dunnottar, with representatives of the Earls of Erroll and Montrose, and together they agreed that 'by their preseace and that of their friends at court they should be able to beard the Chancellor in court and session and abate his greatness'.<sup>100</sup> For Marischal to settle and make an alliance with his former enemy indicates the depth and severity of feeling the earl had developed against Maitland.

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<sup>92</sup> *Ibid.*, 679.

<sup>93</sup> *Ibid.*, 569.

<sup>94</sup> *CSP, Scotland*, x, 449; *RMS*, 1580-1593, 614, 616, nos.1808,1815.

<sup>95</sup> *Aberdeenshire-Banff Illustrations*, ii, 423; *RPCS*, iv, 679.

<sup>96</sup> *CSP, Scotland*, x, 449; *RMS*, 1580-1593, 614, 616, nos.1808,1815.

<sup>97</sup> Grant, 'George Gordon', 297-299; Ives, *Bonny Earl of Moray*, 20-24.

<sup>98</sup> *CSP, Scotland*, x, 454; 456, *RPCS*, iv, 476, 583, 586; *RMS*, 1580-1593, 617, 619, nos.1815, 1826, 1827.

<sup>99</sup> *RMS*, 1580-1593, 622,623,624,627, 632, 634-635, nos. 1833-1835, 1838, 1844, 1852, 1868, 1874.

<sup>100</sup> *CSP, Scotland*, x, 532.

Now Marischal joined the faction of nobles who were prepared to use force to oust the chancellor. The nobility had been further incensed by the fall of the Earl of Bothwell. Bothwell had ruled Scotland with the young Duke of Lennox while James was in Denmark, but after the monarch's return had been accused of treason and witchcraft and was subsequently imprisoned. He had dramatically escaped and this initiated a period which Edward Cowan named the 'comedy of the cousins', a protracted dance between the earl and the king. Bothwell was vehemently disliked by James, but was popular with the Kirk and Protestant nobility. Bothwell was convinced that he could influence James and reverse Maitland's innovations in government, who he saw as the root of all political problems in the realm.<sup>101</sup> On 22 June 1591, the same day that Bothwell escaped from ward, Marischal, Dingwall, Delny, the Earl of Erroll, John Gordon of Gight and the Master of Glamis assembled in Edinburgh with their retainers.<sup>102</sup> Hearing of this, James summoned Marischal and Erroll to explain themselves, although they managed to convince James that they had no evil intent against Maitland.<sup>103</sup>

A letter from Marischal's servitor George Fraser of 15 July 1591 mentions that Delny had met with Huntly and Lord Spynie, and while the result of the meeting is left obscure, it shows that some form of plotting was afoot.<sup>104</sup> On 26 July Marischal met with Huntly and Home, apparently in an attempt to kill Maitland, with their retinues making a force of some hundred well-armed horsemen. They were discovered by the city watch of Edinburgh and were forced to withdraw.<sup>105</sup> A few days later the king came to hear that Marischal, Home and Bothwell were in the vicinity of Edinburgh, apparently to kill the chancellor, all apparently spurred on by Delny. He ordered that Bothwell be apprehended and Marischal and Home warded, as well as the Master of Glamis and Keith of Delny, the apparent masterminds of the scheme. Marischal and Home were warned that the plan was

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<sup>101</sup> Cowan, 'The Darker Side of the Scottish Renaissance', 125-140.

<sup>102</sup> *CSP, Scotland*, x, 535; Moysie, *Memoirs*, 86.

<sup>103</sup> *CSP, Scotland*, x, 536.

<sup>104</sup> NLS, MS 21174, ff.5-6.

<sup>105</sup> *CSP, Scotland*, x, 548.

discovered and so withdrew. However, acting alone, presumably hoping to talk with the king and lay out his grievances, Marischal went to James at Wemyss. He was not given access and was immediately warded. After being examined by the king and council on 30 July, Marischal stated that he and Home had only met for private business, denying any conspiracy against the chancellor, or any contact with Bothwell. The king and council did not believe him, and he was imprisoned in Edinburgh Castle.<sup>106</sup> In a panic, and now without the protection of his lord, Delny met with Bothwell and joined the outlaw's retinue and cause. When news of this came to the king, his estates were forfeited. Without the protection of Marischal, Delny fled into exile with Bothwell.<sup>107</sup> Overnight, it seemed as though the Keiths were destroyed as a political force.

A week later Marischal was still in Edinburgh Castle and pleaded to be properly tried to prove his innocence. Things may have initially seemed dire, but such strong action was not needed. He was not considered a troublemaker and it was intended that he should be released, restored to the king's favour, and properly reconciled with Maitland.<sup>108</sup> Thus, by 8 August Marischal had been set free. Queen Anna had written to James on Marischal's behalf and she would even have travelled to the king to secure his release had it not already happened. This is a tantalising glimpse into the relationship the earl and Anna had formed in Denmark, but on which the record is largely silent.<sup>109</sup> It was reported that Marischal 'be fair wordis and uther moyene [means], he is ane greit courteour agane baithe with the king and chanceler'.<sup>110</sup> On 12 August he met with Maitland and departed 'with great kindness'.<sup>111</sup> As a result, almost miraculously, the king's intransigence over melted and he was restored to favour. The root of Marischal's feud with the chancellor was at last removed. By 16 August Marischal was again performing court duties, but he retired to his

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<sup>106</sup> *Ibid.*, 550.

<sup>107</sup> *Ibid.*, 554, 556, 560.

<sup>108</sup> *Ibid.*, 556.

<sup>109</sup> *Ibid.*, 560; M. Meikle, 'A Meddlesome Princess: Anna of Denmark and Scottish Court Politics in *The Reign of James VI*, 127-128, 130.

<sup>110</sup> *CSP, Scotland*, x, 564; *CBP*, i, 383.

<sup>111</sup> *CSP, Scotland*, x, 564.

estates in September.<sup>112</sup> This whole incident was something of a mixed result for the earl. He had been imprisoned and humiliated and had been forced to submit to king and chancellor. Fortunately for the earl, the king (perhaps influenced by his new wife) was in no mood to punish. The chancellor needed Marischal as a strong force in the north to counter-balance the power of Huntly. Therefore this defeat did not lead to any major material loss for the earl and he avoided facing exile or forfeiture. He had at last properly reconciled with Maitland and had achieved the restoration of Delny.

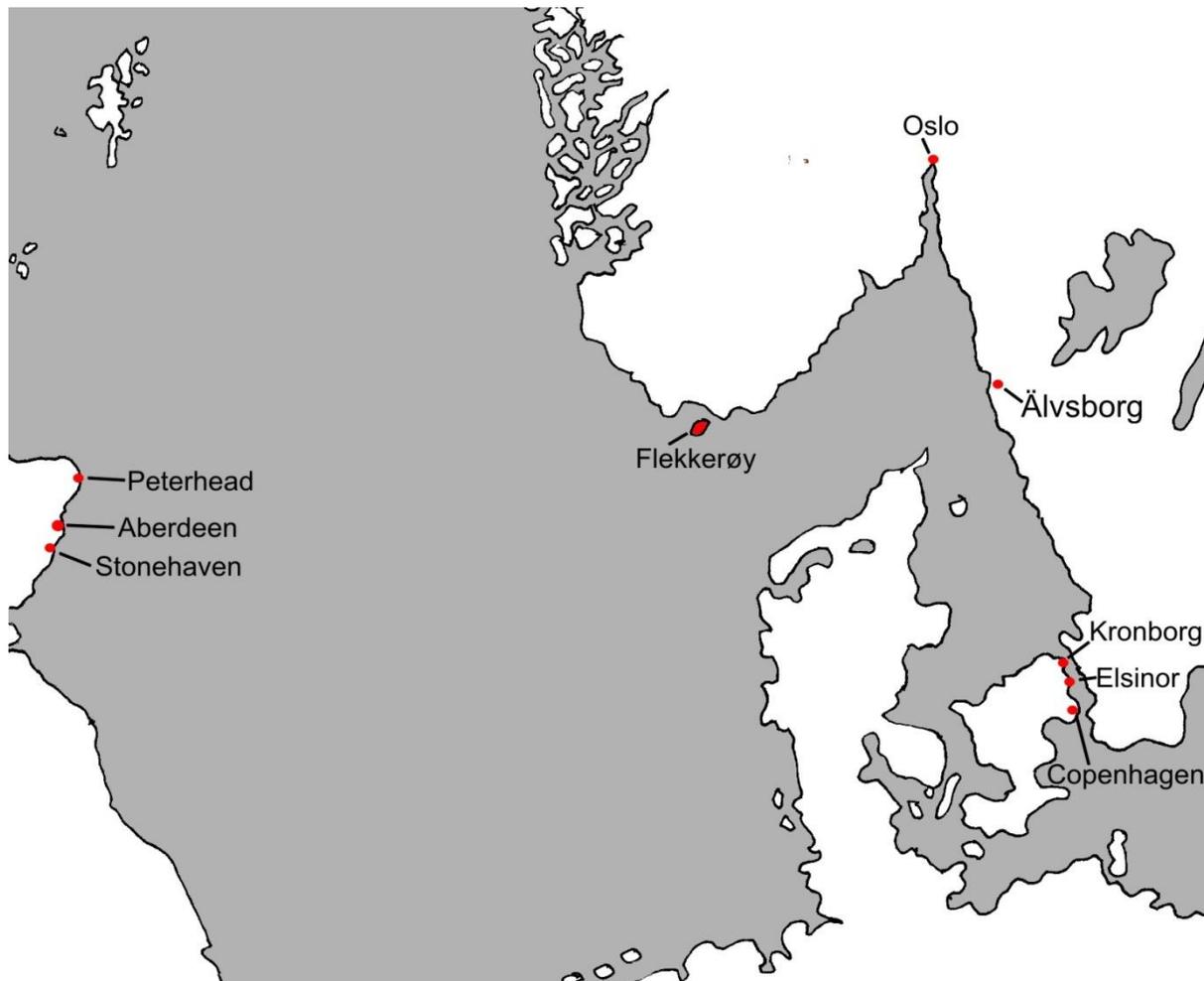
### **Conclusion**

Marischal's feud with Maitland was now over. For Marischal, the initial cause had been the resentments built up during the preparations for the mission to Denmark, intensified and prolonged by the expulsion of Sir William Keith of Delny from the king's chamber, and the impasse created by the king's intransigence over restoring him to favour. Despite the broad range of nobles lined up in opposition to Maitland, Marischal was at a disadvantage. As a territorial nobleman his power came from his land, wealth and kin, while any position at court stemmed from the friends he had there and the favour he might have with the king. As James favoured Maitland and Marischal no longer had Delny in the chamber to represent his interests, he could not hope to compete against the chancellor. This led Marischal to a desperate series of alliances with former enemies, and a number of plots, which led to his imprisonment and humiliation. In the end Maitland won. This feud shows, above all else, the limitations of Marischal's power, especially in court politics.

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<sup>112</sup> *RMS*, 1580-1593, 650, no.1924.

Figure 7: The principle places Marischal and later James visited over 1589-1590



## **CHAPTER 4**

Huntly, again: 1591-1595

Marischal and the Keiths' fortunes had temporarily fallen in 1591, but the earl achieved a quick restoration, not only for himself, but also for his courtier kinsman Sir William Keith of Delny, by submitting to the king and to Chancellor Maitland. Marischal's last major contribution to active court politics followed on immediately from this and was a resumption of his feud with the Earl of Huntly. Although wider court politics fed into this, and the court continued to be a battleground, it was a peripheral one; the resumption of this feud is significant because it returned Marischal to the defence of the earldom itself, with the primary focus being land and kin. The feud with Huntly was mixed up in a broad range of issues, including a number of other noble feuds and the politics of religion and Counter Reformation. This episode was a continuation of the troubles which had formed during James' minority, which had come to a head during the Ruthven and Arran regimes and continued through the 1580s. Importantly, this episode also brought these troubles to a conclusion.

Marischal's reconciliation with Maitland meant that the earl's brief alliance with Huntly was now redundant. Whereas Marischal had attempted to 'beard the chancellor' as they had agreed, and had been punished for the endeavour, Huntly had done nothing and instead reconciled with Maitland, returning to favour at court.<sup>1</sup> No doubt Marischal viewed this as a betrayal, but crucially, while Marischal had been in ward, Huntly had been reappointed Lieutenant of the North. Although wary of Huntly's ambition and power (hence the need for Marischal's release and presence in the north), Maitland had encouraged Huntly's restoration as he now saw Bothwell as the bigger threat. Huntly was a means to check Bothwell's supporters, which included the Stewart Earls of Moray and Atholl.<sup>2</sup> Huntly had lost the lieutenancy after the Brig o' Dee rebellion in 1589, but his reappointment meant that Marischal's lands and men were now threatened again by its

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<sup>1</sup> Grant, 'George Gordon', 298-300.

<sup>2</sup> Brown, *Bloodfeud*, 156-157.

jurisdiction, and this was enough to reignite the old feud.<sup>3</sup> Immediately, Marischal bonded with the Earl of Erroll, Lord Forbes and other lords and lairds of the north in mutual defence against Huntly in his office.<sup>4</sup> In confirmation of everything that these men feared in Huntly's willingness to abuse any authority given to him, on 7 February 1592, he, acting under a royal commission to pursue Bothwell, murdered the Earl of Moray in cold blood at Donibristle in Fife.

The murder was the culmination of a power struggle centred in Moray and Inverness-shire between Huntly and the Gordons on one side, and the Stewart Earls of Moray and Atholl, along with the Grant and Mackintosh kindreds (who had wanted to break free from Gordon domination and seek alternative lordship after the disorder of the Marian Civil War), on the other. The discrediting of the nascent Stewart faction with the downfall of their associate, the Earl of Bothwell, and the incompetence of the lordship of the Earl of Moray, had given Huntly strength. The re-establishment of Huntly's position at court and his re-found favour with the king and chancellor was the tipping point in the feud. The Grants and Mackintoshes found themselves hopelessly exposed and quickly submitted to Huntly. Atholl had been warded for harbouring Bothwell, which left Moray alone and unsupported. Huntly took the opportunity to end the feud once and for all and murdered him.<sup>5</sup> While this had been going on, the lairds and nobles to the east in Aberdeenshire, those who were not closely allied to Huntly, had stayed neutral. Although the Keiths, Forbes and Hays had bonded in defence against Huntly, they had not intervened on behalf of his enemies in the west.

Initially, because of his previous opposition to Chancellor Maitland, court rumour saw Marischal as a supporter of Huntly, supposedly providing 300 horse and 700 foot to

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<sup>3</sup> *CSP, Scotland*, x, 557-558.

<sup>4</sup> *Ibid.*, 586.

<sup>5</sup> Brown, *Bloodfeud*, 156-157; for the position of the Grants and Mackintoshes see Cathcart, *Kinship and Clientage*, especially 173-179, 195-196.

accompany Huntly to Linlithgow to see the king in an impressive show of northern force.<sup>6</sup> This is unlikely, it is possible instead that the king ordered Marischal to escort Huntly in arms to his presence. In any event Marischal was at court from the middle to the end of March, while Huntly was in ward in Blackness Castle. Although Huntly was no longer lieutenant, Moray's murder was utterly unacceptable to Marischal and the rest of the nobility on many levels. It was not only intolerable in the way it was carried out - in the catching of Moray unawares and largely unprotected in his own home - but also in principle. Although feuding might result in the killing of lairds, servants and subordinates, it was rare for great lords to be killed. The principle of the feuding society was that of balance, not of dominance, to negotiate settlement and to avoid escalation.<sup>7</sup> Added to this, especially for the wider society outside of the nobility, the murder of the Protestant Moray by the Catholic Huntly had the added dimension of religious outrage.

Outrage over Huntly's actions grew when news arrived of the murder of John Campbell of Cawdor by Huntly's supporters. This dissatisfaction intensified over the perceived reluctance of the king to properly punish the Gordons for the murder at Donibristle. Huntly had been briefly warded and had his offices removed, but the king was preoccupied with the pursuit of Bothwell. The growing indignation led to a large number of noblemen, including Marischal, Atholl, Erroll, Argyll, Morton and Mar, meeting in Edinburgh on 15 April 1592 to 'seek justice to be done for the slaughter of Murray, or otherwise to provide for timely revenge'.<sup>8</sup> By this time Huntly had been released from ward and retreated to Strathbogie.

At this pivotal moment in the gathering of opposition to Huntly, and on that very day, Marischal was derailed from further action. News arrived in Edinburgh that Marischal's men and servants had been ejected from Dunnottar Castle by Captain Thomas

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<sup>6</sup> *CSP, Scotland*, x, 644.

<sup>7</sup> Wormald, 'Bloodfeud, Kindred and Government'; Brown, *Bloodfeud*; A. Godfrey, 'Rethinking the Justice of the Feud in Sixteenth Century Scotland' in *Kings, Lords and Men*, 136-154.

<sup>8</sup> *CSP, Scotland*, x, 666.

Kerr, a known adherent of Huntly.<sup>9</sup> There was a sudden panic at court that this was part of a Catholic scheme by Huntly in advance of a Spanish landing there. Dunnottar was the key fortress controlling the Mearns and the route south of Aberdeen, making it the gateway to the north. It was assumed that the Countess Marischal, a cousin of Kerr, had been tricked by him into surrendering the castle for Huntly.<sup>10</sup> By 22 April it became apparent, however, that the deed was neither carried out under Huntly's direction nor Spain's, but by the Countess Marischal herself. She was seemingly unhappy with Marischal's servants in the castle, and so had invited her kinsman, Kerr, to eject the earl's men.<sup>11</sup>

It is hard to understand such a rash action. The timing is certainly suspicious. Even if not explicitly in support of Huntly, it gave him some breathing space. This temporarily distracted attention away from Moray's murder and managed to wrong-foot Marischal immediately after his conference with the other avengers of Moray. Huntly may have used the discontent between Marischal and his wife to his advantage, just as he probably did with Robert Keith during the siege of the Abbey of Deer.<sup>12</sup> The complete ejection of all of the earl's servants, rather than just one or two troublemakers, would at least suggest that the Countess was specifically aiming to send a message to Marischal, showing a considerable degree of power and agency on her part in the process. With the leading nobleman often absent at court or tending to other estates, the principle noble household was often controlled by their wife, so this expressed her command in her sphere.<sup>13</sup> In a rather bizarre turn of events Marischal had to camp outside his own castle in an effort to negotiate with her. Matters were resolved on 7 May, when the couple met in neutral ground at Perth under mediation.<sup>14</sup> George and Margaret's marriage, which is discussed further in chapter seven, does not seem to have been a happy one. Like Marischal's poor

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<sup>9</sup> Grant, 'George Gordon', 299; *CSP, Scotland*, x, 669.

<sup>10</sup> *CSP, Scotland*, x, 669.

<sup>11</sup> *Ibid.*, 670.

<sup>12</sup> Huntly was a master at wrong-footing his enemies. For more examples see, Crawford, 'Warfare in the West Highlands and Islands', chapter 7.

<sup>13</sup> J. Dawson, ed. *Campbell Letters 1559-1583* (Edinburgh: SHS, 1997), 23.

<sup>14</sup> *Ibid.*, 674.

relationship with his youngest brother Robert, this may have been exploited by Huntly and his supporter Kerr to cause chaos within Marischal's lordship. Fortunately for Marischal, the wider Keith kingroup and the earldom remained loyal to him, as had been the case during the Siege of Deer, meaning that the incident could be contained. The taking of Dunnottar might therefore be seen to show the weakness of the earl's marital relations, but the relative strength of his lordship. With this embarrassing incident settled, later in May Marischal was back at court for parliament.<sup>15</sup>

At that parliament Marischal was officially restored to his former favour. His work in Denmark was ratified and William Keith of Delny was formally pardoned, and his lands returned.<sup>16</sup> At this time Queen Anna and Chancellor Maitland had fallen into dispute over possession of the Lordship of Musselburgh, the chancellor holding it, but the queen claiming it as part of her marriage settlement. This dispute, along with a perceived complicity in Huntly's murder of Moray, had led to James dismissing Maitland from court in March.<sup>17</sup> While at court for Parliament Marischal 'undertook to work' for the reconciliation of Anna to Maitland, on account of 'his credit with the Queen'. Although this did not work, and 'he did not escape a smart check for the same at the Queen's hands', nevertheless 'by this favour offered by Marischal to the Chancellor, and by other means in the King's chamber, Sir William Keith has got his peace'.<sup>18</sup> Although present, the chancellor would henceforth no longer be a driving force in Scottish court politics and led a comparatively quiet life until his death in 1595. Marischal had at least secured the restoration of Sir William Keith of Delny to the chamber (although not to his former position in the wardrobe), through settlement with the chancellor and his supporters. With Delny reinstated, on 24 May 1592 Marischal, Dingwall and Altrie sat on the assize of the

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<sup>15</sup> *RPS*, 1592/4/3, 11, 12.

<sup>16</sup> *RPS*, 1592/4/25,70, 210.

<sup>17</sup> M. Lee, 'Maitland, John, first Lord Maitland of Thirlestane (1543–1595)', *ODNB*; M. Meikle and H. Payne, 'Anne (1574–1619)', *ODNB*.

<sup>18</sup> *CSP, Scotland*, x, 687.

Earl of Bothwell, which found him guilty of various crimes against the crown.<sup>19</sup> It is unclear how they voted, but this clearly shows, the Keiths were again a political force after their rebuke the previous year, although they would not enjoy the heady heights of their success from before 1589.

On 25 June Marischal convened with the young Earl of Argyll and the Earl of Mar in Stirling for the trial of John Campbell of Ardkinglass who had assassinated John Campbell of Cawdor, who was the husband of Marischal's aunt, Mary Keith. The attempt had taken place on 4 February that year, and was seen as part of Huntly's conspiracy against the young Argyll following the murder of the Earl of Moray. This assize achieved little, and the legal proceedings actually rumbled on for several years. However, during the trial Marischal and Mar disregarded the proceedings and instead turned to discuss how to bring Huntly to justice for the murder of Moray.<sup>20</sup> The two had similar sympathies and were friends. They returned to court for the rest of the summer, where it was hoped that they could mediate a dispute between Ludovick Stewart, the Duke of Lennox, and Chancellor Maitland. They were described as indifferent to each side, showing that Marischal no longer held animosity towards Maitland, and, as with the dispute between Maitland and Anna, was attempting to help his old enemy.<sup>21</sup>

In late 1592, the Spanish Blanks, letters to the King of Spain signed by the Earls of Huntly, Erroll and Angus, were discovered. These empty pages were to be filled in later depending on whatever agreement was reached between the earls and the Spanish king. Although communicating with a foreign prince was not a crime – Marischal received letters from the King of Denmark and the King of Poland on customs and travel matters for example - these blanks were used by Huntly's enemies, still outraged by the murder of

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<sup>19</sup> *RPS*, 1592/4/17.

<sup>20</sup> MacPhail, *Highland Papers*, i, 143-194; *CSP, Scotland*, x, 705; for more on the murder and the power of Marischal's uncle Cawdor, see E. Cowan, 'Clanship, kinship and the Campbell acquisition of Islay' *SHR* 58 (1979), 132-157.

<sup>21</sup> *RMS*, 1580-1593, 728, 729, 731, 732, 735, 738, nos. 2135, 2140, 2142, 2143, 2151, 2164; *RPCS*, iv, 770; *RPCS*, v, 6; *CBP*, i, 405.

Moray, to implicate him, Erroll and Angus, in a Catholic conspiracy.<sup>22</sup> An alliance therefore formed between the Protestant faction of nobles (who sought to avenge Moray) and the Kirk (which was in a period of heightened alarm about Counter Reformation). Together they threw everything they could against Huntly, linking these otherwise vague Spanish blanks with the treasonous correspondence between Huntly and Spain which had been discovered in 1589 (and which had led to the Brig o' Dee rebellion), insinuating Huntly was an imminent threat to the realm.<sup>23</sup> Backed into a political corner and refusing to answer a legal summons, the three earls were provoked into open rebellion and the king was forced to raise an army against them for treason.

On 14 February 1593 the crimes of the rebel earls were promulgated. Unsurprisingly these included the murder of Moray, but remarkably also included was the slaughter of John Keith which occurred in 1587, when Huntly 'practised to have killed the Earl Marischal'.<sup>24</sup> Just as the blanks were associated with the 1589 correspondence, the murder of Moray was linked to the murder of John Keith, and the supposed attempt to murder Marischal, all to condemn Huntly. This might imply that Marischal had a hand in drawing up the list of crimes. At the least for Marischal, revenge for the murder of his kinsmen was being served cold after six years.

### **1593-1595: Lieutenancy and aftermath**

Marischal joined the king's forces as they marched north to confront the rebels. On 26 February 1593 Marischal and Altrie sat on the Privy Council in Aberdeen when Marischal and Atholl were made joint Lieutenants of the North.<sup>25</sup> However, again, just when Marischal needed to focus on Huntly, his brother was causing problems within the earldom. Robert, 'unmyndfull of his naturall dewitie' towards his brother, had this time

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<sup>22</sup> NLS, MS 21174, ff.15-16, 49-50.

<sup>23</sup> Grant, 'George Gordon', 309-310.

<sup>24</sup> *CSP, Scotland*, xi, 48.

<sup>25</sup> *RPCS*, v, 44; *RMS*, 1580-1593, 766-767, no.2241.

taken Ackergill Castle in Caithness and was harassing the tenants to treat him, and not the earl as their lord. However, this time Marischal did not rush to confront him. At the Privy Council on 3 March 1593 Robert was denounced a rebel and Marischal presumably dispatched a subordinate to deal with him.<sup>26</sup> At the same time it was reported that a host of Huntly and Erroll's supporters had fled to Caithness and the Northern Isles, and it is tempting to link Robert to their number.<sup>27</sup>

On 4 March Marischal, William Keith of Ludquharn and John Keith of Ravenscraig subscribed to a band between the king, the higher nobility of Scotland and the major landowners in the north to pursue the rebel earls, their supporters and allies and to expel any Jesuits in the country.<sup>28</sup> On 9 March Marischal was granted formal commission as joint Lieutenant of the North, covering the Mearns, Aberdeenshire and Banffshire, alongside Atholl's commission for Elgin, Forres, Nairn, Inverness and Cromarty. They were to apprehend Huntly, Angus, Erroll, their various kinsmen, any Jesuits, 'trafficking papais't' and 'tressounable practizearis aganis the estate of the trew religioun', and those who had attacked Donibristle and killed Moray. They were also to restore law and order to the north east, apprehend all 'brokin men', and secure all the rebels' castles. Marischal was to be assisted by all the loyal nobles and lairds in those areas.<sup>29</sup> However, the next day Huntly arrived in Aberdeen and surrendered to the king. As a result of this apparent capitulation, on 16 March, James issued a relaxation of horning for all the rebel men, somewhat undermining what Marischal could practically do against any of the remaining conspirators.<sup>30</sup>

Edward Ives describes James' mission north as 'something between a futile gesture and a fraud' because he did not consider James' seriousness in bringing the rebels to

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<sup>26</sup> Ackergill had been given to Robert in 1587, but had presumably been confiscated from him during the Siege of Deer. *RPCS*, v, 45-46; Pitcairn, *Trials*, i, 283.

<sup>27</sup> *CSP, Scotland*, xi, 68.

<sup>28</sup> *BUK*, iii, 824-825.

<sup>29</sup> *RPCS*, v, 49-51; Pitcairn, *Trials*, i, 284.

<sup>30</sup> *RPCS*, v, 53-54.

justice.<sup>31</sup> This criticism could be extended to Marischal's lieutenancy as well. Acting in the interest of his cousin, on 7 March 1593 Marischal bought the escheat of the Earl of Erroll's forfeiture for £666 13s. 4d., which included Slains Castle.<sup>32</sup> By 7 April Marischal had delivered the keys of the castle to Alexander Hay, effectively returning it into the hands of Erroll. Marischal presumably drew a distinction between Huntly and the need for the punishment of the murder of the Earl of Moray, and the relatively minor offences caused by the Earl of Erroll. He had done this before, having acquired and returned Slains to Erroll after the Brig o' Dee rebellion in 1589. This time, however, Marischal's help for his kinsman would become the focus for the pent-up frustration which had been building as a result of the king's long leniency towards the catholic earls.<sup>33</sup>

The king, forced into action to placate the clamouring of the Kirk, wrote a reprimanding letter to Marischal ordering him to show better diligence in his office, or he would make Atholl sole lieutenant.<sup>34</sup> By 19 April Marischal had received the king's rebuke and a series of critical letters from various ministers complaining of his lack of rigour in rooting out Catholicism in the north. In exasperation he wrote to Delny in Edinburgh to ask the king for his discharge from the unthankful task.<sup>35</sup> On 28 April, Marischal was again blamed for negligence in his office of lieutenant, and for letting various Gordons go apprehended and unpunished. Marischal responded by stating that they were under Atholl's jurisdiction.<sup>36</sup>

Why was Marischal not more proactive? It should of course be asked if he was being negligent at all. Marischal did liaise with the General Assembly about former Catholics taking the Confession of Faith.<sup>37</sup> The assembly also appointed Marischal to a

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<sup>31</sup> Ives, *Bonny Earl of Moray*, 62.

<sup>32</sup> *CSP, Scotland*, xi, 72; NRS, PS1/65, f. 46r.

<sup>33</sup> AUSC, MS 3064/3/3/1/1.

<sup>34</sup> *CSP, Scotland*, xi, 77.

<sup>35</sup> *Ibid.*, 81.

<sup>36</sup> *Ibid.*, 83.

<sup>37</sup> *BUK*, iii, 813.

commission to inspect the doctrine of King's College in Old Aberdeen, and heartily approved his foundation of Marischal College.<sup>38</sup> It was not necessarily that he was being negligent in his office of lieutenant, but that he was not meeting the exacting and perhaps impossible standards of certain ministers. If he was showing perceived leniency to Catholics, aside from his kinsman Erroll, this was probably for two reasons. Perhaps a large part of his hesitancy was not wishing to provoke Huntly and his neighbours any more than he had to. Not only had Huntly killed Moray and conducted a brutal campaign against the Earl of Atholl and the Mackintoshes, but he had shown himself capable in the past of making an attempt on Marischal's life.<sup>39</sup> Marischal had no quarrel with his other neighbours and there would have been little cause to aggravate them and endanger his own earldom. The second reason was simply practical. With Huntly, the previous fount of authority in the north, removed from power, it was presumably hard enough for Marischal to maintain law and order, let alone wage a religious purge against the remaining Catholics.

Although Marischal was a committed Protestant and had previously sought anti-Catholic legislation, this had always been as part of a larger group. His being surrounded by Catholic neighbours in the north east meant he was in no position to wage a one man crusade – the reaction would have cost him dearly. The previous attempts to secure legislation had also been sought at times when Huntly was at the height of his powers. Now imprisoned, he was a diminished threat, and so the need had passed. The Kirk's ingratitude, after all that he had done, alienated the earl beyond repair. This process was then exacerbated by a continual deterioration in the relationship between the king and the Kirk, which was caused by James' pursuit of Bothwell, his leniency towards Huntly and a perceived lack of support towards the Kirk and its godly mission. Marischal would thus have been keen to distance himself from the body which was alienating King James to

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<sup>38</sup> *Ibid.*, 799, 811.

<sup>39</sup> *CSP, Scotland*, xi, 165-166.

such an extent.<sup>40</sup> Thus, Marischal for the rest of his life appears to have been part of a group of Scottish Protestants who, like King James, were tolerant of, indifferent to, or at least inactive against, Catholics.<sup>41</sup>

There is evidence that Marischal was pursuing the lieutenancy as best he could, despite the criticism from all sides. Some idea of the mundane and thankless business Marischal had to deal with appears in a council minute of 10 May 1593, when he fruitlessly acted as mediator between John Cheyne of Fortrie and George Abercrombie in a petty matter over jurisdiction which subsequently turned to violence.<sup>42</sup> The lieutenancy was proving to be a difficult and unrewarding endeavour. On 13 May George Leslie of Durnoch was ordered by the Privy Council, at Marischal's request, not to aid Huntly and 'the murderers of Donibristle'. He was put under guard and was to remain in the Mearns until he was released by Marischal. Leslie was released two weeks later.<sup>43</sup> On 26 May Alexander Gordon, heir of the Laird of Abergeldie, was likewise ordered by Marischal to remain south of the Dee, with Sir John Gordon of Pitlug acting as his cautioner. On 15 June, Alexander was to deliver to the clerk of council in Edinburgh a note of the Lairds of Drum and Durris, testifying to his good behaviour, before he could return home and have his lands and goods restored.<sup>44</sup> Despite all the criticism, Marischal was clearly active in the lieutenancy.

On 30 June 1593 James requested Marischal attend the coming Parliament, but he stated that he was too busy as lieutenant.<sup>45</sup> Sir William Keith of Delny instead acted as Marischal Depute, confirming his own return to favour, and in this parliament he secured the ratification of Marischal College, and financial aid for the Peterhead project.<sup>46</sup>

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<sup>40</sup> A. MacDonald, *The Jacobean Kirk 1567-1625* (Farnham: Ashgate, 1998), 45, 51; A. MacDonald, 'James VI and the General Assembly 1586-1618' in *The Reign of James VI*, 171.

<sup>41</sup> Sanderson, 'Catholic Recusancy', 87-107.

<sup>42</sup> *RPCS*, v, 77.

<sup>43</sup> *Ibid.*, 79, 82.

<sup>44</sup> *Ibid.*, 83.

<sup>45</sup> *CSP, Scotland*, xi, 108.

<sup>46</sup> *RPS*, 1593/4/12, 14, 18, 19, 65, 67, 68; *FMC*, i, 84-85.

Attention to these personal projects continued alongside the lieutenancy. Marischal was given some remuneration for his efforts as during the lieutenancy he was awarded half the proceeds of all the wards and marriages within the jurisdiction of his office.<sup>47</sup>

Marischal was at Linlithgow for the trial of Angus, Huntly and Erroll in October 1593.<sup>48</sup> The commissioners convened on 12 November for a few days and concluded that the lords should conform to the Protestant faith by the start of February and remove any Jesuits in their service.<sup>49</sup> At long last, at the end of December Marischal gained permanent exemption from any jurisdiction Huntly might have in future as Lieutenant of the North, which had been Marischal's primary objective for a very long time.<sup>50</sup> From this moment on Marischal's involvement in court politics significantly decreased. He would still be part of the political landscape, but his imperative for courtly intrigue had at last been removed. Ruth Grant concluded that Huntly's main ambition and motivation throughout his political career was the restoration of his family's former position and influence.<sup>51</sup> This drive for power had encroached on Marischal's established spheres of influence and had thus forced him to reactively resist. Now Huntly's ambitions and interferences had subsided, so too did Marischal's reaction to it.

Marischal came to court through the winter and spring of 1594.<sup>52</sup> Huntly, Erroll and Angus' February deadline to take the confession of faith had passed. At the following parliament, forfeiture was declared on Huntly, Angus and Erroll, an action which had been discussed in depth by the Lords of the Articles. A number of ministers attended the debate and were keen to have the Catholic Earls finally removed as threats to the Kirk, but, much to their displeasure, Marischal, along with the Earl of Montrose, the Provost of Aberdeen

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<sup>47</sup> NRS, PS1/65, f.57v.

<sup>48</sup> *RPCS*, v, 103; *RPS*, 1593/10/2.

<sup>49</sup> Spottiswood, *History*, ii., 442-445.

<sup>50</sup> *CSP, Scotland*, xi, 251; .

<sup>51</sup> Grant, 'George Gordon', 16, 18, 19, 226, 359.

<sup>52</sup> *RPS*, 1594/4/29/1; 1594/4/6; *CSP, Scotland*, xi, 347; *RPCS*, v, 129-130, 143; *RMS*, 1593-1608 13, 18, 19, 28, 29, nos.39, 55, 56, 77, 102-104.

and two others voted against it.<sup>53</sup> Marischal was probably more concerned with his cousin Erroll than with Huntly, but just because he had fought intermittently with Huntly over the previous decade, does not mean that Marischal sought his complete destruction. Political balance, not dominance, appears to have been Marischal's objective.

Marischal now turned his attention towards his rebellious brother Robert. With Huntly's fortunes in the balance and about to tip into a third rebellion, Robert's previous adherence to Huntly now threatened to cost him more than he could gain from it. It was therefore time for him to reconcile with his older brother. In Edinburgh over a series of days in July, a settlement was reached whereby Robert would receive Altrie's rich lands of Benholm, including the impressive castle there.<sup>54</sup> This settlement appears to have been agreeable to all parties as Robert and Marischal did not come to blows again, enjoying a good relationship for the rest of their lives.<sup>55</sup> Huntly, Erroll and Angus rose in arms, but this time Marischal's family and kin group was secured: he would not be wrong-footed as he had been with Robert's capture of Deer in 1591, his wife's seizure of Dunnottar in 1592 or Robert's capture of Ackergill Castle Caithness in 1593.

Huntly, Erroll and Angus made the mistake of making contact and common cause with the Earl of Bothwell. King James had previously been lenient towards the Catholic earls, pursuing Bothwell with an almost single-minded determination. The earls' association with Bothwell was political suicide for them and they now roused the king's wrath. The rebels gathered their forces while in the south the Earl of Argyll gathered an army to head north to confront them. The king would follow on later, if needed, but in the meantime made preparations for the baptism of Prince Henry which was to be a major

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<sup>53</sup> Calderwood, *History*, v, 332; Brown, *Bloodfeud*, 165.

<sup>54</sup> *RMS*, 1593-1608 45, 46, 48, nos.121, 130, 136.

<sup>55</sup> See chapter seven.

diplomatic showpiece. Marischal remained with the king throughout September and attended the baptism.<sup>56</sup>

On 3 October 1594 the Earl of Argyll confronted the rebel forces with an army about five times their number, at the Battle of Glenlivet, but was dramatically outmanoeuvred and defeated.<sup>57</sup> At that time Marischal was in the Mearns raising forces to join the king's march north. They rendezvoused on 10 October and planned to march on Aberdeen the next day. Despite the rebels' victory at Glenlivet, as had been the case in 1589 and 1593, when the army commanded by the king himself reached the city, they melted away and fled.<sup>58</sup> They could fight forces commanded by rival earls, but when confronted by the James himself, Huntly, Erroll and Angus could no longer command any authority on the premise that they were seeking to save the king from dangerous councillors. They fled into the hills.

James was determined to make an example of the rebels and make a demonstration to the Kirk that he was once and for all dealing with the Catholic threat. On 11 October Marischal accompanied the king on his mission to blow up part of Huntly's palace at Strathbogie, and burn Erroll's castle at Slains.<sup>59</sup> Marischal, riding with a number of lairds, was ordered to burn the castle of Ballogy (now Midmar), and demolish the castle of Newtoun and the palace of Torriesoul, all Gordon strongholds.<sup>60</sup>

Marischal stayed with the king in Aberdeen throughout October. In November he banded with Lord Forbes, the Mackintoshes, the Grants, and the lairds Irvine of Drum, Ogilvy of Findlater, Leslie of Balquhain and Irvine of Fedderate, all major landholders in the north, in mutual defence against Huntly and his forces, who were still at large. King James agreed that he would return to the north in person if the rebels 'shall hurt the

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<sup>56</sup> *RMS*, 1593-1608 50, 51, 53, 56, 59, 62 nos.143, 148, 155, 165, 172, 182; Meikle, *William Fowler*, ii, 169-195.

<sup>57</sup> Moysie, *Memoirs*, 120.

<sup>58</sup> *CSP, Scotland*, xi, 460.

<sup>59</sup> *History of Scots Affairs*, i, xxxiii; *RPCS*, v, 189; *CSP, Scotland*, xi, 472.

<sup>60</sup> Spottiswood, *History*, ii, 460; *RPCS*, v, 189.

ministers or trouble the country, as they brag to do', and crush them utterly.<sup>61</sup> Although the landholders had allied themselves in protection against Huntly, none of them wanted to take the lead in pursuing the rebels. On 7 November the Duke of Lennox and the Earl of Argyll were appointed as the new Lieutenants of the North as 'nather wald ony uthiris accept that charge'. Although apparently not wanting to repeat the difficulties he had endured when he had exercised the position in 1593, Marischal was at least one of a number of men, including the Keith lairds of Ravenscraig and Ludquharn, who gave their oaths of assistance.<sup>62</sup> On 11 November Marischal accompanied James south from Aberdeen and entertained him at Dunnottar, before presumably returning north to assist the lieutenants.<sup>63</sup> On 19 May 1595 Huntly, Erroll and Bothwell, finding their position untenable, agreed to go into exile.

### Conclusion

The second and concluding phase of Marischal's feud with Huntly saw him gain the upper hand as the agent of royal policy against the increasingly rebellious Huntly. Interestingly, despite general opposition to Huntly being formed partly as a result of his murder of Moray and partly from Protestant fear of the Counter Reformation, Marischal's activities seem to have been exclusively framed by the first of these considerations, and he made no appeal to religion or the Kirk, in contrast to his efforts before 1589.

Once Huntly returned from exile in 1596, the peace and the balance of power which the Keiths and Gordons had enjoyed before 1560 (and briefly in the 1570s) was restored. Marischal had been entirely reactive to the Gordons' advances, yet Huntly too was reactive. Over centuries his family had been built up by the crown to control the north, and Huntly sought to restore the previous dominance of his family, which had been undermined by the failed rebellions of his two predecessors and the incursions of the new

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<sup>61</sup> *CSP, Scotland*, xi, 472; *RPCS*, v, 180, 184, 185.

<sup>62</sup> *RPCS*, v, 208; *CSP, Scotland*, xi, 474; *RPCS*, v, 187.

<sup>63</sup> Moysie, *Memoirs*, 121.

Earls of Moray. Huntly had been resisting the local advances of the second Earl of Moray throughout the 1580s and early 1590s, while resisting Chancellor Maitland at court.<sup>64</sup> Now that those two men were dead, Huntly had no need to continue defending or pressing his interests to such an extent in court politics. Therefore Marischal did not need to react to him. The exclusion from Huntly's lieutenantancy was vital in ensuring peace between the two.

It had not been a bloodless victory. Before 1589 Marischal had been humiliated through the death of two Keiths and a series of costly raids upon his lands; after 1590, by three embarrassing family episodes encouraged by Huntly, two involving his youngest brother and one from his own wife. Marischal certainly had some tactical successes. With the founding of Marischal College, building his grand house on the Castlegate and founding the new towns of Peterhead and Stonehaven (discussed in chapter two and explored in more depth in chapters nine and ten), he had established himself as the premier nobleman of influence in Aberdeen and along the north east coast. Marischal's power was not strong enough in terms of men or forces to directly challenge Huntly, but he could compete through the building of other forms of power in the region. From the low point of favour after Denmark, Marischal had restored himself to power at court and Delny was restored to the king's household. Marischal had reached a final settlement with his errant brother and the kin group as a whole had returned to some cohesion. This hard-won stability would last until the final years of the earl's life.

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<sup>64</sup> Brown [Wormald], 'Scottish Politics 1567-1625', 28; Potter, *Bloodfeud*; Grant, 'George Gordon'.

## **CHAPTER 5**

### **Court Politics and Government after 1595**

After Marischal's feud with Huntly ended, his involvement in court politics sharply declined. He continued to attend court, but with the threat from the centre lifted, Marischal concentrated the majority of his time and effort in the localities and increasingly delegated his responsibilities to his son and heir. There would be other feuds, but none would draw him into high politics in the same way. Most of his activities in the centre therefore concerned his relationship with the king and his involvement in governmental office, which will be the focus of this chapter. 'Governmental office' in this context refers to positions of power which Marischal held from the crown, such as his position as marischal, as a member of the Privy Council or as hereditary sheriff of the Mearns.

There is a broad consensus that the reign of James VI saw far reaching changes in the relationship between the nobility and the state, as well as in the overall nature of government. Julian Goodare's study of the mechanisms of the Jacobean government perceived a gradual process of state-building between 1560 and 1625, intensified by the Union of the Crowns, where the nobility was increasingly confined to advising the king and his centralised government, rather than the king governing through the nobles. This shift was achieved through governmental interventions into the nobles' old mechanisms of power, such as the sheriff courts. The nobility still retained a central role in the government of Scotland, while also maintaining their strong regional powerbase, meaning the state was still essentially aristocratic, but their autonomy and power had been eroded.<sup>1</sup> However, continuity has been stressed by Jenny Wormald and Keith Brown, who see these changes as more to do with the end of a period of disruption caused by royal minority and civil war. These changes were reactive and incremental, and not part of a self-consciously designed plan.<sup>2</sup> The impact of the Union of the Crowns on the nobility has largely been seen as an intensifier of the various trends mentioned above and has been explored in itself from a

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<sup>1</sup> Goodare, *Government of Scotland*, 5, 14, 128, 175, 299; Goodare, 'The Nobility and the Absolutist State', 161-182; Goodare, *State and Society*, 1, 6, 7, 37, 63.

<sup>2</sup> J. Wormald, 'Taming the Magnates?' in K. Stringer, ed., *Essays on the Nobility of Medieval Scotland* (Edinburgh: John Donald, 1985), 270-280; Brown, *Noble Power*, 1-9.

number of perspectives.<sup>3</sup> Anna Groundwater has detailed how the nobility of the Borders adapted to the transformed political landscape and developed networks of patronage which allowed them to maintain a position at court while managing the locality.<sup>4</sup> Although the reasons for the changes and their overall impact remain disputed, that they happened is less contentious. This section will explore how Marischal reacted to these changes in the nature of the governance of Scotland. Marischal, as a loyal and uncontroversial member of the traditional nobility, is ideally suited to shed light on this debate, as his example is likely to be a reflection of, or will at least throw light on, his wider peer group.

### **Relationship with King James**

The earl's funeral oration of 1623 describes a close relationship between King James and the Earl Marischal, saying that soon after his return to Scotland in 1580:

...de rebus maxime arduis consuli, et gravissimis regni negotiis, quotidie a serenissimo nostro Rege IACOBO, adhiberi coepit.<sup>5</sup>

...he [Marischal] was soon called upon daily by our most serene King James, to be consulted concerning especially troublesome matters and the weightiest affairs of the kingdom.

The king, we are told, recognised Marischal's nobility, knowledge, judgement and foresight, and believed him able to offer good advice 'as if viewing the future from a watchtower'.<sup>6</sup> Maurice Lee suggested that one of the subtle methods James used to control the nobility was treating them as personal friends.<sup>7</sup> We have seen that Marischal was not as favoured by the king as the likes of Huntly or even his kinsman Delny, but they were close

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<sup>3</sup> R. Mason, ed., *Scots and Britains: Scottish Political Thought and the Union of 1603* (Cambridge: CUP, 1994).

<sup>4</sup> A. Groundwater, 'From Whitehall to Jedburgh: Patronage Networks and the Government of the Scottish Borders, 1603-1625' *Historical Journal*, 53 (2010), 871-893.

<sup>5</sup> Ogston, *Oratio Funeris*, 13.

<sup>6</sup> *Ibid.*, 13.

<sup>7</sup> M. Lee, 'Scotland and the General Crisis of the Seventeenth Century' *SHR* 63 (1984), 144.

enough for James to refer to Marischal with an affectionate pet name, ‘my little fat pork’ - presumably referring to the earl’s appearance.<sup>8</sup> Most of the correspondence between James and Marischal has been lost or dispersed into private collections; saving a few brief personal notes, the surviving letters from James tend to be impersonal.<sup>9</sup> An autographed letter to Marischal, for example, dated 28 December 1599, directed the earl to attend a convention at Perth in March to address the crown’s financial difficulties. This letter suggested the need for voluntary contributions towards the royal household to spare the people further taxation. This was a circular letter, sent to most of the major landowners of Scotland.<sup>10</sup> Most of the letters of this sort indicate that Marischal was just another member of the nobility, indicative of a friendly professional working relationship, rather than that of an intimate friend or close advisor.

Marischal recognised his duty to serve his king and acted as a faithful royal servant throughout his life, doing the king’s bidding as and when requested. We have already seen throughout chapters two to four instances where Marischal performed the royal will, such as serving twice as Lieutenant of the North or as ambassador to Denmark. Although Marischal was rewarded for both, they were costly, time consuming and difficult tasks. Marischal had always submitted his feud with Huntly to the king’s arbitration when requested, even if this did not achieve a lasting settlement. Up to 1595 the king had requested much of Marischal, but the earl had sought little through his career, with no apparent ambitions for high office or favour, beyond those he had inherited, such as that of marischal. This faithful and intermittent relationship continued after 1595. On 10 March 1601 James requested Marischal help settle the long running feud of the Earl of Argyll, the Earl of Mar, the third Earl of Moray and Lord Stewart of Ochiltree against the Earl of Huntly, for Huntly’s murder of the second Earl of Moray back in 1592. Marischal was to

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<sup>8</sup> Akrigg, *Letters of King James VI and I*, 94-94.

<sup>9</sup> See the introduction for a further discussion of this.

<sup>10</sup> ‘James VI of Scotland to George Keith, 4<sup>th</sup> Earl Marischal, December 1599’ in the possession of John Wilson Manuscripts; NRS, E21/73, ff.98r-101r.

advise the party against Huntly as one of their friends.<sup>11</sup> Marischal had little individual reason to help, as his disagreements with Huntly were long settled, but he had been requested by the king to help his friends and he performed the royal will.

In terms of the governmental changes in Scotland at this time, the most fundamental was the Union of the Crowns in 1603. Marischal was no doubt keenly aware that the king's departure would make accessing and influencing the monarch much more difficult. Marischal's man at court and voice in the king's ear, Sir William Keith of Delny, had died in 1601, meaning the Keiths were at an immediate disadvantage in securing patronage thereafter.<sup>12</sup> This was made worse when the king headed south. Initially, however, the earl does not seem to have been overly concerned. James sent a letter to Marischal in May 1604 thanking him for his recent good service at Parliament, showing that the two continued a relationship of request and service.<sup>13</sup> However, this service had limits, which were reached in the following year.

There was only one known major occasion when Marischal refused to follow a royal command. At the Perth Parliament of July 1604 the earl was appointed to the commission for the possible Union of Scotland with England. In the establishment of this commission parliament immediately declared that any union would not be allowed to 'prejudice or hurt the fundamental laws, ancient privileges, offices and liberties of this kingdom'.<sup>14</sup> This defence of ancient customs and offices almost certainly reflected Marischal's own sentiment, as it echoes his later defence of his office of marischal against the Earl of Erroll (explored in the following chapter). On 4 September 1604 a Scottish courtier in London, Thomas Borweys, wrote to Marischal. The king had asked the earl to come to London for the Union negotiations, but Marischal had written to Borweys to

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<sup>11</sup> *RPCS*, vi, 351; 'James I (and VI of Scotland). Rare letter signed as King of Scotland, Sterling March 10<sup>th</sup>, 1601, to George Keith', Dominic Winter Auctions, Books, Memorabilia/Ephemera 2002 Lot 414 [Royal Ephemera] <<http://www.dominicwinter.co.uk/>> [accessed 1 March 2013].

<sup>12</sup> *RPCS*, vi, 264; Groundwater, 'From Whitehall to Jedburgh', 871-893.

<sup>13</sup> BL, RP 1288.

<sup>14</sup> *RPS*, 1604/4/17, 19, 20.

excuse himself, citing that he had neither the means nor the health to travel south. The king had not received this well and, via Borweys, had dismissed Marischal's excuses. Borweys interjected:

...can it be possible that yo[u]r l[ordship] beying ane of the grettest of o[u]r nobelleye in scotland in so grett and so necessar ane errand will refuse to his ma[jes]tie yo[u]r personible service speciallie in a matter so heythle trefyeing his ma[jes]tie and his countreis bothe in honor and estaitt.

Hoping to provoke the earl's honour to stir him into action, he then invoked Marischal's mission to Denmark as an example of service and travel for his king.<sup>15</sup> When Marischal refused again, a letter signed by James was sent on 3 October 1604, again refusing to accept the earl's excuses for absenting himself: 'for as the matter to be entreated toucheth us in honor by settling the peace and perpetuall tranquility of this whole llande, so it toucheth yow and every particulare subject but yow almost more than any other'. By his signature James added a note in his own hand stating 'I can not now admitte any excuse of youre absence quhaire ye are to serve youre king & cuntrey in so godly & honorable an earande'.<sup>16</sup> Marischal, however, did not head south.

The Venetian ambassador noted Marischal as one of a number of the Scottish nobility who were uneasy about the proposed union, although not expressly hostile.<sup>17</sup> Despite the opportunity for future reward and patronage, James' personal demand of his presence and Borwey's heavy onslaught Marischal did not travel. Either his health, or the lack of appeal of the proposed Union, or a combination of both, stopped him from doing so. This was the limit of Marischal's service. This is remarkable considering the dangers it entailed for the perception of his lordship, especially as a nobleman's reputation

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<sup>15</sup> NLS, MS 21174, ff.13-14.

<sup>16</sup> Folger Shakespeare Library, X.c.121.

<sup>17</sup> B. Galloway, *The Union of England and Scotland 1603-1608* (Edinburgh: John Donald, 2003), 59.

required reliable contact to the king as the highest source of patronage and influence.<sup>18</sup> Marischal's three refusals are significant, especially given how for two of them he knew the king was displeased. He may have been firmly opposed to the idea of Union, but did not wish to displease the king any further than he had, especially with no kinsman at court to mollify matters; inaction appeared the only viable option to stand by his principles, but also to limit the damage to his political standing.

On 11 August 1607 the Edinburgh Parliament passed the outcome of the Union commission. They repealed a number of old laws which were hostile to England, made a number of agreements to allow easier trade and travel between the countries and set out a number of border resolutions, but no more – there were no substantial moves towards constitutional Union.<sup>19</sup> Marischal's individual role in this settlement is not known. A glimpse of his opinion towards the matter can be gleaned, however, from a letter he sent to the king in 1614 concerning a small feud with Alexander Falconer of Halkerton, which includes the following sentiment:

I wes (not without just caus) mightely greived to consider of the hard condition which perhappis may befall to our ischew heirafter, in being bereft of the residence of there prince, whereof advantage is taken by those who mak a craft of calumniating others, and procureing thame to be condemned unhard; so, on the other pairt, it wes to me no small confort that I sould now live and, Godwilling, end my dayes in the tyme of a most gracious Pharao, who bothe knowes and will not forgett his evir deutifull and devoited Joseph.<sup>20</sup>

The letter is remarkable; Marischal frankly laments the removal of the king to England, and presents himself as the biblical Joseph, chief advisor to James as Pharaoh of Egypt.

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<sup>18</sup> Brown, 'The Scottish Aristocracy, Anglization and the Court', 543-576; Groundwater, 'From Whitehall to Jedburgh', 872-873, 877-880.

<sup>19</sup> *RPS*, 1607/3/11, 12; Galloway, *The Union of England and Scotland*, 128-130.

<sup>20</sup> J. Maidment, ed., *Letters and State Papers During the Reign of King James the Sixth* (Edinburgh: Abbotsford Club, 1838), 223-224.

Marischal is in no way embracing a notion of Britain. Instead, he is declaring that the Scottish king was absent and that he had not been replaced by a British Prince. Marischal is also clearly concerned about the distance of his monarch from Scottish affairs, but again he was not prepared to actually go to the king in London as a means of addressing this. Marischal's viewpoint expressed in 1614 is in line with Keith Brown's finding that the Union of the Crowns had a negligible influence in the creation of a British nobility. The Scots' primary concern, even those at court in London, was tied up with their locality, their kin and almost exclusively with Scottish affairs.<sup>21</sup>

After Marischal refused to go south, his relationship with the king returned to much as it was before; James would occasionally ask the earl to perform some service, which would be dutifully carried out. On 3 June 1609 George Home, Earl of Dunbar, wrote to Marischal on the king's behalf, thanking him for his service at St Andrews (Marischal had recently sat on the trial which had convicted James Elphinstone, Lord Balmerino for communicating with the Pope on behalf of the king) and passing on the king's request that the earl make an effort to attend the following parliament.<sup>22</sup> Likewise, Marischal's 1622 inventory of writs records 'his maiestes l[ett]re for keiping of ye parliament 1617'.<sup>23</sup> James directed and Marischal followed. This again puts Marischal's refusal to go to England in 1604 neatly into context. He was prepared to serve his monarch, but that service had limits – no further than Berwick upon Tweed.

The dispute with Halkerton in 1607 which had prompted the letter lamenting James' absence provoked Marischal to consider his position at court more seriously, and the long term shortfalls of the request and service relationship. The distance between him and the monarch left the earl exposed against potential enemies and unable in the long term to protect Keith influence. On 23 July 1608 his son, William Lord Keith, was given licence to

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<sup>21</sup> Brown, 'The Scottish Aristocracy, Anglicization and the court', 543-576.

<sup>22</sup> NLS, MS 21174, ff.19-20; *RPCS*, viii, 257.

<sup>23</sup> NLS, MS 21183, f.58r.

pass to England by the Privy Council.<sup>24</sup> He departed from Scotland soon afterwards and returned by sea in May 1609, spending at least £2,400 while away on new clothes, not including money spent preparing for the visit.<sup>25</sup> Ten months later, in March 1610, William returned to London and stayed for a year. In his company was his new wife, Margaret Erskine Lady Keith, William Keith of Ludquharn, Gilbert Keith (possibly William's illegitimate half-brother) and nine servitors. Making a good impression at court was important; during this visit the company spent £2,444 5s. 1d. on clothes alone.<sup>26</sup>

Sometime between July 1611 and November 1612 Marischal's brother Robert Keith of Benholm was knighted, implying that he had made a separate expedition to London.<sup>27</sup> Likewise, William Keith of Ludquharn was knighted sometime between 1608 and 1614: either during Lord Keith's or Benholm's sojourns, or on a third mission.<sup>28</sup> More Keith visits to London are evident in the knighting of George Keith of Drumtochty by 1616 and George Keith of Powburn by 1620.<sup>29</sup> With the death of Sir William Keith of Delny in 1601 Marischal lacked a permanent presence in the king's chamber, and these various attendances at court provided an alternative means of promoting Keith influence and demonstrate continued royal favour.

As well as visits to the king by members of the Keith kindred, Marischal relied on other intermediaries and patronage networks. Chief among these were the Erskines; Marischal's friend (and father-in-law to his son) John Erskine, second Earl of Mar, his son John Lord Erskine and their courtier kinsman Thomas Erskine, later first Earl of Kellie (Mar's equivalent of Sir William Keith of Delny). They, and especially Kellie, had a more permanent presence with James, not only in court, but also in the royal household and bedchamber. Letters passed back and forth between the Keiths and Erskines regarding

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<sup>24</sup> *RPCS*, viii, 138.

<sup>25</sup> *NLS*, MS 21176, ff.7v, 8r, 8v, 11v.

<sup>26</sup> *NLS*, MS 21176, ff.22-25.

<sup>27</sup> *NRS*, GD4/115; *RMS*, 1609-1620, 283, 287, nos.757, 766.

<sup>28</sup> *RMS*, 1593-1608, 767, no.2104; *RPCS*, x, 794.

<sup>29</sup> *NRS*, PS1/84, 161r; GD49/356, 360, 362.

court matters.<sup>30</sup> After 1603 Mar was especially anxious to maintain his presence and standing with the king, whereas Marischal was content to delegate to his son and other intermediaries.<sup>31</sup> Through the Erskines and occasional Keith visits to James, the earldom was able to maintain a respectable presence at the heart of power.<sup>32</sup> This was a necessary adaption to the changing circumstances brought about by the Union of the Crowns, although it had taken the Keiths five years after 1603 to seriously start adapting to the new political landscape.

In 1617 Marischal had the opportunity to interact with James in person, when the monarch visited Scotland. However, the earl did not make much of the king's visit. He was not directly involved with the preparations, as by 1616 he no longer took an active role on the Privy Council, although he attended a convention to help make arrangements.<sup>33</sup> Nor did Marischal attend the king immediately. When James arrived at Berwick upon Tweed he was met by the Earl of Mar, who had Marischal's son, William Lord Keith in his company, so Marischal was at least represented. One of the first things the king ordered Mar to do was to ensure that Marischal and Erroll behave themselves in their respective offices of marischal and constable, referring to a considerable feud between the men over the previous decade.<sup>34</sup> On 23 May the Privy Council sent a letter to Marischal: running low on provisions to feed the king's train, they needed meat, fish and fowl from his estates.<sup>35</sup> The council sent another letter soon afterwards, requesting Marischal gather more and to take the provisions to Brechin for the king's entertainment at Kinnaird Castle.<sup>36</sup> This is where Marischal first joined the royal train.

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<sup>30</sup> NRS, GD124/15/27/89; GD124/15/48, 53; AUSC, MS 2233, ff.7.

<sup>31</sup> J. Goodare, 'Erskine, John, eighteenth or second earl of Mar (c.1562–1634)', *ODNB*.

<sup>32</sup> Groundwater, 'From Whitehall to Jedburgh', 872-873, 877-880. For the discussion of Marischal's role on the Privy Council see below.

<sup>33</sup> BL, RP 6956; W. McNeill and McNeill, 'The Scottish Progress of James VI, 1617' *SHR* 75 (1996) 38-51.

<sup>34</sup> See chapter six. NLS, MS 21174, ff.35-36.

<sup>35</sup> NLS, MS 21174, f.39.

<sup>36</sup> NLS, MS 21174, f.42.

On 24 May Alexander Forbes, the Bishop of Aberdeen, wrote to the Countess Marischal (presumably as Marischal was away preparing provisions), reporting that he had delivered the earl's messages to the king. James would send his reply to the countess via Lord Keith.<sup>37</sup> This letter is recorded in Marischal's inventory of writs. The entry immediately following presumably concerned the same matter: 'a l[ett]re of S[i]r James Balfoures q[uhai]rin he alledges his maiestie pro[m]issis to remember my bygane services 1617'.<sup>38</sup> Exactly what Marischal was so keen to press upon the king through the reminding of his past services is unrecorded, although it may have concerned his dispute with Erroll. Either way, Marischal was seeking patronage, but he was relying on intermediaries to deliver his sentiments, suggesting a relative lack of access to the monarch. Whatever this matter was it was not mentioned again.

Marischal, with the men of the Mearns, had initially been detailed to escort the king between Brechin and Dundee.<sup>39</sup> However, the bishop's letter to the countess also mentioned that James had suggested that the Bailies of Arundel and Montgomery, with a number of English knights, visit Dunnottar on their excursion to Aberdeen.<sup>40</sup> While James' retinue was between Kinnaird and Dundee (Lord Keith presumably served in lieu of his father as escort) on 30 May, 24 English knights visited Dunnottar. They may have been encouraged by William Camden's 1603 edition of *Britannia*, which had mentioned the castle, but they were also drawn by reputation, for while at dinner they asked Marischal 'wher is the blak stok that we have heard tell of in England?' The black stock was a large raised oak log, set in a chamber where travellers were fed free of charge as a sign of the earl's hospitality, which was not mentioned by Camden. This visit gave the earl the opportunity to show off. Not only did Marischal show the stock and the rest of his castle, he took his visitors to the park of Fetteresso and had them stand in a ditch. A servant rode

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<sup>37</sup> NLS, MS 21174, ff.37-38.

<sup>38</sup> NLS, MS 21183, f.59r.

<sup>39</sup> *Melrose Papers*, i, 290.

<sup>40</sup> NLS, MS 21174, ff.37-38.

off into the woods and blew a hunting horn and Marischal delighted his visitors as the wildlife of the park jumped over their heads.<sup>41</sup> Evidently catering for the king at Brechin had in no way exhausted the earl's ample supplies. The whole visit served to impress the earl's great hospitality and wealth upon these English visitors.

Marischal re-joined the king for a while, but apparently departed at Dunfermline, before the royal train headed towards Glasgow on 21 July, as ten days after this Marischal was comfortably settled enough in his palace of Fetteresso to make an inventory of his writs there.<sup>42</sup> Overall Marischal was a bit-player during the king's visit, leaving his son Lord Keith to attend James, and this characterises the earl's relationship with the king after 1595. He was concerned with his position, but not enough to make a rigorous effort with the king himself in London and so never went. That was now the business of his heir.

### **Government**

Where we find the greatest immediate impact of the Union of the Crowns on Marischal is in his role on the Privy Council. Throughout Marischal's political career he had split his time between the court and locality and figures eight and nine show Marischal's attendance on the Privy Council over his lifetime. Prior to James departing for England, Marischal's attendance had fallen off. Maureen Meikle noted that the nobility were reluctant to attend the council in these years, not seeing it as a valuable use of their time, and Marischal broadly fits this pattern.<sup>43</sup> On 15 December 1598 the king introduced new rules for council attendance. Marischal took the new oath four days later, but then asked for a month long leave of absence. In March he was still absent, but was excused for a further 40 days. He was still absent in May 1599 and was thus removed, not being

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<sup>41</sup> W. Camden, *Britannia* (London: 1607), 711; *Hist. MSS. Comm., Fourteenth Report*, 21; NLS, MS 21174, ff.37-38.

<sup>42</sup> NLS, MS 21183, ff.49-50, 53; *RMS*, 1609-1620, 596.601, nos 1649, 1658.

<sup>43</sup> Meikle, 'The Invisible Divide', 83.

readmitted until February 1601.<sup>44</sup> Even after being readmitted his attendance was infrequent. That Marischal attended four sessions in 1595, three in 1597, six in 1598, and so on, is insignificant when we consider that the council met nearly twice a week. Between 1599 and 1604 the Earls of Huntly and Argyll, comparable in status to Marischal, were averaging around 12 sessions a year, showing a serious lack of interest on his part.<sup>45</sup> Marischal's interest declined even in more important national affairs. In February 1597 Marischal was ordered to be at a convention in Perth, but made the king 'very offended' by not attending.<sup>46</sup> Presumably having been chastised for not attending in Perth, Marischal attended the May Convention in Dundee. This dealt with bullion, coin and customs, items of peripheral relevance to his earldom, so it is perhaps understandable that Marischal was reluctant to attend.<sup>47</sup>

After King James left Scotland in 1603 we see a sudden and sharp improvement in Marischal's attendance on the Privy Council between 1604 and 1608, when he attended 47 sessions. This is an impressive number for a high ranking noble, not far behind the Earls of Angus and Mar, and far more than Huntly or Argyll in this period.<sup>48</sup> This fits with Maureen Meikle's observation of the sudden noble interest in the Privy Council after 1603.<sup>49</sup> It also shows Marischal's immediate concern for his position in government and influence at the Scottish court when James left (if not the royal court in London). However, after 1608 Marischal's interest dwindled sharply. At the start of 1610 James recast the Privy Council again, reducing the number of members from 90 to just 35. The office was made more prestigious and supplemented with new legal powers, although measures were introduced to stop councillors attending only at their convenience. Marischal was appointed as one of these 35, taking the new oath on 4 October 1610 and attending the council occasionally in

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<sup>44</sup> *RPCS*, v, 500-501, 503, 539, 557; vi, 214.

<sup>45</sup> *Ibid.*, vi, pp.xxix-xxx.

<sup>46</sup> *CSP, Scotland*, xii, 459, 483.

<sup>47</sup> *RPCS*, xii, 384; *RPS*, 1597/5/1.

<sup>48</sup> *RPCS*, vii, pp.xvi-xvii.

<sup>49</sup> Meikle, 'The Invisible Divide', 83.

1610, 1611 and 1613, but his overall attendance did not improve.<sup>50</sup> In total, during his active career on the Privy Council between 1582 and 1613, Marischal attended a total of 107 sittings. To put this in perspective there were 1099 sederunts between 1590 and 1603 alone. Marischal was present on 58 of these, giving an attendance rate of just 5.3%.<sup>51</sup> In 1621 William Lord Keith, who was taking on the reigns of the earldom, attended the Privy Council twice on the earl's behalf.<sup>52</sup> Marischal's lack of interest is important in two respects. It indicates that he did not consider attendance worth his time, or of much direct relevance to his activities. It also suggests that even if there was a major revolution in government in Marischal's time, its impact would only have a limited impact on him, as he only infrequently took an interest in governmental activity. Rather than being forced out by governmental reforms, it seems that Marischal and his noble peers neglected government, which left the way open for other men to fulfil the tasks.

Marischal's increasing ill health and the distance between his northern estates and Edinburgh made more permanent attendance at times difficult, for example, in January and November 1621 he excused himself on account of illness.<sup>53</sup> Yet he was regularly in Edinburgh. The large number of charters Marischal witnessed under the Great Seal indicates that his attendance at court remained relatively consistent, despite his falling involvement in the rest of government (figure 10 and for a comparison with his grandfather, figure 11). Although a number of charters could be witnessed in a single day, this at least shows that Marischal was at court regularly, indicating that he did not consider the Privy Council a good use of his time while he was there. Witnessing charters under the Great Seal would let the earl assert his presence in government in a conspicuous manner, while also allowing him to keep an eye on the land markets. This is what the Great Seal primarily dealt with, which had a direct relevance to him and his estates. Marischal had a semi

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<sup>50</sup> *RPCS*, viii, pp.xii, 67.

<sup>51</sup> Brown, *Noble Power*, 168.

<sup>52</sup> *RPCS*, xii, 405, 549, 557.

<sup>53</sup> *Ibid*, 405.

regular attendance at court, but a terrible attendance on the Privy Council. It seems it was important for him to be seen, to conduct personal and estate business, but not important for him to participate in the day to day running and direction of government.

### **Parliament and the office of Marischal**

As outlined in chapter one, as hereditary marischals of Scotland the earls were responsible for maintaining order within whatever building Parliament was being held.<sup>54</sup> There is little evidence for the exercise of the office, save from one letter of May 1594, where King James asks Marischal to place the burgh of Perth between Edinburgh and Dundee in order of precedence.<sup>55</sup>

William the third Earl Marischal was present at nine parliaments out of 24 for which sederunts survive for his time as earl (see table 2 at the end of the chapter), which gives him a 37.5% attendance rate, although there were a further 19 parliaments in his lifetime for which sederunts do not survive. George the fourth earl attended nine parliaments out of 18, giving him an attendance rate of 50%. For all of these he was elected as a member of the Lords of the Articles. These figures for the two earls seem like slender figures, but not when compared to their attendance on the Privy Council or at Conventions. William attended two out of 14 conventions (14.2%) and George eight out of 36 (22.2%) (table 1). These limited statistics show that the two earls took a broadly consistent attitude towards parliament: it an important enough use of their time to attend in person and perform their office of marischal, more so than with the other appointments of government, such as the Privy Council, for which they held a place.

This is further underlined by the fact that when they did not attend Parliament in person the earls sent deputies in their place. Although not all these men can be identified as

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<sup>54</sup> Rait, *Parliaments of Scotland*, 513-514.

<sup>55</sup> Perth and Kinross Council Archive, BS9/26/1/9/1. The matter of precedence involved with this office is explored further in the following chapter as part of the earl's feud with the Earl of Erroll.

close associates of the earls, and were thus perhaps appointed by the parliament to perform the task, many were trusted kinsmen, friends and servitors. William for example trusted Gilbert Wauchope of Niddrie as his depute, so much so that Gilbert's son William Wauchope was honoured with a modification to his landed title, becoming 'of Niddrie-Marischal'.<sup>56</sup> William also sent his son the Master of Marischal, as well as his trusted servitors Robert Keith of Canterland and Monano Hog.<sup>57</sup> George sent his son William, his servitor George Fraser, his lawyer William Hope and his good friend the Earl of Mar. Presumably some of the other deputies were trusted by the two earls, meaning that even if they did not attend in person they still had some form of representation, which is again something much less apparent in conventions or Privy Council meetings.

All of this would indicate the comparative value of parliament to the earls, or at least the requirements of their office. This supports Alan MacDonald's argument that parliament was an important and valued part of Scottish political life. Marischal can be seen as one of the noblemen MacDonald suggests failed to regularly participate on the Privy Council, because their power made it unnecessary, while still attending Parliament, as that same power also needed to be visibly asserted.<sup>58</sup> One other interesting point is that aside from 1584 and 1587 George seems not to have attended the first day of Parliament, sending a deputy for the ceremonial duties of Marischal and he only appeared later in the proceedings, which suggests that he did not consider these formal occasions worth his time.

On 3 June 1609 Marischal was directed by the king to attend the upcoming parliament, at which a number of articles would be passed for the 'repressing of Papistry'.<sup>59</sup> Marischal not only attended that Parliament, but presided over it in the king's place, as supreme procurator, or great commissioner, at the Parliament 'on account of our

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<sup>56</sup> *RPS*, 1527/1, 1538/1.

<sup>57</sup> *RMS*, 1546-1580, 212, no.945; *NRAS* 217/Box 15/621.

<sup>58</sup> A. MacDonald, 'Deliberative Processes in Parliament c.1567-1639: Multicameralism and the Lords of the Articles,' *SHR* 81 (2002), 45-46.

<sup>59</sup> *NLS*, MS 21174, ff.19-20.

singular affection ... on account of the large number of instances of loyal obedience and of duties carried out for us by him'.<sup>60</sup> Calderwood, however, recounts a more prosaic reason, that the Earl Marischal and Earl of Mar lobbied for the position as they did not wish to see George Home, not long ennobled as Earl of Dunbar, a lesser man, holding the position.<sup>61</sup> On 17 June Marischal oversaw the judicial proceedings for the summons of treason against Lord Maxwell, and then the selection of the Lords of the Articles. This latter act was a controversial one as James was increasingly interfering in the traditional mechanisms of nominations.<sup>62</sup> On 24 June legislation was passed; in all over 55 separate pieces were ratified.<sup>63</sup> Taking the opportunity to reward himself for his services, Marischal had various infefments of land and properties ratified, which the burgh of Kintore had granted to him.<sup>64</sup> In July James wrote thanking Marischal for his service.<sup>65</sup> Sitting as the king's commissioner evidently carried some prestige; the earl's funeral oration placed it alongside the mission to Denmark in 1589 and his Lieutenancy of the North in 1593.<sup>66</sup> Alexander Gardyne even composed a poem for the occasion, comparing Marischal to the Roman statesman and military hero, Fabius Maximus.<sup>67</sup>

### **In the Locality: Sheriff of the Mearns**

The other major office Marischal held which was directly related to the governance of the country was that of sheriff of the Mearns. The Keiths had been heritable sheriffs there since at least the time of the first Earl Marischal.<sup>68</sup> This entailed collecting revenue for the king, organising military activities, presiding over the sheriff court and executing royal letters and decrees, which could be hard and time-consuming work. Efforts were made in this period to curtail the abuses of the heritable sheriffdoms, although there was

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<sup>60</sup> RPS, 1609/4/6.

<sup>61</sup> Calderwood, *History*, vii, 38.

<sup>62</sup> RPS, 1609/4/7-11; A. MacDonald, 'Deliberative Processes', 48.

<sup>63</sup> RPS, 1609/4/13-70.

<sup>64</sup> RPS, 1609/4/46.

<sup>65</sup> NLS, MS 21174, f.21-22.

<sup>66</sup> Ogston, *Oratio Funeris*, 13.

<sup>67</sup> Mr Gardyne, *A Garden of Grave and Godlie Flowres* (1609).

<sup>68</sup> Buchan, *Noble Family of Keith*, 39.

little impact on Earl George's office.<sup>69</sup> By 1650 William the third Earl was remembered and especially praised for his work as sheriff:

[he] did administer justice to the whole shire originally to the satisfaction of every person, taking in all cases before himself: for though he came not abroad, yet gave access to all. It was observed that during all that time there was not so much as a suit of law before the lord of session, in all that time, every one having been justly decided before his own court.<sup>70</sup>

There is little surviving evidence to support or refute this claim.

No records survive for the sheriff courts of the Mearns in Earl George's time. Although the heritable sheriffdoms have a bad reputation, there is little commentary on Marischal's exercise of his office of sheriff, which might indicate the smooth running of that position, as with his grandfather. Indeed, scraps of evidence suggest a system working well. When a lieutenant was appointed to restore order in the Western Isles in 1596, Marischal was responsible as sheriff to collect the taxation to pay for the mission.<sup>71</sup> Much of this work was relatively mundane. For example, in 1607 Marischal was charged to escort the captured John Forbes, chief of the 'society of boys' - a violent gang of young lairds and sons of lesser nobles - from the jurisdiction of Alexander Irvine of Drum through the Mearns, to Brechin for onward transmission to Edinburgh.<sup>72</sup> Marischal cooperated in May 1597 when the Town Council of Aberdeen paid 'for a horss hyre, to carie Johne Crichtoun to Dunnottar, q[u]ha wes apprehendit for a witche'.<sup>73</sup> As part of his office of sheriff, in December 1596 Marischal was involved with the trial and execution of

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<sup>69</sup> Brown, *Noble Power*, 92-96; C. Malcolm, 'The Sheriff Court: Sixteenth Century and Later' in *An Introduction to Scottish Legal History*, various authors (Edinburgh: Stair Society, 1958), 356-362.

<sup>70</sup> NLS, MS 21187, f.2v.

<sup>71</sup> *RPCS*, v, 314.

<sup>72</sup> *Ibid.*, vii, 442.

<sup>73</sup> *Spalding Misc.*, v, 64.

four pirates, who had seized a ship in the Hebrides. They were taken from Aberdeen to Dunnottar Castle, for trial, then taken back and hanged at the mouth of the Dee.<sup>74</sup>

Occasionally Marischal was tasked with, or requested and was granted, commissions from the Privy Council to apprehend more serious outlaws. In December 1616 Marischal, the sheriff of Aberdeenshire and the provost of Aberdeen were appointed to catch fugitive Monano Hog of Blairydrine (son and successor to Monano Hog mentioned above); on 14 January 1619 the three were commissioned to apprehend murderer Duncan Forbes; and in January 1620 Marischal, with the sheriff of Forfar, and the provosts of Dundee and Brechin, were appointed to apprehend the murderer Thomas Bowman.<sup>75</sup> Not all applications for commissions were successful though. In December 1609 Marischal sought to arrest a number of women suspected of witchcraft. The Privy Council debated the matter, and, after considering the scandal caused by a number of cases where ministers had employed sorcerers to help identify witches, along with a number of miscarriages of justice, they declined to grant the commission.<sup>76</sup>

There is slight evidence that Marischal occasionally abused his position as sheriff. In 1605 the Laird of Murthill with various other men came armed to the Kirk of Benholm to harm Gilbert Keith in Blackhills, Adam Young and his son John Young. When the case came before the Privy Council, one of Murthill's men, John Douglas, declared that they should not be tried as he had a letter from the Earl Marischal as sheriff, dated the day before the attack, which had directed them to keep the peace by debarring Keith and the two Youngs from the kirk. The letter was dismissed as 'it wes purchassed sensyne'.<sup>77</sup> The implication that the letter was not a forgery, but had been purchased after the event and back dated, suggests that Marischal was not above taking bribes. He may have taken the

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<sup>74</sup> *Ibid.*, 64-65, 122.

<sup>75</sup> *RPCS*, x, 678; xi, 497; xii, 178-179.

<sup>76</sup> *Ibid.*, xiv, 614.

<sup>77</sup> *Ibid.*, vii, 35.

bribe, written the letter, and then informed the Privy Council, hence explaining how they had come to know about its lack of authenticity.

The introduction of the new justices of the peace to Scotland has been seen as a governmental innovation intended to undermine the traditional sheriffs in the localities.<sup>78</sup> Initially Marischal actually extended his influence through this new office, as on 6 November 1610 he was made a Commissioner of the Peace for the Mearns, Aberdeenshire and Inverness-shire with Cromarty.<sup>79</sup> He was reappointed to the Mearns in May 1613 and August 1614, when the commissioners' membership was reformed.<sup>80</sup> It is not clear how long he remained a commissioner in the other two shires, which were not reformed until after Marischal's death in 1623, when William the fifth Earl Marischal was appointed only to the Mearns.<sup>81</sup> The act of appointment to two other sheriffdoms can be read as an extension of Marischal's jurisdiction. However, as the justices of the peace were only empowered to directly punish offenders below the landed worth of £666 13s. 4d., these new offices were of little direct use and in the Mearns added little to the earl's existing powers as sheriff.<sup>82</sup> Marischal's power in the localities therefore remained broadly consistent throughout his life.

## Conclusion

Julian Goodare suggests that Marischal's aloofness towards central government indicates that he preferred a private life to political participation.<sup>83</sup> There is some truth to this, although the binary of preference between public and private is perhaps the wrong emphasis. Rather it seems that Marischal did not consider a more active role in central

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<sup>78</sup> Goodare, *Government of Scotland*, 5, 14, 128, 175, 299; Goodare, 'The Nobility and the Absolutist State', 161-182; Goodare, *State and Society*, 1, 6, 7, 37, 63.

<sup>79</sup> *RPCS*, ix, 79.

<sup>80</sup> *Ibid.*, x, 67, 266.

<sup>81</sup> *Ibid.*, xiii, 348.

<sup>82</sup> McNeill, 'Justices of the Peace 1587-1610' in McNeill and R. Nicholson, eds., *An Historical Atlas of Scotland c.400-c.1600* (Scottish Medievalists, 1976), 91-92.

<sup>83</sup> Goodare, *State and Society*, 79, 289-290.

government as important for himself or the needs of his earldom. It was not the case that he preferred the private, but rather that he did not need the public.

Marischal was largely secure in terms of land and wealth and was hence relatively inactive politically. He was, it seems, happy to be called upon to serve the king, but largely indifferent to developing a closer relationship with him. He was unenthusiastic about the Privy Council or conventions of estates. His actions before 1595 clearly show that he was highly active when he needed to defend his earldom, but that need had largely passed. As the earl grew older he delegated interaction with the king to his son, who was sent to James in England and embedded in the retinue of the Earl of Mar, who was one of the pillars of James' rule. The earl did not deem the Privy Council a good use of his time, although he regularly came to Edinburgh and witnessed charters. This indicates that he was still a continuing, if minor, presence in the government of Scotland, as is also seen in his (marginally better) attendance at Parliament. Thus, if there was any revolution in government it would only ever have had a limited or negligible impact on his activities. The implication of this is that the reforms of Government were not made in opposition to the old nobility, but in their absence, perhaps even made necessary by their dwindling participation.

Marischal had little real need to attend the king himself or the Privy Council, and so he seldom interacted with either. After the Union of the Crowns the earl eventually adapted to the changing situation and sent delegations to create a presence at court. Overall, however, Marischal did not feel that his position and social standing were under threat by not being physically present himself, as had been the case during the dangerous period of court politics before 1595. His power came not from the centre, but from his lands and in the localities, and thus we find that he was proactive as sheriff of the Mearns. The localities were where his power lay and it was important that they should be well managed. We can

now turn to an exploration of his priorities in dealing with those localities through the remaining chapters.

Figure 8: Keith attendance on the Privy Council 1579-1596.<sup>84</sup>

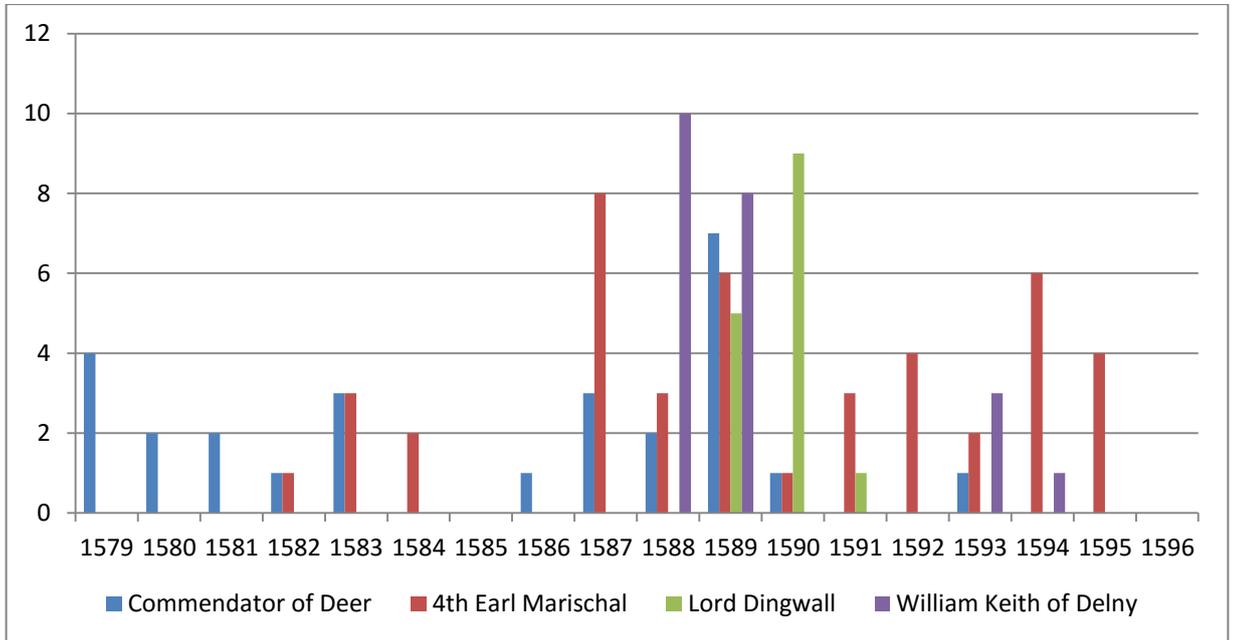
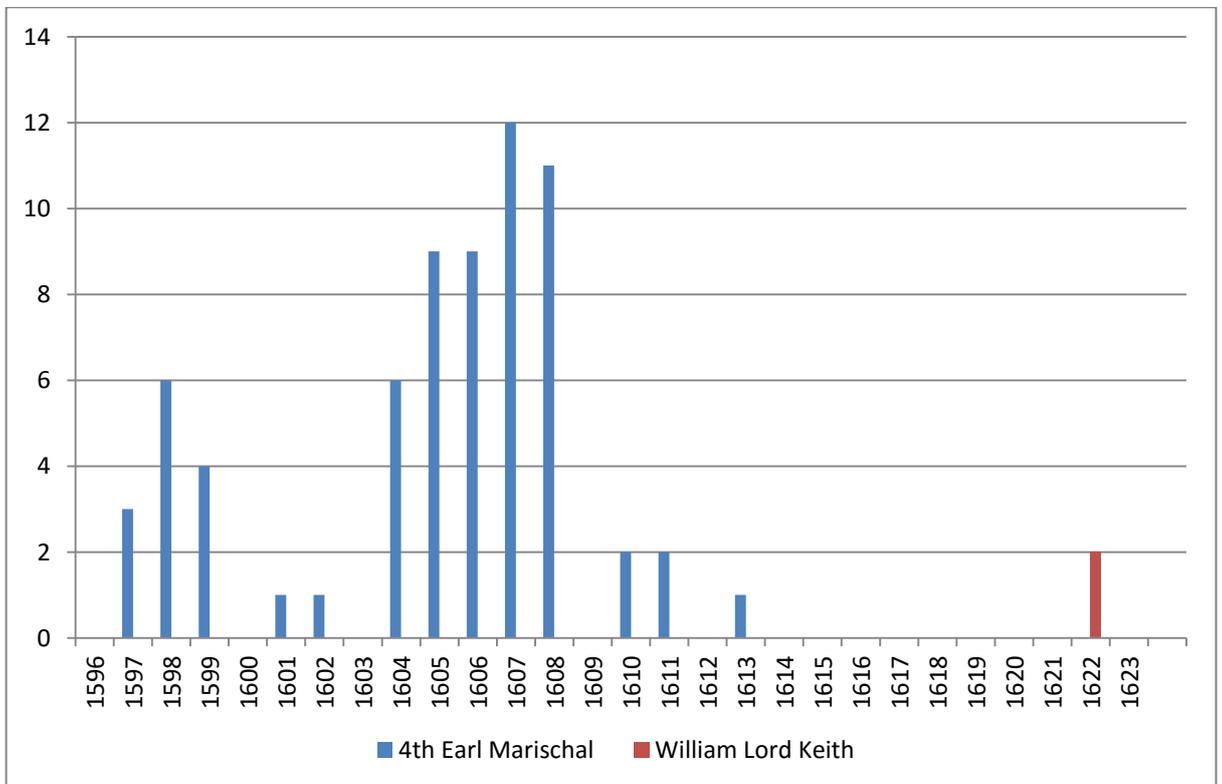


Figure 9: Keith attendance on the Privy Council 1596-1623.<sup>85</sup>



<sup>84</sup> *RPCS*, iii-v.

<sup>85</sup> *RPCS*, v-xiii.

Figure 10: Charters witnessed by George, 4th Earl Marischal under the Great Seal, 1580-1623<sup>86</sup>

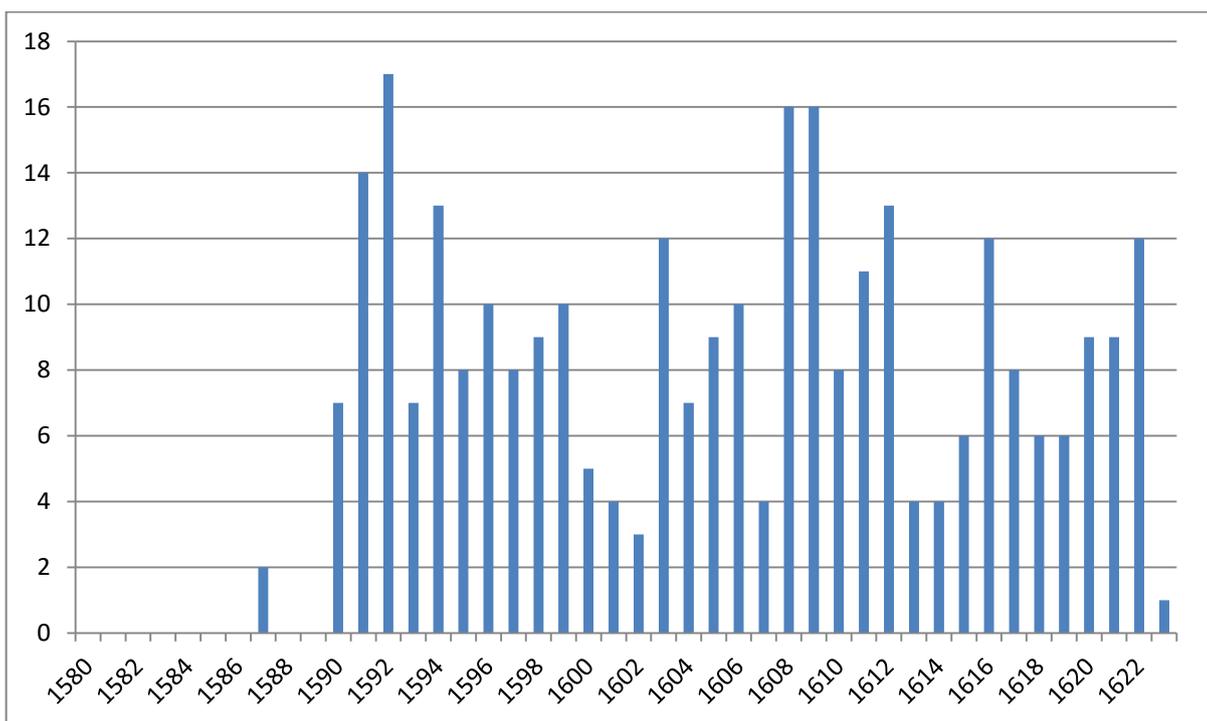
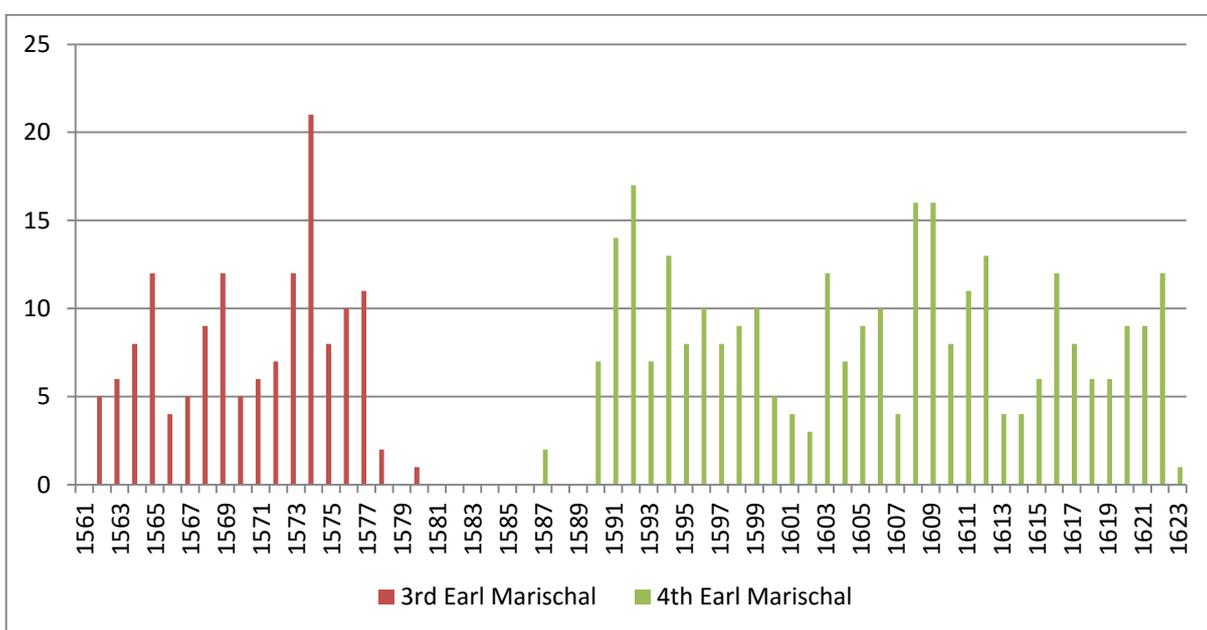


Figure 11: Charters witnessed by the Earls Marischal under the Great Seal, 1561-1623



<sup>86</sup> RMS, 1580-1593; 1593-1608; 1608-1620; 1620-1633

**Table 1: Conventions of Estates<sup>87</sup>**

NS= No Sederunt NKA= No Keith attendance

James V	Convention	Attendance
1513	November (General Council)	William Second Earl Marischal
1517	October (Meeting of the Estates)	NKA
1522	February (Meeting of the Estates)	NS
Mary		
1545	June	NKA
1546	June	NKA
1547	March	William Third Earl Marischal
1547	September	NS
1548	February	NS
1549	July	NS
1557	March	NS
1561	December	William Third Earl Marischal
1566	October	NKA
James VI		
1567	July	NS
1567	July	NS
1567	August	NKA
1569	February	William Keith, Master of Marischal
1569	July	William Keith, Master of Marischal
1570	February	NKA
1570	March	NS
1571	September	NKA
1572	November	NKA
1575	March	William Keith, Master of Marischal
1578	March	NKA
1579	August	Robert Keith, Commendator of Deer
1581	February	NS
1581	April	NS
1582	October	George Earl Marischal
1583	April	NKA
1583	December	George Earl Marischal
1585	July	George Earl Marischal
1586	September	NKA
1587	May	William Keith of Delny
1588	April	William Keith of Delny
1590	June	George Earl Marischal
1590	July	NKA
1591	August	NKA
1593	September	NKA

<sup>87</sup> Data from *RPS*.

1593	October	NKA
1593	November	NKA
1593	December	NKA
1594	January	NS
1594	January	NS
1594	April	George Earl Marischal
1594	September	NKA
1594	November	NKA
1595	March	NS
1596	May	NKA
1596	September	NKA
1596	December	NS
1596	December	NKA
1597	January	NKA
1597	January	NKA
1597	March	NKA
1597	May	NKA
1598	June	George Earl Marischal
1598	October	George Earl Marischal
1598	December	George Earl Marischal
1599	February	NS
1599	March	NKA
1599	May	NS
1599	July	NS
1599	December	NKA
1600	June	NS
1601	September	NS
1602	February	NKA
1605	June	NKA
1608	May	NKA
1609	January	NKA
1617	March	NKA
1621	January	NKA
1623	January	NKA

**Table 2: Parliament**<sup>88</sup>

MD = Marischal Depute NS= No Sederunt

		Opening day of Parliament	Other Attendees
<b>JAMES V</b>			
1515	Jul	NS	
1516	Jul	NS	
	Nov	NS	
	Jul	NS	
1524	May	NS	
	Aug	NS	
	Nov	Gilbert Keith MD	
1525	Feb	William Forbes of Corsindae MD	
	Jul	Gilbert Keith MD	
1526	Jun	Auchterlony of Kelly MD	
	Nov	Adam Wawane of Newton MD	
1257	May	Gilbert Wauchope of Niddrie MD	
1528	Sep	Gilbert Wauchope of Niddrie MD	Patrick Baron MD
			William Kemp MD
			Edward Little MD
1531	Apr	William Earl Marischal	Carmichael of Meadowflat MD
			James Johnston MD
1532	May	Gilbert Wauchope of Niddrie MD	
1533	Jul	Gilbert Wauchope of Niddrie MD	Preston of Craigmillar MD
			John Grierson of Lag MD
			Andrew Baron MD
			Thomas Porteous MD
			Robert Barton of Barnboughe MD
			William Crawford MD
			David Ireland MD
			Kincaid of that Ilk MD
1535	Jun	William Earl Marischal	
1536	Apr	William Earl Marischal	
1538	Mar	William Wauchope of Niddrie-Marischal MD	William Earl Marischal
			Henry Lauder MD
			Thomas Menzeis MD
			George Hay MD
			William Borthwick MD

<sup>88</sup> Data from *RPS*.

1540	Dec	William Earl Marischal	David Ireland MD
			James Baron MD
			Adam Baron MD
			William Hamilton MD
			Archibald Beaton MD
<b>MARY</b>			
1543	Mar	William Earl Marischal	
	Dec	No Keith attendance	
1544	Nov	John Pardovan MD	James Lindsay MD
1545	Sep	Robert Black MD	William Adamson MD
			John Hamilton MD
1546	Jul	John Pardovan MD	William Earl Marischal
1548	May	Mr Henry Foulis MD	
1548	Jun	Mr Henry Foulis MD	
1548	Jul	NS	
1551	May	NS	
1552	Feb	NS	
1554	Apr	NS	
1555	Jun	NS	
1556	May	NS	
1557	Mar	NS	
1557	Dec	NS	
1558	Nov	William Earl Marischal	
1560	Aug	William Earl Marischal	William Keith Master of Marischal and Robert Keith Commendator of Deer
1563	Jun	NS	
1564	Dec	NS	
1567	Apr	Monano Hog MD	
<b>JAMES VI</b>			
1567	Dec	NS	
1568	Jul	Monano Hog MD	William Keith Master of Marischal
1569	Nov	Robert Keith MD	
1570	Oct	NS	
1571	Jan	NS	
1571	Aug	NS	
1572	Feb	NS	
1573	Jan	NS	
1573	Apr	NS	
1578	Jul	Robert Keith Commendator of Deer	
1579	Jul	NS	
1579	Oct	Robert Keith of Canterland MD	Robert Keith Commendator of Deer
1581	Oct	Robert Keith of Canterland MD	George Earl Marischal

1583	Oct	Henry Wardlaw MD	
1584	May	George Earl Marischal	John Irvine MD
1585	Dec	James Keith of Canterland MD	
1587	Jul	George Earl Marischal	David Graham MD and Robert Keith Commendator of Deer
1592	Apr	James Mathieson MD	George Earl Marischal
1593	Apr	Thomas Scott MD	Lord William Keith MD
1594	Apr	James Mathieson MD	George Earl Marischal
			John Scott MD
1597	Nov	Thomas Scott MD	
1604	Apr	Thomas Scott MD	George Earl Marischal
			George Fraser MD
1605	Jun	Thomas Scott MD	George Earl Marischal
			James Stewart MD
1607	Mar	Archibald Bald MD	George Earl Marischal
1608	May	Archibald Bald MD	
1608	Jul	Archibald Bald MD	
1609	Apr	Archibald Bald MD	George Earl Marischal (Royal Commissioner)
1612	Oct	James Stewart MD	
1617	May	Alexander Stobo MD	
1621	Jun	William Hope MD	William Lord Keith MD and The Earl of Mar 'procurator for the Earl Marischal'

## **CHAPTER 6**

### Feuding

We have already seen Marischal's major conflicts with the Earl of Huntly and Chancellor Maitland, both of which were intimately tied to court politics and resolved by 1595. Beyond these major disputes which encompassed court and locality, Marischal pursued a series of smaller clashes with a number of individuals right up until his death. Whereas most studies of feuding and conflict in Scotland concentrate on larger individual conflicts or explore a number of one particular type of conflict, few have considered the individual perspective, which allows a greater sense of a spectrum and context. So while Marischal's feud with Huntly up to 1595 is the most sensational conflict, the underlying root of that struggle being over the boundaries of the jurisdiction of the Lieutenant of the North, it can be better understood if we look to Marischal's lesser disputes, both in terms of their underlying principles as well as the resulting conduct. These feuds cast useful light on the running, exercise and the priorities of his lordship, as they show what kind of behaviour provoked the earl. In particular, they show the severe problems arising from disputed boundaries of varying sorts, not only those of land and property, but of jurisdiction and authority.

Defining and categorising conflict in this period is difficult. Keith Brown highlighted how contemporary definitions of feud were unhelpfully vague and how bloodfeud is best thought of as being only one facet of a range of disputes and dispute resolution.<sup>1</sup> Marischal conducted his quarrels within the context of a transitional period from the informal framework of the Scottish bloodfeud - essentially ritualised violence supported by a kin network to achieve dispute settlement - to a more legalistic court-based system of dispute settlement and corrective justice.<sup>2</sup> Whether Marischal's life maps this decline in violence and out-of-court mediation in favour of preference to legal recourse is inherently difficult to answer; the evidence is naturally skewed towards the latter due to the bureaucracy it entailed. No doubt there were many skirmishes, confrontations, meetings

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<sup>1</sup> Brown, *Bloodfeud*, 2-8.

<sup>2</sup> Brown, *Bloodfeud*, 3-5, 27, 30, 65, 79, 144, 260, 268-272; Godfrey, 'Rethinking the Justice of the Feud', 136-154.

and settlements throughout his life which went unrecorded. The major problem in assessing Marischal's feud with the Earl of Huntly in the previous chapters was the lack of detail; from contemporary reports we know that it was happening, but we do not know exactly how. This chapter will explore the broad range of Marischal's disputes, conducted against groups and individuals outside the kingroup, and after his major court based conflicts were over in 1595.

Marischal certainly had the capacity to inflict significant violence on his enemies, as he had enough weaponry to equip a substantial private army. Dunnottar Castle boasted an extensive array of ordinance: some 17 cannon of various sorts, and a great quantity of ammunition and armour.<sup>3</sup> Marischal portrayed himself on the memorial to his five year old daughter in Benholm armed with a huge sword and a long musket (figure 12), and among his accounts are mentions of some daggers and a gilt whinger (a short stabbing sword).<sup>4</sup> As the last of these suggests, both his personal armament and the defences of his castles were in equal measure as fashionable as they were practical. Noble honour was as much about show and demonstrating the capacity for violence, in order to discourage slights and insult, as actual violence itself.<sup>5</sup> Yet Marischal's armoury was probably so substantial to enable him to fulfil his duties to the crown as a feudal vassal and as sheriff of the Mearns, and not necessarily to assuage personal grievance.

Given the earl's preparedness for violence, it is quite remarkable how averse to it he was, at least by comparison with other nobles. As noted, the only evidence for him being involved in killing anyone as a result of feud (aside from in his legal capacities as sheriff or king's lieutenant) was when he had William Keith killed in 1584.<sup>6</sup> A body count of one laird's son stands in bold contrast to the Earl of Huntly, who not only killed the Earl

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<sup>3</sup> NLS, MS 21183, ff.47-48.

<sup>4</sup> NLS, MS 21176, f.36r.

<sup>5</sup> K. Brown, 'Honour, Honours and Nobility in Scotland between the Reformation and the National Covenant' *SHR*, 91 (2012), 42-75.

<sup>6</sup> *RMS*, 1580-1593, 262, no.834.

of Moray, and had tried to kill Marischal, but among many other acts of brutality was reputed to have had two cooks roasted alive.<sup>7</sup> Perhaps remembering and learning from the violent death of his brother in Geneva, Marischal did not see killing as a viable option. He was not alone in this attitude, as there was a general reluctance amongst the early modern Scottish nobility to resort too hastily to violence for fear of escalating reprisals. However, Marischal stands out for his comparative peacefulness when most of his peers are known to have brawled or fought, even if no one were not seriously injured or killed.<sup>8</sup>

In the old system of bloodfeud, outside or government intervention was only sought as a last resort, when private means of settlement had failed.<sup>9</sup> Marischal seems to have been quick to accept increasing intervention and grasped the new principle which George Gordon of Gight learned the hard way in 1617. In his trial for the murder of Francis Hay, done to avenge Hay's murder of his brother Adam Gordon in 1615, Gight claimed to have been acting responsibly, 'being the avenger of bluid, viz. the eldest brother of the said Adame'. Sir William Oliphant, the Lord Advocate, bluntly responded:

thair is nather Law nor resson can make the Laird of Geicht the avenger of bluid, bot only the Kingis Maiestie, his Justice, and utheris haifing power and authoritie of his Maiestie.<sup>10</sup>

Unlike Gight, Marischal appears to have readily resorted to the law, rather than violence. In 1586, after being attacked by the Keiths of Ludquharn, Marischal brought a case before the Privy Council, and declared that he:

mycht nocht onlie withstand and resist thair appressioun and injurie, bot repair the same with the lyke or gritare, yit for the reverence he beiris to his Majestie, perswading himselff of remeid at his Hienes handis.<sup>11</sup>

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<sup>7</sup> *CSP, Scotland*, xi, 165-166.

<sup>8</sup> Brown, *Bloodfeud*, for the aversion to escalation see 113.

<sup>9</sup> Wormald, 'Bloodfeud, Kindred and Government' 54-97.

<sup>10</sup> Pitcairn, *Trials*, iii, 418-420.

He was also willing to meet the cost of this. The earl's servitor and lawyer, George Fraser, notes in his accounts in 1612 that he paid £20 for consulting with Thomas Hope, the most respected Edinburgh lawyer at the time 'in his L[ords]hip's] actionis' and again in 1614, when he paid £14 6s. 8d. for the same service.<sup>12</sup> Not all noblemen were so willing to resort to the courts. In 1600 the Earl of Erroll sought to reach a settlement to his dispute with Marischal 'nocht be law or truble quhilk is now the commoun custome of the cuntrie in maiteris of less wecht'.<sup>13</sup> Keith Brown asserts that a major contributory factor to the decline of feuding was the influence and growth of the legal profession as an alternative (although not necessarily a more effective) method for dispute resolution.<sup>14</sup> Marischal was not only content to resolve his disputes through the courts, but he also had the financial resources to do so. This may have been an obvious course to take to compensate for his relatively small kingroup, which was illustrated in his feud with Huntly, where Marischal simply could not match his rival in terms of kin power. The law allowed Marischal to use those resources over which he did command superiority: his wealth.

Marischal's disputes are thus hard to define as 'bloodfeud'. For a start, there was very little blood. However, bloodfeud was a system of private dispute resolution, covering a range of disputes and intensities of conflict rather than continued bloody retribution. In addition, an important aspect of good lordship was keeping the peace.<sup>15</sup> Although we see relatively little killing, his disputes occasionally showed the characteristics of escalating violence and a need to protect the interests of the earldom from perceived slights. Marischal's resolve to use the law was a supplement to this, rather than a replacement. What follows is a review of the principal disputes in Marischal's life after 1595, which illustrate what he felt was worth fighting for, and how he thought best to achieve this.

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<sup>11</sup> *RPSC*, iv, 118-119.

<sup>12</sup> NLS, MS 21176, ff.29r, 38r; D. Stevenson, 'Hope, Sir Thomas, of Craighall, first baronet (1573-1646)', *ODNB*.

<sup>13</sup> *Spalding Misc.*, ii, 286.

<sup>14</sup> Brown, *Bloodfeud*, 3-5, 27, 30, 65, 79, 144, 260, 268-272.

<sup>15</sup> *Ibid.*, 3-5, 27, 30, 65, 79, 144, 260, 268-272; Brown, *Noble Power*, 64; Godfrey, 'Rethinking the Justice of the Feud', 140.

Many of Marischal's disputes were petty and humdrum. In December 1585 he pursued a legal action against his neighbour in Aberdeen, Gilbert Menzies of Pitfodels, regarding no more than a ruinous boundary wall between their two properties.<sup>16</sup> Likewise, a dispute put before the Privy Council in 1607 reports that in 1603 Marischal had been so dissatisfied with the work of a plumber, David Anderson, working on a fountain in Dunnottar, that the earl imprisoned him in the castle. He ordered that Anderson not be released until the plumber annulled the contract. When Anderson was next passing through Stonehaven Marischal kidnapped him, imprisoned him again and demanded he supply fresh lead for the works.<sup>17</sup> Although this seems heavy handed, Marischal's actions contrast with the severity of his son William, who resorted not only to imprisonment, but also torture to achieve his ends. In 1612 William's servant Thomas Mowat had lost 120 gold angels (£260) which had been entrusted to him for safekeeping while William attended business in Edinburgh. Mowat asserted that they had been robbed one night but William was convinced his servant had stolen the money, so imprisoned and tortured him, before release pending a trial.<sup>18</sup> Marischal's second son Gilbert Keith of Auchiries, took a violent dislike to a man called Gilbert Keith in Blackhills and so in February 1612 came to Blackhill's house and 'there attacked him with drawn swords and wounded him to the effusion of his blood'. Two similar attacks followed in July and August.<sup>19</sup> Marischal thus stands out as comparatively non-violent not only to his noble peers, but also to his own sons.

Sometimes smaller disputes led to larger clashes with his neighbours. In 1600 a man called Alexander Keith stole the Countess Marischal's horse from Dunnottar Castle and two mares from James Hog, one of Marischal's nearby tenants. Alexander was apprehended, but the horses were not recovered. While his punishment was being devised,

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<sup>16</sup> ATCR, XXXVI, 400-401.

<sup>17</sup> *RPCS*, vii, 746-747.

<sup>18</sup> *Ibid.*, ix, 448, 734-736; Pitcairn, *Trials*, iii, 243-244.

<sup>19</sup> *RPCS*, ix, 478.

Alexander escaped from Dunnottar. Hog managed to track him down and in the process found the stolen horses on the lands of William Gordon of Gight (son to the man who had almost assassinated Marischal in 1587). Hog and his men unwisely challenged Gight, and were duly set upon. The matter was brought before the Privy Council and Gight was put to the horn.<sup>20</sup> Gight was a notoriously violent troublemaker and had previously quarrelled with Marischal's brother Robert (a quarrel in which the Bishop of Aberdeen had to intervene) and in 1598 a violent meeting in the streets of Aberdeen between Marischal, Gight and Gordon of Cairnburrow was only stopped by the armed intervention of the townsmen.<sup>21</sup> The horse incident had reignited this animosity, although this particular feud was resolved peacefully by the intervention of the Earl of Erroll, who retrieved the horses.<sup>22</sup>

Kinship was a major cause and aggravator of feud, which often led superiors and inferiors to take up a cause in the family interest.<sup>23</sup> In 1617 James Forbes of Blaktoun killed William Keith, brother to George Keith of Clackriach. In 1618 Duncan Forbes of Camphill murdered Gilbert Keith in Loristoun, after a long-running series of incidents.<sup>24</sup> These murders led to the reigniting of a 1604 dispute between the Forbeses and the Keiths, although the nature of the older dispute is unrecorded.<sup>25</sup> However, instead of being drawn into the feud, Arthur Lord Forbes and Marischal, old friends, put a halt to it. Forbes wrote to Marischal, remarking on:

yt regard I hef to ye auld fryndship yt hes bene & I think is betwixt your  
l[ordship's] hous & myn, I heff thocht expedient to adverteis your lo[rship] of

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<sup>20</sup> *RPCS*, vi, 188-189.

<sup>21</sup> Cameron, *Warrender Papers*, i, 325; *ATCR*, XXXVIII 85; *Spalding Misc.*, v, 63; McMillan, 'Keeping the Kirk'.

<sup>22</sup> *RPCS*, vi, 298.

<sup>23</sup> Wormald, 'Bloodfeud, Kindred and Government', 54-97.

<sup>24</sup> *RPCS*, xi, 212, 497; *ATCR*, XLVIII, 157.

<sup>25</sup> *Spalding Misc.*, v, 74.

his unhappy accident fallin out betwixt your lo[rds]hip's] kynsman & myn, and as  
I am writting to ye now in luf & fryndshipt with your lo[rds]hip] and yor hous.<sup>26</sup>

In January 1618 Marischal was granted a commission to apprehend the murderers.<sup>27</sup> The matter dragged on in the courts, long after the old earl's death, and was finally resolved in 1624 when Duncan Forbes was ordered to pay £1,333 6s. 4d. in compensation to the family.<sup>28</sup> This dispute started in violence, but was resolved peacefully. Marischal and Lord Forbes restrained their subordinates and legal process resolved the dispute. There are other instances of the Keith subordinates coming into conflict with other families, such as the Keiths of Ludquharn in 1618 with Gordon of Gight, but Marischal appears to have taken no involvement.<sup>29</sup> The Keiths of Ludquharn were a relatively strong kingroup, so may not have needed or appealed to the earl for help. Occasionally the law would intervene to stop escalation, as in 1606 when the Master of Marischal and John Lord Maxwell had to declare to the Privy Council that there was no quarrel between them concerning the dispute between John Stewart and Keith of Ludquharn.<sup>30</sup> Overall though, the kingroup was rarely a source of trouble with external groups for the earl.

### **Landed Disputes**

By far the most numerous of Marischal's disputes were over property rights. In May 1610 George Sinclair, Laird of Dunbeath, compelled George Sinclair, fifth Earl and sheriff of Caithness, to expel various outlaws who had been raiding his lands from the sheriffdom. However, as the men were Marischal's tenants, whose Caithness lands had been exempted from the sheriff's jurisdiction since 1582, nothing could be done.<sup>31</sup> The Privy Council demanded that Marischal either answer for his men or else permit the Earl of Caithness to punish them. When Marischal failed to answer this letter, Dunbeath charged

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<sup>26</sup> NLS, MS 21174, ff.70-71; NLS, MS 21183, f.59v.

<sup>27</sup> *RPCS*, xi, 497.

<sup>28</sup> NLS, MS 21183, f.57v, 58r; *RPCS*, xii, 179-180, 237, 421, 432.

<sup>29</sup> *Aberdeenshire Court Bk.*, ii, 240; *RPCS*, xi, 369.

<sup>30</sup> *RPCS*, vii, 178, 626.

<sup>31</sup> *RPCS*, iii, 540-541.

him and Lord Keith to bring their men to trial in December 1610. However, there followed a long and unresolved argument between Caithness and Marischal about whose jurisdiction the men fell under.<sup>32</sup> Perhaps in a sensible strategy to resolve the dispute, in November 1612 the Keiths sold the lands to the Earl of Caithness.<sup>33</sup> Although the nobility hesitated to sell landed patrimony unless absolutely necessary, these lands had proved little more than an irritation. Besides the ongoing issue with Dunbeath, they had been attacked twice by the Earl of Caithness in the previous earl's lifetime; in 1592 they were seized by Robert Keith, Marischal's brother; they were raided again in 1597 by a John Keith; and in 1608 some undetailed dispute, presumably relating to them, led the Keiths to write threatening letters to the Sinclairs.<sup>34</sup> Unfortunately, the irritation would not end with the sale, as the Earl of Caithness was a perennial debtor and Marischal and his son complained that they did not get their proper repayments.<sup>35</sup>

A major source of friction between Marischal and other nobles concerned the borders between their respective lands. A typical insurance against such disputes was to have perambulations of the borders legally recognised, such as the one which Marischal had registered in 1592 for his lands of Keith Marischal. This was a response, Marischal writes, to Robert Lawson of Humbie burning a large part of his lands over a boundary dispute.<sup>36</sup> Similar squabbles presumably led to the creation of the substantial 'Book of the Marches', which details the small boundaries between 33 of Marischal's properties with their neighbouring landowners.<sup>37</sup> Problems still arose, however, over liminal ground, which had no fixed points of reference. These included bogs and mosses, where useful peat or timber could be extracted.

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<sup>32</sup> *RPCS*, xiv, 616; *RPCS*, ix, 107, 211, 233, 702.

<sup>33</sup> *RMS*, 1608-1620, 286-287, no.766 .

<sup>34</sup> *RPCS*, xiii, 38; *RPCS*, v, 45, 455-456; D. MacGibbon and T. Ross, *The castellated and domestic architecture of Scotland from the twelfth to the eighteenth century*, 5 vols (Edinburgh: Douglas, 1887-1892), iii, 252-3; NLS, MS 21174 ff.68-69; Pitcairn, *Trials*, i, 394.

<sup>35</sup> A. Cathcart, 'Sinclair, George, fifth earl of Caithness (1566/7-1643)', *ODNB*; NLS, MS 21174, f.25, 68-69.

<sup>36</sup> NRS, JC27/35.

<sup>37</sup> NLS, MS 21183, ff.19-36.

The first mention of a feud with Robert Douglas of Glenbervie in this connection was in June 1615, when the Privy Council directed letters to each to calm their ongoing dispute.<sup>38</sup> In July that year there was reported a ‘grite appeirance of trouble and unquietnes’ between the two over the peat casting in the Moss of Margye (also known as Blackisnoble, part of Clochnahill). The council ruled that both men should return to the custom of sharing it and both were put under caution.<sup>39</sup> Marischal sought legal advice and letters passed between them for reconciliation.<sup>40</sup> The dispute erupted again in 1620 when Glenbervie took peats which Marischal thought were his.<sup>41</sup> The Privy Council noted this dispute on 14 June 1621, along with Marischal’s separate clash over disputed land with Alexander Irvine of Drum. The two lairds, with disputes on either side of Marischal’s estates in the Mearns, had joined forces against the earl.<sup>42</sup>

The spat with Drum was caused in 1618 when Marischal received ‘letters raisit be ye Laird of Drum agains me and my tennents of Straq[u]ne [Strachan] for debarring of him from Bumontie’ (Brackmont near Durriss - another moss). There are many references in Marischal’s inventory of writs concerning the legal aspect of this feud, and in 1621 he raised actions against both lairds for having injured his servant Thomas Fraser in Eslie.<sup>43</sup> These feuds, against men Marischal was previously on good terms with, were characterised by a mixture of petty violence and escalation, but also recourse to the law, which ultimately appears to have resolved them.

Another neighbour in the Mearns whom Marischal fell to feud with was Sir Alexander Falconer of Halkerton, over a dispute concerning the Knox of Benholm, a large hill near the coast. Halkerton wrote to the king complaining about Marischal’s apparent unlawful possession of the Knox and on 24 May 1614 James had written a reprimanding

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<sup>38</sup> *RPCS*, x, 351.

<sup>39</sup> *Ibid.*, 354; NLS, MS 21183, f.51r.

<sup>40</sup> NLS, MS 21183, ff.51v, 57v.

<sup>41</sup> *Ibid.* ff. 58r.

<sup>42</sup> *RPCS*, xii, 498.

<sup>43</sup> NLS, MS 21183, ff. 58r, 58v, 59r.

letter to the earl. In response, on 28 July 1614, Marischal wrote an impassioned letter to James, complaining about Halkerton's misinformation and humbly submitting himself to trial by the Privy Council.<sup>44</sup> No resolution was reached and two years later the dispute escalated into violence. Marischal's chamberlain Andrew Barclay sent his servant, James Andrew, to Halkerton to collect rents owed to Marischal. Halkerton, apparently having 'conceived a hatred' against Barclay, first verbally abused Andrew inside Halkerton House, then took him into the yard and violently attacked him while shouting 'tak yow that for your maisteris saik'.<sup>45</sup> A year later the violence intensified; on 7 July 1617 60 of Halkerton's men attacked Marischal's mills in Garvock and took away the millstones. This was enough to warrant the intervention of the Privy Council, but despite the identification of a large number of the supposed culprits, the case was dismissed because Marischal's men failed to prove it.<sup>46</sup> This legal failure prompted a revenge attack against Halkerton, when his house was raided and a number of his servants kidnapped. The Privy Council intervened; Barclay was fined £20 while Marischal and Halkerton were ordered to end their feud under the pain of heavy fines.<sup>47</sup> With the intervention of the Laird of Arbutnot the marches in this area were eventually settled.<sup>48</sup>

As an afterword to these various feuds, it is remarkable to note that Halkerton and Drum both had prominent roles in Marischal's funeral procession, carrying a banner and Marischal's commission to go to Denmark respectively. These were positions of great honour and indicate that although these men had fought, bitterly at times, in the past, they had reconciled with no apparent hard feeling.<sup>49</sup>

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<sup>44</sup> Maidment, *Letters and State Papers*, 223-224.

<sup>45</sup> *RPCS*, xi, 435.

<sup>46</sup> *Ibid.*, 436.

<sup>47</sup> *Ibid.*, 438.

<sup>48</sup> NRS, RD1/287, ff. 402v-403v.

<sup>49</sup> Court of the Lord Lyon, 'Funerals', vol.36, 34-36.

## **Pride, Kinship and Precedence: The Earl of Erroll**

By far Marischal's biggest external feud after 1595 was with his younger cousin, Francis Hay, the Earl of Erroll. This revolved around a complex mix of local matters, kinship and ceremonial precedence. After the Earl of Huntly, Erroll was one of the leading Catholic magnates in the north east, and his relations with Marischal reveal much about the competing loyalties of kin and religion.

During the 1580s and 1590s the two men had a very good relationship and were often together at court or allied in political matters. They differed on religion, so although Erroll and Marischal bonded in mutual protection against the jurisdiction of Huntly in 1591 and were both outraged by Huntly's murder of the Earl of Moray in 1592, Erroll allied with Huntly in religious matters and the cause of the Counter Reformation in 1589, 1593 and 1594.<sup>50</sup> Erroll was one of the principal rebel earls during the Brig o' Dee Rebellion, while Marischal was firmly at the king's side, although there is no note of the rebellion impacting upon their relationship. Erroll rebelled again in 1593 after the conspiracy of the Spanish Blanks, in association with Huntly. As seen in chapter four, on both occasions Marischal quickly purchased Erroll's forfeited property and later returned them safely to his cousin. All of this suggests a robust relationship between the two, an association stronger than their divergence over religion. Yet this bond of kinship was not unbreakable and Marischal's efforts to help his cousin were perhaps a source of future resentment when Erroll returned from exile in 1596.

In December 1597 Marischal and Erroll were appointed to meet in order to determine the order of the estates - the arrangement of individuals and groups in the processions and seating of parliament based on title, rank and seniority - in their respective parliamentary offices of marischal and constable.<sup>51</sup> Presumably the holding of these

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<sup>50</sup> *CSP, Scotland*, x, 586.

<sup>51</sup> *ATCR*, XXVII, 309-310.

complementary offices, combined with the close proximity of their landholdings in the north, had bred a long relationship of friendship and co-operation between the Hays and Keiths, a manifestation of this being that the families had intermarried on a number of occasions, Marischal's mother being Erroll's aunt.<sup>52</sup> The process of defining the exact order is probably when the long feud between the two men started. The root of the problem lay with the functions involved in their respective offices. The marischal was responsible for order within whatever building parliament was being held, the constable for order without. A dispute arose over which officer had control of the doors of parliament, and was thus keeper of the keys. Traditionally the marischal had kept the keys, but this was challenged by Erroll.<sup>53</sup> This argument over their own importance and precedence would continue between the two noble houses for decades.

At a convention of estates in July 1598 Marischal and Erroll were reported as 'not kindly' towards each other.<sup>54</sup> To exacerbate the dispute over the keys, the two were drawn into further conflict by their respective kinsmen. In the previous year, Erroll had fallen into feud with Marischal's subordinate the Laird of Ludquharn. One of Erroll's tenants had initially killed William Mure at Old Deer in 1596, though exactly why is unclear. As Mure was married to one of Ludquharn's relatives, Janet Keith, the laird retaliated. In response Erroll's son, Alexander Hay, sent a sizable force to attack the Tower of Ludquharn. They abducted Ludquharn and held him captive for eight days. Once he was released the mutual petty violence and vandalism continued.<sup>55</sup> Unlike the incident with the Forbes, where the friendship of the two kin heads had stopped the feud getting any worse, in this case Marischal and Erroll's existing animosity over the keys led to escalation and the dispute remained unchecked.

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<sup>52</sup> *Scots Peerage*, iii, 565, 566, 570; vi, 33, 38, 56.

<sup>53</sup> *RPCS*, vii, 424.

<sup>54</sup> *CSP, Scotland*, xiii, 230.

<sup>55</sup> Cameron, *Warrender Papers*, ii, 325; Pitcairn, *Trials*, i, 381-385, 388-390; *CSP, Scotland*, xiii, 338.

To exacerbate this further, in autumn 1600 Marischal and Erroll fell out over the collection of teinds on certain lands in Ellon, dredging up old issues.<sup>56</sup> The Earl of Huntly wrote to Marischal imploring him to settle the various differences with Erroll in ‘ane friendlye maner’, and to accept mediation.<sup>57</sup> On 17 September 1600 Erroll wrote directly to Marischal, citing how as cousins they were ‘baith bound be proximitie of blood’. Erroll wrote that he had long sought reconciliation and hoped that their differences could finally be concluded by mutual settlement outside of the courts, and that many of their respective friends wished the same. He also referred to the ‘great insult’ done to him when they had met at the Abbey of Deer:

I resavit sic notable wrang as I think few or nane haif sene the lyk done under trysting withowt dischaarge.<sup>58</sup>

There are no other sources illuminating this incident. From this perspective Marischal appears to have been the troublemaker, although presumably this was driven by a perceived grievance which Erroll was unwilling to admit. Swiftly the king intervened and on 7 November both were told to ‘keep their houses’.<sup>59</sup> On 12 November they were formally reconciled by James.<sup>60</sup>

The underlying tensions remained, however. A letter of 1601 from John Crichton, son of the Laird of Fren draught together with Alexander Irvine of Drum from Marischal’s palace at Inverugie, to John Leslie of Balquhain at Erroll’s house of Slains (the three acting as mediators, as ‘luffing and indifferent friendis to tham baith’) indicates that William Keith of Ludquharn was seen as the main root of the problem, and that as mediators they should ‘dell quhat in us lyis to satisffeye my lord Erroll his lordschipsis desyir, prowyding

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<sup>56</sup> *CSP, Scotland*, xiii, 714.

<sup>57</sup> *Spalding Misc.*, ii, 285.

<sup>58</sup> The exact nature of this insult is not mentioned. *Ibid.*, 286.

<sup>59</sup> *CSP, Scotland*, xiii, 726.

<sup>60</sup> *Ibid.*, 729.

we cut nocht my Lord Merschael his lordschipsis thrott'.<sup>61</sup> Evidently settlement would be achieved in redressing the wrong Erroll had received from Ludquharn, but in doing so they needed to avoid prejudicing Marischal, presumably in reference to the separate dispute between the two earls. Another letter to Balquhain of 10 July 1602 again stipulated that the main issue was between Erroll and Ludquharn. However, Marischal:

can na wayis releiff him selff off the perrell of his bandis to Ludquharn and Alexander Keith [Ludquharn's uncle], bott be your randering off that band or discharge grantit to Erroll be Ludquharn.<sup>62</sup>

Another very lengthy letter from the two men, this time directly to Erroll, who had accused them of siding with Marischal, indicates that negotiations were bogged down.<sup>63</sup> The record then falls silent. Problems again flared up; the Privy Council noted on 25 December 1602 that Marischal and Erroll were again at the point of armed conflict, but no more detail is given.<sup>64</sup> The record again falls silent. Presumably the matter with Ludquharn was resolved soon afterwards, as it is not mentioned again. One of Ludquharn's relatives is later noted as married to George Hay of Ardlethame, which may have been part of a wider settlement.<sup>65</sup> The matter of the keys of Parliament remained and could not be resolved easily without one of the two earls backing down. Like the conflicts over liminal ground, this was another boundary dispute – in defining the margins between their jurisdictions and offices.

To settle the matter of the keys once and for all, on 2 July 1606 the Privy Council decreed that Erroll should rightfully keep them in his office of constable.<sup>66</sup> Outraged, Marischal appealed in July, claiming that he and his predecessors had always had them and this was a slight to his honour. This was dismissed.<sup>67</sup> Although 1606 was the last time

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<sup>61</sup> *Spalding Misc.*, ii, 288.

<sup>62</sup> *Ibid.*, 288-289.

<sup>63</sup> *Ibid.*, 289-291.

<sup>64</sup> *CSP, Scotland*, xiii, 1089.

<sup>65</sup> *RPCS*, xi, 225; Pitcairn, *Trials*, iii, 418-428.

<sup>66</sup> *RPSC*, vii, 221.

<sup>67</sup> *Ibid.*, 424.

Marischal legally pressed the matter, the disagreement carried on for decades. When the king visited in 1617 one of the first things he ordered at Berwick upon Tweed was that Marischal and Erroll behave themselves in their respective offices and not cause him any embarrassment.<sup>68</sup> In December 1619 there is mention among the family correspondence of Marischal's 'contraventions of my Lord Errollis'.<sup>69</sup> The dispute was taken up by Erroll and Marischal's heirs: just before the riding of Parliament on 25 July 1621 the two argued over the number of guards the marischal was permitted. The problem was 'difficillie settled' somehow and eventually the estates rode on to the Tolbooth.<sup>70</sup>

The point on which Marischal and Erroll could not agree had nothing to do with religion, land, or physical injury, but rather the fine detail of precedence and the defence of their respective offices of marischal and constable, represented by the keys. For Marischal this had much to do with ancestral kinship, in upholding the honour of the office which had always been held by his line – he did not want to be the one who lost this right, as it would shame him in comparison to his predecessors, and shame them by association. Marischal could not tolerate losing position to Erroll. The preservation of his family's place and honour, more than anything else, seems to have been what really mattered to Marischal.

Keith Brown describes how feuds could be exacerbated by factional politics, where local issues spilled into the locality of the court, as was the case with the Huntly-Moray feud.<sup>71</sup> This applied to Marischal's feud with Huntly before 1595, which was fought at court and in the locality and to a lesser extent after 1598 to his feud with Erroll. Here, a dispute over keys, lands and kinsmen poisoned their previous good relationship. However, the feud with Erroll was on a much smaller scale; there were occasional outbursts of violence among their kinsmen, but from the available evidence it seems to have been largely kept in check by the mediation of friends and the law.

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<sup>68</sup> NLS, MS 21174, ff.35-36.

<sup>69</sup> NLS, MS 21174, ff.45-46.

<sup>70</sup> *RPCS*, xii, 548; *Melrose Papers*, ii, 413.

<sup>71</sup> Brown, *Bloodfeud*, 3-5, 27, 30, 65, 79, 144, 260, 268-272.

## Conclusion

Overall, Marischal's many disputes show that the earl had a variety of different responses to conflict and dispute resolution, sometimes even within the same dispute. The underlying cause was always a conflict over boundaries: from the garden wall in Aberdeen, the mosses of the Mearns, and the boundaries of the jurisdiction of the Lieutenancy of the North, to the ceremonial offices of the marischal and constable. We see variety in the uses and escalation of violence and the resorting to out of court settlement, both characteristic of the old system of bloodfeud; and in the use of legal recourse. Both were tempered by external interference, whether through friends or governmental intervention.<sup>72</sup> There appears to be no decrease in the number of disputes over Marischal's lifetime, and no indication that violence particularly declined, although Marischal seems to have been largely averse to violence through these feuds and in his previous conflict with Huntly. It is false, however, to assume a starting point of violence and bloodfeud: there is very little evidence for the third earl conducting feuds or having major disputes with his neighbours, either of his own initiative or as a result of the actions of his dependents. Instead, there appear to have been more challenges to Marischal's position from former allies and neighbours in the early 1600s, especially when compared to his grandfather's era, and this is a situation which was also experienced by the Earl of Huntly.<sup>73</sup> This may be in part because we have far better records for George's life, thus skewing the picture; Earl William may have had similar experiences at the local level, but they were not recorded. However, a large part of the explanation for the number of disputes may relate to the increasing exploitation of landed assets (explored further in chapter nine), which made liminal lands and inheritance worth fighting over. Coupled to this, the long stability of James's reign, compared to the disorder of the preceding minority and civil war, meant that the landowners of the Mearns had the luxury of peace in which to pursue strictly domestic

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<sup>72</sup> Godfrey, 'Rethinking the Justice of the Feud', 154.

<sup>73</sup> Robertson, *Lordship and Power*, 49-61.

disputes. The growing commercialisation of rural assets and the need for 'improvement' bred competition and this led to conflicts.

Marischal's various disputes illustrate several aspects of his lordship and his overriding priorities. Religion played next to no part in any of these feuds. Disputes over land did draw a significant reaction from the earl, and those with the Lairds of Halkerton, Drum and Glenbervie are notable in that the earl participated in increasing acts of violence against his opponents before legal resolution was mediated. Kin disputes rarely got out of hand and only occasionally drew Marischal into wider conflicts. However, Marischal's feud with Erroll, his longest lasting dispute, did represent the symbolic interests of the whole kindred and earldom, being rooted in the possession of the symbolic keys. This was where Marischal's interests merged with that of his whole kindred, alive and dead. Whether concerning the disputes over land or kindred honour, both represented Marischal's responsibilities in protecting the earldom from external threats, both territorially and symbolically. Although all of Marischal's external disputes took up time and resources, they left little major impact on the earl or the stability of the earldom, which he safeguarded throughout his life. Family and internal conflict would, however, be much more of a threat, and will be considered next.

Figure 12: Marischal as depicted on the tomb for Mary Keith, 1620, Benholm parish Kirk.



## **CHAPTER 7**

### Family

Far more than the king, court or angry neighbours, Marischal's close family was the greatest source of strife in his later years. However, in the same period there were no more challenges to his authority from the wider Keith kindred. Cadet branches such as the Keiths of Ludquharn, Ravenscraig, Auquhorsk and Drumtochty went about their business, with occasional cooperative interaction with their kin-head.<sup>1</sup> Problems instead came from his immediate family: his wife and children. As seen in the previous chapter, external pressures and threats to the earldom could be dealt with relatively easily, as there were legal and societal mechanisms in place for dispute resolution. Personal disputes within the close family, on the other hand, could threaten to tear the kingroup apart and there were fewer mechanisms to cope with them adequately. The following discussion will shed light on how well Marischal reconciled the overlapping expectations of being a lord, husband and father.

Unlike in previous years, Marischal's youngest brother Robert was no longer a problem. Resolution between the two brothers came in July 1594 when Robert was given Lord Altrie's estates of Benholm, and by March 1595 Robert was again part of his brother's retinue at Dunnottar.<sup>2</sup> With this reconciliation, Robert distanced himself from some of his previous Gordon connections. On 29 April 1596 the Bishop of Aberdeen was sent by Aberdeen Town Council to both Gight and Inverugie to settle a peace between Robert and Gordon of Gight.<sup>3</sup> Robert died in 1616, leaving no legitimate heirs, and his properties passed to Marischal.<sup>4</sup> Marischal's other brother, John Keith of Troup, is harder to trace. He left a relatively small footprint in the historical record; he was involved in a

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<sup>1</sup> Marischal's inventory of writs details several of these interactions. Gilbert Keith in Auquhorsk, for example, appears to have been employed as the earl's factor in Aberdeen. ATCR, XLV, 379; IL, 7; NLS, MS 21183, f.57-59.

<sup>2</sup> *RMS*, 1593-1608, 45, no. 121; *NRS*, GD4/77, 83; *RPCS*, v, 648, 651, 666.

<sup>3</sup> *Spalding Misc.*, v, 63.

<sup>4</sup> NLS, MS 21183, ff.49-50; E. Meldrum, 'Benholm's Tower, Nether Kirkgate, Aberdeen', *PSAS* 95 (1964), 251, 257; *NRS*, PS1/80, f.228v; A. Strath-Maxwell, *St Nicolas Churchyard, Aberdeen, Scotland, Burials, 1571-1647* (Aberdeen:1969), 34.

number of local disputes and legal issues, and appears to have often been part of Marischal's retinue and household. He died by 1612.<sup>5</sup>

Although Marischal's relationship with his youngest brother had been settled, the same could not be said of that with his first wife, Margaret Home, Countess Marischal. We only get glimpses of Marischal's personal life; evidently the marital problems of 1594 had not gone away. In October 1595, it was reported by English observers that Marischal and his wife were near to separating. No reason was given for this, except that it was Marischal's fault.<sup>6</sup> Keith Brown defined three reasons for noble marital breakdown in this period: adultery, violence or disputes over money.<sup>7</sup> The traditional Christian view of separation in Early Modern Europe was the parting of a guilty adulterer from an innocent faithful spouse, which we might expect to be the case here.<sup>8</sup> Adultery on the part of Marischal is the most likely source of strife between them, since Marischal had at least two illegitimate children, and it was probably about this time that he sired his second bastard, Robert. However, George and Margaret managed to find an agreeable settlement which did not result in divorce, which would be costly for him and lead to a dangerously uncertain future for her.<sup>9</sup>

There is little other evidence to illustrate the earl and countess' relationship. In May 1598, Margaret's brother Lord Home killed William Lauder, a burgher of Lauder. Lauder had killed Home's friend John Cranston in front of the Countess Marischal; Lord Home thus avenged his friend's life and his sister's honour.<sup>10</sup> It is interesting to note that it was

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<sup>5</sup> *RPCS*, vi, 360; *RPCS*, ix, 177; *RMS*, 1609-1620, 283, no.757; Pitcairn, *Trials*, ii, 41.

<sup>6</sup> *CSP, Scotland*, xii, 48.

<sup>7</sup> Brown, *Noble Society*, 145.

<sup>8</sup> S. Ozment, *When Fathers Ruled: Family Life in reformation Europe* (Cambridge: Harvard University Press, 1983), 80

<sup>9</sup> RD1/387 f.424; *CSP, Scotland*, xii, 48; R. Marshall, *Virgins and Viragos: A History of Women in Scotland from 1080-1980* (Chicago: Academy, 1983), 102-103.

<sup>10</sup> *CSP, Scotland*, xiii, 207; Meikle, 'Home, Alexander, first earl of Home (c.1566-1619)', *ODNB*.

Home who was avenging the slight to her honour and not her husband Marischal, who played no part in this episode.<sup>11</sup> When Margaret heard of the news of Lauder's death she:

did mightily rejoice thereat and writ it for good news to sundry of her friends in the country. But within less than twenty-four hours after, the lady took a swelling in her throat, both without and within, after a great laughter, and could not be cured till death seized upon her with great repentance.<sup>12</sup>

She was dead by 9 June 1598.<sup>13</sup> There is silence in the record as to how Marischal reacted to this loss, although it is notable that there followed a period of uncharacteristic violence on Marischal's part, as in November he was involved in street fighting with Gordon of Cairnburrow in Aberdeen, compelling the residents to come out in arms to stop them.<sup>14</sup>

Within a year Marischal remarried, to Margaret Ogilvy, granddaughter to James, fifth Lord Ogilvy. Colin Thornton-Kemsley estimates Margaret's birth to sometime around 1584, making her the same age, if not a little younger, than Marischal's eldest son.<sup>15</sup> Although a relatively common occurrence among the nobility, their 30 year age difference would have been frowned upon in some quarters at the time; the best marriages were seen in contemporary literature to be between those of the same generations.<sup>16</sup> However, not all such matches were disasters, the marriage between Colin Campbell of Glenorchy and Katherine Ruthven, who was 20 to 30 years his junior, was a strong and successful relationship.<sup>17</sup> Although Marischal's new wife was of a comparable status to his first, the Airlie Ogilvys were based near Forfar; thus this match can be interpreted as allowing the earl to focus on the locality around the Mearns, rather than on forming alliances at court, as

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<sup>11</sup> Marischal appears to have had good relations with his brother-in-law. They had been allied against Maitland in 1591 and Marischal visited Lord Home in June 1597 with the Duke of Lennox, Sir Robert Carr and several others. *CBP*, ii, 362.

<sup>12</sup> R. Chambers, *Domestic Annals of Scotland, from the Reformation to the Revolution*, 2 vols (Edinburgh: 1843), i, 300. Chambers cites Patrick Anderson's c.1625 manuscript *History of Scotland*.

<sup>13</sup> *CSP, Scotland*, xiii, 214.

<sup>14</sup> *ATCR*, XXXVIII, 85-87; *CSP, Scotland*, xiii, 338.

<sup>15</sup> C. Thornton-Kemsley, *Bonnet Lairds* (Montrose: Standard Press, 1972), 47-49.

<sup>16</sup> Ozment, *When Fathers Ruled*, 58-63.

<sup>17</sup> J. Dawson, ed. *Campbell Letters 1559-1583* (Edinburgh: SHS, 1997), 22-27.

had been the case with the Homes. To celebrate, in April 1599 the Town Council of Aberdeen purchased a quantity of wine to welcome the earl's new wife into the burgh.<sup>18</sup> Before focusing in greater detail on the relationship with his second wife, it is first worth looking at Marischal's children prior to this point. There is documentary evidence that Marischal had at least ten children in total: three from his first marriage, five from his second, and at least two who were illegitimate. Problems would arise between the two legitimate sets of children.

The two illegitimate sons caused the earl few major problems. The younger, Robert Keith is only mentioned once, in 1618, when he married Helen Bruce.<sup>19</sup> The elder, Gilbert, 'callit the bastard', was more controversial in his activities and constantly fell foul of the authorities. Marischal had apparently provided Gilbert with a good education, as well as the small estate of Auchiries in Buchan.<sup>20</sup> When accused by the Aberdeen Kirk Session in 1605 of fornication with two women, Gilbert retorted that if they 'had sperit at him sooner he would have told them of fifty more faults'. He was accused of assault in 1608, of making bonfires in the streets on former holy days, 'fostering thereby superstition', as well as 'uttering diverse speeches against the true religion', breaking church windows and keeping the company of papists, all in 1609.<sup>21</sup> In 1612 there are further accounts of assault.<sup>22</sup> The record falls silent for a while, suggesting that Gilbert may have lost his wild streak. The only mention of further trouble-making is in 1619, when he was fined for calling widow Helen Liddel 'a fad Huir and deborsched harlott'.<sup>23</sup> Although Gilbert's activities might have been embarrassing for the earl, they were not a direct attack on his authority or lordship and hence seem to have been ignored or tolerated.

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<sup>18</sup> *Spalding Misc.*, v, 71.

<sup>19</sup> NRS, RD1/387, f.424.

<sup>20</sup> ATCR, XLIII, 580.

<sup>21</sup> *Aberdeen Kirk Selections*, 24, 46, 61, 66-67; ATCR, XLIII, 580, 836.

<sup>22</sup> *RPCS*, ix, 478.

<sup>23</sup> ATCR, IL, 286.

## The First Family: securing the Earldom

Marischal's eldest son was William Keith, Master of Marischal, later Lord Keith and then fifth Earl Marischal, born sometime between 1581 and 1584.<sup>24</sup> We hear little of the boy's activities until his grand tour in 1601, the surviving accounts of which go into meticulous detail.<sup>25</sup> William sent a letter to his father from Saumur on 14 July 1601 from the house of 'Monsieur Plessi', the governor of the town, in which he complains about the 'extream heat' and asks for money to pay his debts. He had stayed in Paris for eight days 'upon the seiht of the king and queenis majesties'.<sup>26</sup> Saumur was an important Protestant centre and had a sizeable Scottish community.<sup>27</sup> Monsieur Plessi was the renowned Philippe du Plessis-Mornay, who had founded the Academy of Saumur in March 1593, a month before Marischal had founded his own college in Aberdeen. Yet Saumur took much longer to establish, and it was not until 1607 that it opened properly for teaching. However, William may have been there for private tutelage or to study at the Académie Equestre, established in 1593, to learn horsemanship.<sup>28</sup>

It is not clear when William returned to Scotland, but by 1606 he was recognised as a nobleman and separate in his activities from his father. On 8 February, described as Master of Marischal, he and John Lord Maxwell had to declare to the Privy Council that there was no quarrel between them concerning the dispute between John Stewart and Keith of Ludquharn.<sup>29</sup> Evidently he had agency enough to be conducting his own feuds independent of his father, though related to those of the Keith kin group. That year he also

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<sup>24</sup> NLS, MS 21174, ff.3-4; AUSC, MS3064/1/1/12/3.

<sup>25</sup> NLS, MS 21176, ff.1-4.

<sup>26</sup> NLS, MS 21174, ff.9-10.

<sup>27</sup> J. Pannier, 'Scots in Saumur in the Seventeenth Century', *RSCHS* 5 (1935), 140-143.

<sup>28</sup> My thanks for the help of Marie-Claude Tucker. J. Dray, 'The Protestant Academy of Saumur and its relations with the oratorians of Les Ardilliers' *History of European Ideas* 94 (1988), 468; L. Méteyer, *L'Académie Protestante de Saumur* (Paris: La Cause, 1933), 11.

<sup>29</sup> *RPCS*, vii, 178, 626.

served in the murder trial of Robert Irvine of Moncoffer, defending Irvine with his uncle Lord Home and his brother-in-law the Master of Morton.<sup>30</sup>

On 23 July 1608 William was given licence to pass to England and beyond the seas by the Privy Council.<sup>31</sup> In this permission William was referred to as Lord Keith, a style he would use until inheriting the earldom, adopting the English practice of courtesy titles rather than the traditional Scottish substantive dignity for heir apparent of 'Master of Marischal' This was a fashion being increasingly adopted among the Scottish nobility at the start of the seventeenth century.<sup>32</sup> William departed from Scotland in the summer of 1608, returning by sea in May 1609.<sup>33</sup>

At Brechin on 12 October 1609 William was contracted to Lady Mary Erskine.<sup>34</sup> An *Epithalamium*, or nuptial song, was composed and published to celebrate the marriage. It is anonymous but probably written by the master of Stirling's Grammar School, Alexander Yule.<sup>35</sup> The match to the daughter of the Earl of Mar was much more prestigious than his father's two marriages. It was not only good in terms of family alignments and status, but reinforced an existing strong relationship between Marischal and Mar, who were good friends. There is an abundance of letters surviving between the two earls, such that Marischal did not record them all in his inventory of writs, simply noting 'a mass of my lord of Maris letters'.<sup>36</sup> Something of the tone of their friendship is contained in this brief letter:

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<sup>30</sup> Pitcairn, *Trials*, ii, 494.

<sup>31</sup> *RPCS*, viii, 138.

<sup>32</sup> Lord Keith was occasionally used for Marischal's father William. George was usually referred to only as Master of Marischal. George's son, however, was almost always Lord Keith. Haywood, *British Titles*, 103-108.

<sup>33</sup> NLS, MS 21176, ff.7v, 8r, 8v, 11v.

<sup>34</sup> *RMS*, 1608-1620, 76, no.204.

<sup>35</sup> My thanks to Jamie Reid-Baxter and Dana Sutton for their thoughts on the poem's authorship. Anon., *Nobilissimi Domini, Domini Kethi, Haeredis Comitatus Martialis, et Lectissimae Dominae Mariae Areskinae filiae Illustrissimi Comitis Marria Epithalamium* (Edinburgh: Robert Charter, 1609);

<sup>36</sup> NLS, MS 21183, f.57v.

My honorabill good lord I haive recived yair letter and accordine to the desyr thairof shall nott feill to see your lo[rdship] att yair ain houses in my bypassing. I long from my hairtt to see you and in anything that doth concerne the estett of your houses I shalbe alls cairfull of it as bearing a true frend thus committing the rest to the berar I will rest Inviringre the xxiiij of September 1618

Your Lo[rdship's] loving friend to serve your

Mar

William continued this good association and was often in Mar's retinue, such as in 1617 during the king's visit. In an otherwise unremarkable account of foodstuffs consumed by Lord Keith in Edinburgh in 1615 there are mentions of the Earl of Mar visiting, and William arriving from Alloa, the seat of the Erskines.<sup>37</sup> In March 1610 William returned to London and stayed there for a year. In his company was Lady Keith, William Keith of Ludquharn, Gilbert Keith (possibly William's half-brother) and about nine servitors.<sup>38</sup>

In 1612, now being aged somewhere between 28 and 31, William was formally entailed as heir to the earldom. On 21 October two very long charters were ratified detailing all the lands to which he would succeed, and on 23 October 1612 these were further confirmed in Parliament.<sup>39</sup> All of the earl's movables were surveyed as well. Only a fragment of the survey survives: a part inventory of Dunnottar, Fetteresso and Hallforest Castles made on 17 December 1612. This was a sufficiently serious undertaking that it was witnessed by the Earl of Mar.<sup>40</sup> These documents would avoid the difficulties Marischal himself had suffered when he succeeded to the earldom without being formally established as heir, but would also clearly define what William would inherit. This would limit disputes with his siblings, which was more important as now Marischal's sons from his

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<sup>37</sup> NLS, MS 21176, ff.40-54.

<sup>38</sup> NLS, MS 21176, ff.22-25.

<sup>39</sup> *RMS*, 1608-1620, 281-284, nos 757, 758; *RPS*, 1612/10/70.

<sup>40</sup> NLS, MS 21183, ff.47-48.

second wife were coming of age. Marischal was about sixty at this time and his advancing age was perhaps on his mind.

As one of his first acts as heir to the earldom, on 3 November 1612 William sold his lands in Caithness to the Earl and Countess of Caithness, with the consent of his father, his uncle Robert Keith of Benholm and his father-in-law, the Earl of Mar.<sup>41</sup> As part of his taking on more of the earldom's responsibilities, in 1614 William was designated as joint patron of Marischal College with his father, in the memorial service to Duncan Liddel.<sup>42</sup> The available evidence suggests that William soon took over the running of the earldom's lands in Buchan; by November 1616 he was certainly in residence at Inverugie.<sup>43</sup> Significantly, in relation to these lands, on 25 April 1619, he was described as 'Lord William Keith Lord Altrie', even though he had not inherited that title from his father.<sup>44</sup> On 26 December 1616 William was given a commission by the Privy Council to 'apprehend and try all persons suspected of theft, resset and pykerie' within the lordship of Altrie and the baronies of Aden and Inverugie, which suggests that William was keen to stamp his authority in the region.<sup>45</sup> He kept up this conscientiousness. On 12 November 1618 he was granted another commission to try four tenants of Inverugie whom he had 'arrested red-hand' for murdering William Murray in his own house.<sup>46</sup> Not only does this show William catching criminals within his lordship, but also his seeking proper permission from the Privy Council to proceed. William was also involved in the religious life of the parishes to which he was patron, helping to reorganise, albeit very slowly, Longley, Peterhead and Deer between 1616 and 1620.<sup>47</sup>

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<sup>41</sup> *RMS*, 1608-1620, 286-287, no.766.

<sup>42</sup> G. Gray, *Oratio Funebris in Memoriam CL. Viri Duncani Liddelli* (Edinburgh: Andrew Hart, 1614).

<sup>43</sup> NLS, MS 21174, f.31.

<sup>44</sup> *Aberdeenshire Court Bk.*, ii, 78.

<sup>45</sup> *RPCS*, x, 686.

<sup>46</sup> One of the murderers was Murray's wife. *RPCS*, xi, 467.

<sup>47</sup> M. Kerr-Peterson, 'Post-Reformation Church Architecture in the Marischal Earldom, 1560-1625,' *British Archaeological Association Conference Transactions*, 37 (2016), 99-120

It was not only in Buchan that William was taking over the reins of the earldom. In March 1619 Marischal and William were appointed to the commission to visit the colleges and hospitals of Aberdeen.<sup>48</sup> In January 1619 William acted as sheriff-depute for his father in the Mearns, and in 1621 he started to attend sessions of the Privy Council in place of his father.<sup>49</sup> In July 1621 William represented his father's interest in the office of marischal against the son of the Earl of Erroll.<sup>50</sup> William was thus well established to take over from his ageing father when the time came. He had experience in all the major offices of government, the overall earldom and in administering the localities. He was married to an earl's daughter and was developing a place at court. In theory the transition between earls would be smooth.

Just as William had married an Earl's daughter, forming a high-status match with a focus on court and kingdom, his eldest sister was also married into the highest echelons of the Scottish nobility. Annas Keith, eldest surviving daughter from Marischal's first marriage, was married in March 1604 to William Douglas, the grandson and heir to William Douglas the sixth Earl of Morton.<sup>51</sup> Douglas inherited his earldom in 1606 and was a high-status match. Marischal and Morton had a good relationship and worked together from time to time, notably as a combined interest against Thomas Halyburton and John Lyon of Auldbar over certain debts.<sup>52</sup> Exactly what the money was owed for is unrecorded, but this shows the two working towards the same interest.

After these two high status marriages, Marischal's other daughter was married with a local strategy in mind. Margaret Keith was married to Sir Robert Arbuthnot of Arbuthnot in 1615.<sup>53</sup> There had been a long interaction between the two families, which can be seen in the appendix. William was involved with arranging this match and may have been

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<sup>48</sup> *RPCS*, xi, 511.

<sup>49</sup> *RPCS*, xii, 405, 549, 557; *RPCS*, xi, 498.

<sup>50</sup> *RPCS*, xii, 548.

<sup>51</sup> NRS, GD150/495.

<sup>52</sup> *RPCS*, viii, 333; ix, 404; NLS, MS 21174, ff.26-27.

<sup>53</sup> *Scots Peerage*, i, 302; vi, 53.

involved with that of his other sister also, as a note among Marischal's writs record 'the wreits given be him [Lord Keith] to his sisters for ther provissionis'.<sup>54</sup>

### **The Second Family**

Marischal, therefore, had in theory settled the earldom by securing his heir and marrying his two daughters in the best interests of the family. However, severe problems arose in the interaction between Marischal's children from his first wife and his children from his second wife. Margaret Ogilvy's children to Marischal were James and John, along with Alexander, Patrick and Mary who did not survive childhood.<sup>55</sup> Margaret was diligent in providing land and legacies for her children, largely at the expense of her relationship with her step-son and, eventually, her husband. There was a pessimistic view of the relationship of step-parents to step-children in the contemporary literature of Early Modern Europe. Although this was often an exaggerated caricature, in this case it would seem entirely justified.<sup>56</sup>

Margaret was proactive in acquiring lands for her sons, so by January 1609 she had secured some property in Kintore.<sup>57</sup> However, Margaret's main ambition for her eldest son was the tower and lands of Benholm and nearby Brotherton. This seems a reasonable objective; since Marischal's uncle, a second son, had acquired the lands and passed them on to Marischal's youngest brother Robert: there may have been an expectation that these lands should be earmarked for the younger brother of the earls (the name 'Brotherton' perhaps associated with this).

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<sup>54</sup> NLS, MS 21183, f.54r.

<sup>55</sup> Mary's tomb can be seen in Benholm Parish Kirk. 'The bairn Patrick' is mentioned in Marischal's accounts in 1614, when he was bought a pair of red leather shoes. There is no mention of him again so he presumably died in infancy. Likewise, Alexander was baptised on 10 October 1611 and is not mentioned again. NLS, MS 21176, f.36v; Balfour-Paul, *Scots Peerage*, vi, 54; *Hist MSS Report: Alloa House*, 126.

<sup>56</sup> D. Mullan, 'Parents and Children in Early Modern Scotland' in E. Ewan and J. Nugent, eds., *Finding the Family in Medieval and Early Modern Scotland* (Aldershot: Ashgate, 2008), 75.

<sup>57</sup> *RMS*, 1608-1620, 9-10, no.21.

In 1611 Margaret had Robert grant the Temple lands of Benholm to her and her second son, John, reverting to her eldest son James, if he died, and then to their sisters equally if both brothers died.<sup>58</sup> In May 1613 the countess acquired parts of Brotherton from Sir Patrick Hepburn of Wauchton, and in 1618 the mains of Brotherton followed along with the fishings of Johnshaven.<sup>59</sup> In September 1614 a contract was drawn up between Marischal, the countess and James on the one part, and William Lord Keith on the other concerning the Over Lands in Benholm.<sup>60</sup> Between 1614 and 1617 she secured the last parts of the barony and set them in feu to her son.<sup>61</sup> In November and December 1619 these were all entailed to James when his father died, and if James died without issue they would pass to his younger brother John.<sup>62</sup> Margaret's determination had thus carved out a sizeable lordship for her son. Although he seems to have left the effort to his wife, Marischal consented to all of these land transactions, thus approving of the principle of providing an adequate independent lordship for his second son.

James Keith of Benholm, Margaret and Marischal's eldest son, was born in 1599.<sup>63</sup> In 1614 Marischal's servitor George Fraser recorded in a list of accounts buying for young James the purchase of a book called 'florus compend' (a compendium of the works of Roman Historian Lucius Annaeus Florus), which suggests a well-educated young man.<sup>64</sup> Like his older half-brother, James appears to have been sent to France for his education in 1619. James was joined on his journey by a young laird, Sir Alexander Strachan of Thornton, a neighbour in the Mearns, who would become an important figure in the strife to follow.<sup>65</sup> In 1618 James was married to Margaret Lindsay, daughter of Sir David Lindsay, the Laird of Edzell.<sup>66</sup> Through the consent he had given to Margaret's land

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<sup>58</sup> NRS, GD4/115, 116.

<sup>59</sup> NRS, GD70/35, 36, 37, 41, 57.

<sup>60</sup> NRS, GD4/120.

<sup>61</sup> RMS, 1608-1620, 528, 708, no.1454, 1953; NRS, GD70/42, 43, 44, 47, 48, 50, 52; GD4/122, 123, 128.

<sup>62</sup> RMS, 1608-1620, 758-759, no.2098; NRS, GD4/132, 134.

<sup>63</sup> NLS, MS 21174, f.66.

<sup>64</sup> NLS, MS 21176, f.36r.

<sup>65</sup> NLS, MS 21174, ff.40-41.

<sup>66</sup> RMS, 1620-1633, 363-364, no.1027; NLS, MS 21183, f.54v.

acquisitions for James, for the provision of a good education and the arrangement of a suitable wife, Marischal had ensured that James had received fair provision comparable to that afforded to his eldest son.

### **Family Crises**

It would be wrong to see the major problems in Marischal's family in the later part of his life as a defining feature of their overall relationships; there is no evidence of any strife between the time of his second marriage in 1599 and the winter of 1620. 21 years of relative familial peace was an achievement. However, the major discord which followed released two decades of built-up tension, presumably relating to the relative status of the children from the earl's first and second marriages.

The first major dispute was between the earl and his heir. On 1 December 1620 Marischal's servant, William Keith, wrote to the earl. He had met with William Lord Keith and reported that he was keen to have settlement over their dispute, but refused to lift the charges he had brought against his father.<sup>67</sup> Sometime before 7 February 1621 the Earl of Mar had spoken to Lord Keith. He stated to Marischal:

I knaw ye will believe me itt is no small grieff to me to heir theis things so publiklie betwixtt yow and your soone to excuse him altogither (althoh he gives hes awn resons) I will nott bott to eschew father publik heiring of the business att this tyme.

Mar had consulted on the particulars of the dispute with advocates Thomas Hope and Thomas Nicolson, and the Countess's brother, Lord Ogilvy.<sup>68</sup> On 10 February 1621 Mar wrote another reassuring letter to Marischal saying that discussions were ongoing and that 'I am grived att my very hart this thir maters betwixt you and yair soone should evier haive

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<sup>67</sup> NLS, MS 21174, ff.45-46.

<sup>68</sup> Ibid., ff.61-62.

cumed in so public a heiring’ and that he ‘will still be upon my awn ground to satill all maters freindlie betwixt you’.<sup>69</sup> On 10 March Mar wrote again to organise a date to arrange the particulars of the settlement ‘as a thing in this world I maist desyr to see’, and to request that Marischal and the Countess both attend in Edinburgh when the time came, as he had sought the help of Robert Kerr, Earl of Roxburgh, and Sir William Oliphant, the Lord Advocate.<sup>70</sup> Mar wrote again on 16 March 1621 indicating that negotiations were on-going.<sup>71</sup> Marischal arrived in Edinburgh on 27 March.<sup>72</sup>

On 24 April Lord Keith wrote to the Earl of Mar, apologising if he had offended him in his proceedings against his father.<sup>73</sup> He then sent a letter to Mar’s son, Lord Erskine, sometime before Whitsunday. William thanked Erskine for taking the effort to draw up the conditions of settlement between him and the Countess Marischal, but ‘as for my father I meid acknowlegd him pairty’.<sup>74</sup> This might suggest that the root cause of dispute was between William and the Countess, but had expanded into a more serious falling-out between father and son. Land disputes could be easily sorted out, injured pride less so. A further letter from the Laird of Arbuthnot praised Erskine and the Earl of Mar for their mediation and the settlement’s promising beginning.<sup>75</sup> Apparently the settlement was a success. On 25 July 1621 William appeared for his father on the Privy Council, and again on 7 August.<sup>76</sup> For the best part of a year peace returned to the family.

In July 1622 Marischal made an inventory of all the writs he had in Fetteresso.<sup>77</sup> On 1 August 1622 William Lord Keith, James Keith of Benholm and a number of others were appointed to a commission to apprehend a murderer, indicating a degree of harmony

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<sup>69</sup> *Ibid.*, ff.55-56.

<sup>70</sup> *Ibid.*, ff.57-58.

<sup>71</sup> *Ibid.*, ff.59-60.

<sup>72</sup> *RMS*, 1622-1633, 47-48, no.147.

<sup>73</sup> *NRS*, GD124/15/48/1.

<sup>74</sup> *NRS*, GD124/15/48/2.

<sup>75</sup> *NRS*, GD124/15/53; RD1/33, f.154r-155r.

<sup>76</sup> *RPCS*, xii 549, 557.

<sup>77</sup> *NLS*, MS 21183, ff.56-59.

between the two brothers.<sup>78</sup> However, on 27 October 1622 Marischal had a petition presented to the Privy Council. James, it said, had unkindly and unnaturally disregarded the duties a son owed to his father, and ‘he hes withdrawne himselff fra me and associat himselff with some personis, enemeis to my house’. On 16 October James with his companion from France, Alexander Strachan of Thornton, and others, had attacked the earl’s plough teams at the Mains of Fetteresso and smashed up the ploughs. Two days later they attacked the palace of Fetteresso and took away the whole contents, requisitioning 60 to 80 of the earl’s horses to do so. Finding the horses to be insufficient, his men attacked a peat train of 50 to 60 more of the earl’s horses and had them help transport all of the earl’s goods to Benholm.<sup>79</sup> Amongst the items taken was a green coffer containing some of the earl’s treasures, worth, roughly, £74,399.<sup>80</sup> To add insult to injury, the Countess Marischal went with them, as Thornton’s mistress. It was not only Fetteresso that was targeted. The earl of Mar later recalled receiving a letter from Marischal (the Laird of Thornton’s ‘mortall enemie’) saying how he had been:

dishonoured in the hiest degrie, his bed defyled, his houssis robed, his hoill movbles, pleitt and jowalls stollin from him, so as quhen he com to Dunnotter he had not an bed to ly upon bott aine auld clouted bed be chanss he borrowed; and all this with his wyf resett in the Laerd of Thorntouns houss.<sup>81</sup>

A major target of the attacks was ‘ane grit clothe bag, with the said umquhille Erle his haill evidentsis and writtis of his landis and leving of Benholme’.<sup>82</sup> This may suggest that the root cause of James’s actions were the fears that his allotted lands were under threat, or that they would be confiscated as a result of the raid. A second motivation was to

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<sup>78</sup> *RPCS*, xiii, 40.

<sup>79</sup> *Ibid.*, xii, 764.

<sup>80</sup> See the table 3 at the end of this chapter.

<sup>81</sup> In the legal proceedings after the earl’s death the site of the October 1622 raid was cited as Benholm and not Fetteresso. This can be seen as Earl William’s assertion of his rights over that property, not just to retrieve the items of Fetteresso. *Hist MSS Report: Alloa House*, 137; Pitcairn, *Trials*, iii, 562-564.

<sup>82</sup> Pitcairn, *Trials*, iii, 562-564.

provide for his mother. After the earl's death, James made an infeftment of his rights of Benholm to Strachan of Thorntoun. By January 1624 the countess had married Thornton, so this would provide an income for his mother.<sup>83</sup>

Marischal's friends rallied to him. On 15 November 1622 the Earl of Morton wrote to Marischal (his father-in-law), asking for the earl's presence in Edinburgh, which would help their case.<sup>84</sup> Help also came at that time from Marischal's friend the Earl of Mar, who in his role as treasurer confiscated Thornton's assets and gave them to one of Marischal's servants, James Wood.<sup>85</sup> Marischal arrived in Edinburgh on 19 December 1622.<sup>86</sup> The same day Lord Keith wrote a letter to his father, capturing a moment in the fraught legal negotiations between the two parties. William complains bitterly of their 'fal intention' and 'sik falsehoods' in the negotiations, setting unreasonable and 'fiendful' conditions, which would then be arbitrarily changed. Acquiring lands and revenue was one of James's chief concerns, and he and Thornton hoped to trick William into securing and confirming all of the contracts made for James since his birth in 1599. There is a real sense of Lord Keith's frustration in this letter, which ends optimistically with 'God willing in schort tym your lordship sall sie sufficient reveng on them'.<sup>87</sup> Marischal was in Edinburgh in February 1623.<sup>88</sup> Some settlement was reached by March 1623, when James signed a contract with William defining their respective landed rights, before further contracts were signed between all the parties in April.<sup>89</sup> The legal battle rumbled on for years after Marischal's death and Margaret did not attend the earl's funeral.<sup>90</sup> Even King James intervened; in a letter to the Privy Council in August 1624 he ordered them to show no favour to the

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<sup>83</sup> *RPCS*, xiii, 400, 672.

<sup>84</sup> Morton also mentions how when the earl arrived he would be attended by 'your awain bairnis who longis to sie you'. The mention of barins in the plural is interesting, presumably referring to the illegitimate Gilbert Keith, as his other two boys, Alexander and John, were only around 11 years old. NLS, MS 21174, ff.64-65.

<sup>85</sup> *Hist MSS Report: Alloa House*, 137.

<sup>86</sup> *RMS*, 1620-1633, 132, no.394.

<sup>87</sup> NLS, MS 21174, f.66-67.

<sup>88</sup> Lord Keith had just agreed to honour a previous agreement to take on the debts his father had secured against the lands assigned to Benholm. *RMS*, 1620-1633, 143, 145, nos.415, 421; *NRS*, RD1/33, ff.154r-155r

<sup>89</sup> *RMS*, 1620-1633, 363-364, no.1027; *NRS*, GD4/138; RD1/339, ff.24v-72r.

<sup>90</sup> Court of the Lord Lyon, 'Funerals', vol.36, 34-36.

Countess for her ‘unkynde, ingrate, and insolent behaviour’.<sup>91</sup> Eventually a settlement was found out of court, whereby the valuables and half the jewellery and plenishings were returned (Margaret kept her own belongings), and Earl William had Strachan of Thornton return the lands of Benholm. With this concluded, on 13 January 1625 King James granted a remission to Strachan, Margaret Ogilvy and James Keith for their crimes.<sup>92</sup>

### Conclusion

When considering the family difficulties Marischal faced throughout his life, it is worth comparing them to those of his predecessors and contemporaries. Although he compares unfavourably to his grandfather, who, save for a brief dispute with the Commendator of Deer, kept the Keith kindred completely intact through a considerable period of upheaval, George’s experience was not unusual, nor was it particularly bad. The Keiths faced nothing like the severity of problems faced by the Kennedys and the Earl of Cassillis, caused by deep-rooted cadet family resentments and wholly inept lordship.<sup>93</sup> The only problem caused by a cadet house came from the Keiths of Ludquharn in the 1580s, and this was successfully dealt with to the extent that the son of the man Marischal had killed willingly accompanied Lord Keith to London in 1610. The difficulties Marischal experienced with his first wife were entirely self-inflicted, caused by his own infidelity, but aside from her taking Dunnottar Castle in 1592, the two reconciled.

Marischal’s youngest brother Robert presented the greatest threat to his lordship, the root cause being a perceived lack of proper endowment appropriate to his status and to family precedent. This was ruthlessly exploited by the Earl of Huntly, as seen during the siege of Deer Abbey, but the rest of the Keiths rallied to their earl and settlement was eventually reached. For 25 years after this the Keiths remained largely unified. Marischal seems to have diligently provided for all of his sons and daughters, settling marriages to

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<sup>91</sup> *RPCS*, xiii, 491.

<sup>92</sup> *RPCS*, xii, 672; xiii, 491; *RMS*, 1620-1633, 367, no.1040; Thornton-Kemsley, *Bonnet Lairds*, 58-61.

<sup>93</sup> Brown, ‘A House Divided’, 168-196.

high status allies and neighbours. He also smoothly passed on much of the running of the earldom to his heir, Lord Keith, allowing himself something of a retirement. A successful marriage and succession strategy were key markers of an effective lord, as they ensured the long-term health of the lordship; in both respects Marischal could have done little more.

At the end of the earl's life, in an echo of his dispute with his brother, land and provision would again cause problems. The pro-activeness of his second wife to provide for her sons caused tensions which led to Marischal falling into successive dispute with his two sons. As had been the case with Huntly and Robert, these tensions were exploited by the earl's 'mortall enemie', Alexander Strachan of Thornton. Marischal amicably settled with Lord Keith, but a perfect storm hit him in his closing years when James Keith of Benholm rebelled against his father, while his wife left him for Thornton. This was less a long term failure of lordship than the opportunism of a rival to exploit family discontent, as Huntly had done with Robert. Over his lifetime, the greatest challenges Marischal faced came from within his own kingroup, first from his youngest brother, then the resentments of his younger son combined with the passions of his wife and her lover. This crisis perhaps justifies the contemporary misgivings over marriages between individuals of widely different ages; according to the ideals of what would make a good marriage in early modern literature, theirs was doomed to fail.

**Table 3: Stolen from Fetteresso, October 1622, contained within the Green Coffe<sup>94</sup>**

Item	Stated Value	Approximate Comparable Value
Portuguese Ducats and other foreign gold	£20 000	£20,000
432 gold buttons	-	£9642-5s.(?) <sup>95</sup>
A Jewel given by the King of Denmark	6000 merks	£4000
A picture of the Queen of Denmark in gold set with diamonds	5000 merks	£3333,6s. 8d.
Jasper stone	500 French crowns	£1500
A chain of equal pearls, with 400 pearls large and small	-	£18 000 (?) <sup>96</sup>
Two 24 ounce gold chains	-	£2142 15s. <sup>97</sup>
A jewel of diamonds set in gold	3000 merks	£2000
A great pair of bracelets set with diamonds	500 crowns	£1500
A pair of gold bracelets		£600
Turquoise ring	10 crowns	£30
A diamond set in a ring	28 crowns	£84
Various small rings, set with diamonds and other rich stones	300 crowns	£900
Gold and silver Scots coinage	16 000 merks	£10,666 13s. 4d.
	<b>TOTAL</b>	<b>£74,399 0s. 2d.</b>

<sup>94</sup> Pitcairn, *Trials*, iii, 562-564.

<sup>95</sup> Buttons are estimated at half an ounce each.

<sup>96</sup> The value of the pearls is a guess, taken as roughly half the value of the chain belonging to Mary Queen of Scots. G. Kunz and C. Stevenson, *The Book of the Pearl: Its History, Art, Science and Industry* (London: Courier Corporation, 2013), 453.

<sup>97</sup> Gold is estimated at £(3.72) Sterling to the ounce. L. Officer, 'What Was the Price of Gold Then? A Data Study' in *Measuring Worth* (2012) <<http://www.measuringworth.com/docs/GoldBackground.pdf>> [Accessed 31 August 2015].

## **CHAPTER 8**

The Earls Marischal and the Kirk 1560-1623

Of the ample collection of tapestries recorded within Dunnottar Castle in 1612 the only ones to be described with any detail were a group of six which depicted the story of Samson.<sup>1</sup> As the only pictorial and narrative set this was the most prestigious that the family owned. The sheer cost involved in commissioning such pieces meant that the subject matter was never chosen lightly; patrons displayed figures and concepts with which they desired to be associated. From all the historic, legendary and classical stories, the Keiths chose the biblical story of Samson, suggesting that the earls were keen to foster a religious identity.<sup>2</sup> Earl William was especially noted for his devotion, having been an early convert in the 1540s. Few could doubt the zeal he expressed in his speech at the Reformation Parliament:

It is long since I had some favour to the truthe; but praised be God, I am this day fullie resolved... I cannot but hold it the verie truthe of God, and the contrarie to be deceavable doctrine. Therefore, so farre as in me lyeth, I approve the one, and damne the other.<sup>3</sup>

Earl William's surviving letters show the religious concern of a very devout man, often invoking the Holy Spirit and frequently thanking, praising or praying to God.<sup>4</sup> The English described him as 'very religious'.<sup>5</sup> Earl George was likewise consistently described by English commentators as 'well affected in religion' and Lord Hundson even remarked: 'and for th[e] Erle Marshall, he ys the only nobell mane that ys too be accowntyd of too stande faste for matters of relygyon'.<sup>6</sup> The minister to the French speaking Calvinist community in London, Jean Castol, recommended Marischal to the earl's old tutor, Theodore Beza, as the subject of the dedication of his next book in 1583,

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<sup>1</sup> NLS, MS 21183, ff.47-48.

<sup>2</sup> T. Campbell, *Tapestry in the Renaissance: Art and Magnificence* (London: Yale University Press, 2002), 6, 13, 23-25.

<sup>3</sup> Calderwood, *History*, ii., 37-38.

<sup>4</sup> NLS, MS 21174, ff.1-2; NRAS 217/Box 15/295.

<sup>5</sup> *CSP, Scotland*, v, 253, 256, 329.

<sup>6</sup> *CSP, Scotland*, ix, 624, 704; *CBP*, i, 312.

saying Marischal was the most appropriate choice for his piety, reliability and great reputation amongst those of good breeding.<sup>7</sup> The two Earls Marischal were clearly committed and recognised Protestants.

As seen in chapter one, Earl William, although devout, maintained a moderate political course, and the concerns of lordship came before his commitment to the Protestant cause. Earl George was more willing to court the Kirk in his political struggles, although it was observed in chapters two, three and four that this usually corresponded to the peaks in his feud with the Earl of Huntly. This suggested that he utilised the Kirk in the same way that Huntly utilised the resources of the Counter Reformation, as a means to advance his position and as an additional weapon in the feuding arsenal. This chapter will build on this evidence to explore the extent to which George's devotion manifested itself through his interaction with the kirks within his lordship. This will also be compared to the example of his predecessor, Earl William, in order to form some idea of how the Reformation impacted upon the Scottish nobility and the exercise of their lordship over 63 years, from the Reformation Parliament to George's death. In terms of Scotland as a whole, Roger Mason argues that the Reformation had such a profound influence upon political thought that it reinvented expectations of kingship and of the church, and the relationship of both to the political community. These new ideas often clashed with old practices and principles, such as the traditional habits and thought patterns of the nobility.<sup>8</sup> This chapter will explore how the earls sought to reconcile these conflicts.

The church had high expectations that the nobility would take a robust share of the responsibility for ensuring the wellbeing of the Kirk. Although few if any nobles could have met the impossibly high standards of certain ministers, many magnates operated as 'godly magistrates', actively endeavouring to advance the policies and interests of the

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<sup>7</sup> Aubert, *Correspondance de Theodore De Beza*, XXV, 214.

<sup>8</sup> R. Mason, *Kingship and the Commonweal* (Linton: Tuckwell, 1998), 1-6, 165, 193-4.

church.<sup>9</sup> As the two earls were considered to be a sound Protestants, we might expect them to have been proactive in the affairs of the Kirk. The following discussion will explore whether they were godly magistrates: noble Protestants, or merely Protestant nobles.

For a man consistently described as a sound Protestant, Earl George is largely absent from the works of contemporary kirk historians, merely mentioned in passing, if at all, a handful of times.<sup>10</sup> From these accounts we can learn little of Marischal's involvement in the Kirk, beyond the deduction that he was not remarkable enough to be worthy of special mention. We thus have an apparent contradiction between the perception of Marischal as godly, but also as insignificant to the story of the Kirk.

Before exploring Marischal's involvement in the Kirk, his own personal life is worth a mention. Considerable effort was made by the Kirk to enforce standards of morality, especially in regard to combatting violence and enforcing standards of sexual behaviour. Obviously these efforts would be undermined when church leaders and patrons broke these rules.<sup>11</sup> Marischal broke both. In 1585, Marischal had William Keith son of the Laird of Ludquharn killed.<sup>12</sup> Marischal committed adultery at least twice, siring two bastards, Gilbert and Robert.<sup>13</sup> As historian G.D. Henderson quips, Marischal was certainly a Protestant, but no puritan.<sup>14</sup>

Yet, even if guilty of murder and adultery, Marischal was firmly Protestant and no criticism of him in this score is made in his lifetime. His two wives, Margaret Home and Margaret Ogilvy, were both from Catholic families, but there is likewise no surviving

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<sup>9</sup> For expectations of the ministers towards the 'christiane magistrat' see 2<sup>nd</sup> BOD, 213-216 also A. Williamson, 'A Patriot Nobility? Calvinism, Kin-Ties and Civic Humanism', *SHR* 72 (1993), 1-21; K. Brown, 'In Search of the Godly Magistrate in Reformation Scotland' *The Journal of Ecclesiastical History* 40 (1989), 553-581.

<sup>10</sup> *JMAD*, 267, 787; *BUK*, ii, 612-625; J. Row, *The history of the Kirk of Scotland*, ed. D. Laing (Edinburgh: Wodrow Society, 1842), 153-155, 268; Calderwood, *History*, iii, 599; iv, 614; v, 59, 60-63; J. Spottiswood, *The History of the Church of Scotland*, ed. M. Russell (Edinburgh: Bannatyne Club, 1850), ii, 404-406.

<sup>11</sup> M.Todd, *The Culture of Protestantism in Early Modern Scotland* (London: Yale University Press, 2002), 3, 21, 83, 232, 269, 271, 299.

<sup>12</sup> *RMS*, 1580-1593 262.

<sup>13</sup> NRS, PS1/55, f.64v; RD1/387, f.424.

<sup>14</sup> Henderson, *Founding of Marischal College*, 44.

criticism of their faith.<sup>15</sup> William Ogston reports that on his death bed Marischal ‘talked carefully and skilfully about his sickness, the mercy of god, the redemption of mankind, the justification through faith in Christ, the resurrection of the body and the immortality of the soul and other particular articles of religion’.<sup>16</sup> Although this scene is lifted word for word from Dominique Baudier’s funeral oration for Joseph Justus Scaliger, this at least shows what Ogston thought best publically characterised the committed personal devotion of the earl.<sup>17</sup> This borrowed façade is all we have in the way of direct contemporary commentary on the man’s personal devotion. As such this chapter will largely be an examination of the earthly relationship with the Kirk, with few if any conclusions about the earls’ inward beliefs.

### The Parishes

Fundamental to understanding the earls’ engagement with the reformed religion is an exploration of how they interacted with the Kirk within the earldom. In rural areas, the initiative of the local magnates to implement the Kirk’s policy was crucial, but this was highly dependent on the character of the individual in question.<sup>18</sup> Earl William’s involvement with the *First Book of Discipline* has been noted.<sup>19</sup> Two sections are especially relevant to the following discussion. The first is the process for the appointment of new ministers. When a vacancy arose the congregations were to have a period of 40 days to present a candidate for examination and approval; if they did not the choice would be made by the Kirk’s superintendent. The second relevant section deals with the

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<sup>15</sup> Sir Alexander Fraser of Philorth’s wife, Magdalene Ogilvie of the Dunlugas branch, for example, may have been a Catholic, and he seems to have built her a secret chapel. M. Meikle, ‘Home, Alexander, first earl of Home (c.1566–1619)’, *ODNB*; M. Meikle, ‘Home, Alexander, fifth Lord Home (c.1525–1575)’, *ODNB*; J. Simmons, ‘Ogilvy, James, fifth Lord Ogilvy of Airlie (1540/41–1606)’, *ODNB*; I. Bryce and A. Roberts, ‘Post Reformation Catholic Houses of North-East Scotland’ *PSAS*, 123 (1993), 367-368.

<sup>16</sup> Ogston, *Oratio Funerbris*, 17-18.

<sup>17</sup> J. McManamon, *Funeral Oratory and the Cultural Ideals of Italian Humanism* (London: California University Press, 1989), 25; Aries, *Western Attitudes towards Death*, Ranum, trans. (London: John Hopkins University Press, 1976), 11; D. Badius, ‘Oratio in Funere Maximi Virorum Iosephi Iusti Scaligeri’ in *Dominici Baudi V.CL. Epistolarum Centuria tres: Lacunis aliquot suppletis. Accedunt ejusdem Orationes, editio nova* (Amsterdam: 1642), 621.

<sup>18</sup> M. Graham, ‘Social Discipline in Scotland 1560-1610’ in R. Mentzer, ed., *Sin and the Calvinists* (London: Sixteenth Century Essays and Studies, 1994), 133, 157.

<sup>19</sup> *Diurnal of Occurrents*, 63, 281; Knox, *Works*, ii, 129-130; *BUK*, i, 38-41.

patrimony of the old church, all of which was to be entirely devoted to the new Kirk, with all middlemen, such as tacksmen collecting teinds, removed.<sup>20</sup>

Under the old church, most parish benefices, both vicarage and parsonage, were appropriated for the support of other bodies: monasteries, cathedrals, universities and collegiate churches. The appropriating bodies collected the teinds (or appointed a tacksmen to do so) and were expected to pay a salary to a vicar pensionary. This system was open to considerable abuse and caused great poverty among the parishes, which was a major contributory factor to discontent before 1560.<sup>21</sup> By the time of the Reformation the holding of vicarages or parsonages only really denoted the assignation of revenues, without obligation to spiritual offices.<sup>22</sup> Despite this, the Reformation did not lead to a sweeping away of the old landed structure of the church, principally as the nobility, which quickly inherited the benefices from the appropriators 'had an invincible preference for the old ecclesiastical structure'.<sup>23</sup> However, efforts were put in place to support the new church and to retrieve benefices for spiritual use. In 1561 holders of benefices who were not serving the reformed Kirk were required to give up a third of their income, to be split between the crown and Kirk, which would support the wages of the new ministry.<sup>24</sup> The remaining two thirds were kept by the holders, who remained responsible for the old unreformed vicar pensionary. Initially the remaining two thirds were considered free of any spiritual obligation.

In 1566, further legislation stipulated that when benefices below the value of £200 fell vacant the new Protestant parish minister would be entitled to its revenues, although the patron of that benefice would retain the old rights of presentation to that benefice. This reconnected the benefices and patronage to the ministry, although, as will be seen, this was

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<sup>20</sup> *I<sup>st</sup> BOD*, 96-101, 156-164.

<sup>21</sup> Kirk, *Thirds*, pp.xxx-xxxii.

<sup>22</sup> G. Donaldson, 'The Parish Clergy and the Reformation' in D. McRoberts, ed., *Essays on the Scottish Reformation 1513-1625* (Glasgow: Burns, 1962), 135.

<sup>23</sup> G. Donaldson, *Scotland: James V-James VII* (Edinburgh: Oliver and Boyd, 1965), 144.

<sup>24</sup> *RPS*, A1561/12/3.

not immediately implemented or recognised. Benefices continued to be appointed to laymen and the crown often assumed the rights of presentation, regardless of the legal patron, well into the 1580s.<sup>25</sup> It took some time for the ‘two thirds’ benefices to be seen less as financial assets and more for the support of the ministry, which was a complaint of the *Second Book of Discipline*.<sup>26</sup> The two thirds would be a great help to the financial support of the new church, although patrons could now legally influence the ministry and, as holders or tacksmen of the benefice, would continue collecting the teinds, taking a proportion for themselves in the process.

Claire Cross’ study of noble church patronage in Elizabethan England suggested that through presentation and conscientious administration, a single noble patron could exercise considerable influence over the ministry within a particular region, which could then in turn influence the policy of the church as a whole.<sup>27</sup> For Scotland, Ian Cowan noted that in like manner, King James and his bishops consistently selected ministers who had sympathy with their own ideas and policies.<sup>28</sup> Yet it is harder to find a comparable set of proactive patrons among the Scottish nobility. A major obstacle came from the limitations on a nobleman’s power in presentation, once it had been established. Nobles usually had a window of six months to present a candidate when a vacancy arose. After examination, congregations, presbytery, synod or General Assembly then had the right of accepting or declining the nominee. It was thus in patrons’ interests to choose an acceptable nominee, as it would be a blow to their authority to have their choice rejected.<sup>29</sup> Thus the Scottish nobility’s ability to influence the Kirk in this regard was much more constrained than in England.

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<sup>25</sup> J. Kirk, *Patterns of Reform: Continuity and Change in the Reformation Kirk* (Edinburgh: Clark, 1989), 386-390; *RPS*, 1567/4/6; 1567/12/11; *RPCS*, i, 487-488.

<sup>26</sup> 2<sup>nd</sup> *BOD*, 220-221.

<sup>27</sup> C. Cross, ‘Noble Patronage in the Elizabethan Church’ *the Historical Journal* 3 (1960), 1-16.

<sup>28</sup> Cowan, ‘Church and Society’, 188.

<sup>29</sup> Kirk, *Patterns of Reform*, 389-390, 421, 425.

The nobility was often keen to patronise and endow the Kirk, but only on its own terms. The problem came with the Kirk's insistence on control. Jane Dawson questions whether nobles had the practical means to be able to do what many churchmen expected of them: the solidarity of the kin group was the highest priority for every lord, usually at the expense of all other concerns. Power was contractual and required consistent consensus. Secular concerns were thus necessarily more important than religious ones for them.<sup>30</sup> The Kirk was highly fearful of secular corruption; although nobles were essential in enforcing kirk policy and authority, there was a danger that ministers could become dependants and thus vulnerable to exploitation.<sup>31</sup> This compelled the Kirk to openly confront the nobility from time to time, to ensure its continued independence. However, in doing so they often alienated many nobles and deterred them from a more active interest in the Kirk.<sup>32</sup> As Ian Cowan observed, this meant that 'the impact of the nobility on the Kirk and of the Kirk upon them, was thus left very much to each individual lord'.<sup>33</sup>

The above is a broad, neat thumbnail sketch of post-Reformation development in the parishes which, as we shall see, was in fact an untidy and uneven process. Multiple understandings of what was involved in the establishment of the Kirk and its relations with wider society coexisted and came into conflict. Mindful of all these issues, the following discussion will explore how far the two earls might be considered 'godly magistrates', assessing what their own priorities reveal about the extent of their religious conviction.

### **Inheritance in the Localities**

It has previously been assumed that patronage followed ownership of the benefices and that lay patronage had been squeezed out of the pre-Reformation church.<sup>34</sup> However,

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<sup>30</sup> J. Dawson, 'Clan, Kin and Kirk: the Campbells and the Scottish Reformation' in *The Education of a Christian Society*, eds Amos, Pettegree, and Van-Nierop (Aldershot: Ashgate, 1988), 211-214, 258.

<sup>31</sup> Cowan, 'Church and Society', 199.

<sup>32</sup> Brown, 'In Search of the Godly Magistrate', 553-581.

<sup>33</sup> Cowan, 'Church and Society', 186.

<sup>34</sup> J. Kirk, 'Royal and Lay Patronage in the Jacobean Kirk 1572-1600' in N. MacDougall, ed., *Church, Politics and Society: Scotland 1407-1929* (Edinburgh: John Donald, 1983), 128.

the example of the Keiths suggest otherwise, as it appears that they detached the right of patronage for themselves when the benefices became appropriated to other bodies. As such, before the Reformation the earls held the patronage at Keith Marischal, Longley, Duffus, Strathbrock and probably Dunnet.<sup>35</sup> The implication instead is that a family which was Protestant from the 1540s continued to appoint personnel to the pre-Reformation church.

After the Reformation the earls were quick to acquire the benefices in these and other parishes. By 1561 Earl William had acquired the parsonage of Duffus, by 1562 the parsonage of Strathbrock and the whole benefice of Fetteresso, and by 1566 all of Fetterangus and Longley. Dunnottar was acquired on lease in 1565 and permanently by Earl George by 1587; Keith Marischal followed by 1592.<sup>36</sup> From 1543, through the two Commendators of Deer, Earl William had indirect control of all the abbey's assets along with the benefices of Deer, Peterhead, Foveran, Kingedward and Dunnet. By 1573 Robert, the second commendator, had leased to the earl all of the temporal lands of the abbey, the parsonages of Deer, Peterhead, and half of Foveran. He retained direct control of the vicarages, while, in an exercise of noble patronage, he leased various other assets to local landowners and kinsmen.<sup>37</sup> Though the benefices had been split, the patronage of those parishes was passed to the earls, who were recognised as 'undoubtit patrons'.<sup>38</sup> In 1587 Robert was granted the patronage of the parish of Benholm, which he passed over to Earl George.<sup>39</sup> In total that made 13 parishes (15 after later parish divisions) as shown in figure 13.

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<sup>35</sup> I. Cowan, ed., *The Parishes of Medieval Scotland* (Edinburgh: SRS, 1967), 49, 90; *RMS*, 1513-1546, 68, no.302; *NRS*, GD30/2268.

<sup>36</sup> 'Humbie' *NSA*, ii, 102; *RMS*, 1580-1593, 463-464, no.1341; Kirk, *Thirds*, 152-153, 404; *RSS*, v, 117, no.2822; *FES*, v, 459, 464; D. Laing, ed., *Charters of the Hospital of Soltre, of Trinity College, Edinburgh, and other Collegiate Churches in Mid-Lothian* (Edinburgh: Bannatyne Club, 1861) 126-127; *NRS*, CH7/74.

<sup>37</sup> The Abbey also possessed the parsonage of Philorth for a time, although this does not appear associated with either the earl or the commendator again. Kirk, *Thirds*, 457-459; *Aberdeenshire-Banff Illustrations*, iv, 18-19 *RSS*, iii, 8, no.46.

<sup>38</sup> *NRS*, CC8/2/113; *RMS*, 1580-1593, 445, 463, nos.1309, 1341; *CSP, Scotland*, ix, 576.

<sup>39</sup> See the discussion of Benholm below.

Rather than a simple scramble to acquire good land, there is a sense that after 1560 the Earls Marischal deliberately sought to retrieve properties they saw as rightfully theirs from the crumbling church. Two parishes had been founded by Keith ancestors: Dunnottar in 1395 by Sir William de Keith, and Keith Marischal by Hervie de Keith in the thirteenth century.<sup>40</sup> The other parishes had connections to the earls as successors to extinct families, such as the Cheynes or Lundies: the rights of patronage at Strathbrock, Duffus and Dunnet had been inherited from the Inverugie Keiths, who in turn had inherited them from the extinct Cheyne family. The extinguishing of that family had led to their properties, including the patronage, being divided between heiresses. The patronage was thereafter exercised alternatively by the two sets of successors.<sup>41</sup> Marischal was also heir to the founders of the Abbey of Deer and its parishes through the Comyn and Cheyne families.<sup>42</sup> The Keiths example suggests that as the old church collapsed the heirs of founder families were keen to extract the property they still regarded as rightfully theirs. This also fitted with the rhetoric of the 1587 Act of Annexation, which justified the confiscation of former church property as having once rightfully belonged to the crown.<sup>43</sup>

Other church properties were likewise retrieved. Before the Reformation Earl William was patron of the chaplainry of St Mary of the Storms, which was based in the chapel of Cowie, alongside the Laird of Ury's chaplainry of St Nathlan.<sup>44</sup> When they were suppressed at the Reformation, the revenues of the two reverted to the two patrons, with a third being appropriated to the crown.<sup>45</sup> As heritable sheriff of the Mearns, Marischal also had patronage of the chapel of St Catherine of Sienna in the burgh of Kincardine in the parish of Fordoun. This was likewise suppressed and then abandoned, but the earls kept its

<sup>40</sup> D. Simpson, 'The Development of Dunnottar Castle', *Archaeological Journal* 98 (1942) 88-89; D. MacGibbon and T. Ross, *The Ecclesiastical Architecture of Scotland*, (Edinburgh: Douglas, 1896), ii, 465, 509; 'Humbie' NSA, ii, 104; RCAHMS 201387 'Humbie Parish Church'.

<sup>41</sup> H. Honeyman, 'The Parish Churches of Uphall and Ecclesmachan' *Transactions of the Scottish Ecclesiological Society* 3.2 (1911), 156; NRS, CH7/74; GD30/2268; MacGibbon, and Ross, *Castellated and Domestic Architecture*, iii, 252.

<sup>42</sup> Buchan, *Noble Family of Keith*, 42.

<sup>43</sup> RPS, 1587/7/18.

<sup>44</sup> NLS, MS 21183, f.59r; RMS, 1546-1580, 576, no.2191.

<sup>45</sup> NRS, PS1/72, f.57r.

lands and revenues.<sup>46</sup> The Rood Altar in Kintore Parish Church was given to Marischal in 1586 by Steven Hatton, the holder of the chaplainry.<sup>47</sup> There is little record of this altar, although we might speculate that it had been endowed by the Keiths, hence its acquisition. Over time Earls William and George had successfully retrieved a large quantity of family patrimony from the disintegration of the old church.

The following parish by parish discussion will focus on how the earls, George in particular, treated these possessions thereafter, to investigate whether they were used to support the new Kirk, retaining a sense of the spiritual purpose for which they had previously been earmarked; or rather used as additions to the earldom's landed portfolio. The distribution of parish patronage can also be used to determine whether they had a coherent policy towards presenting ministers.

Any investigation of this sort is immediately restricted by the lack of surviving sources. Royal presentations and appointments to benefices are relatively easy to trace through the records of the Privy Seal. The survival of the necessary church or family records to study Marischal's presentations is, however, sporadic. For all Marischal's parishes, only one kirk session register survives, Longside, which starts in 1620.<sup>48</sup> Presbytery records survive in greater number: Deer for 1602-1621, covering the parishes of Longley, Fetterangus, Peterhead, Longside, Deer and New Deer; Haddington for 1587-1608 and again after 1613 for Keith Marischal; Linlithgow from 1610 for Strathbrock; and Ellon from 1597 for Foveran. However, the records of the presbyteries of Turriff (for Kingedward), the Mearns (for Fetteresso, Dunnottar and Benholm) and Caithness (Dunnet) do not survive before 1623.<sup>49</sup> The surviving evidence is therefore fragmentary. These sources are augmented by the records of the Shairp family of Houston, which contain a

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<sup>46</sup> *RMS*, 1513-1546, 242-243, no.1113; *RPS*, 1600/11/64; *RMS*, 1608-1620, 281-284, no.757-758; RCAHMS 36120 'Kincardine; St Catherine's Burying Ground'.

<sup>47</sup> AUSC, MS 3064/1/1/12/3; 3064/1/1/19/1 *RMS*, 1580-1593, 745-748, no.2176.

<sup>48</sup> NRS, CH2/699/1.

<sup>49</sup> NRS, CH2/89/1; CH2/146/1, 2; CH2/185/1, 2, 3; CH2/242/1, 2.

number of documents relating to the parish of Strathbrock, along with other occasional scraps of evidence.<sup>50</sup>

### **Reformation in the North**

Marischal's parishes fell into two main clusters, in the Mearns and in Buchan, and each had a different experience during the establishment of the reformed Kirk. The implementation of a reformed policy and plantation of ministers in the Mearns was achieved remarkably quickly, largely thanks to the work of John Erskine of Dun, who kept a controlling influence as superintendent until his death in 1590. His task was made easier by the area's long Protestant character and the help he received from the local nobility. There is little direct evidence for Earl William having exercised much influence over the process, although Frank Bardgett perhaps goes too far in discounting Marischal's contribution entirely – Jenny Wormald remarks that finding evidence for noble influence upon the spread of the new religion in the localities is very difficult.<sup>51</sup>

Buchan was less straightforward. On 10 February 1560 the Earl of Huntly, Marischal's brother-in-law, was reported to have 'begun a reformation of religion in the north'. All the regional noblemen assembled at Aberdeen, including the Earls of Atholl, Erroll, Montrose, Marischal, Crawford, and the Lords Gray, Ogilvy, Drummond and Oliphant, who all promised to do as Huntly advised them, indicating that the commitment of individual noblemen was necessary for the implementation of reform in their lordships.<sup>52</sup> However, Huntly's efforts failed, as Lord James Stewart had to be sent in the summer of 1561 to perform the same task. There Lord James 'maid sick reformatioun, as nathing contentit the Erle of Huntlie, and yet seemed he to approve all thingis'.<sup>53</sup> Huntly

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<sup>50</sup> NRS, GD30.

<sup>51</sup> Bardgett, *Scotland Reformed*, 89, 93, 95, 101-102; J. Wormald, 'Princes' and the Regions in the Scottish Reformation' in *Church, Politics and Society: Scotland*, 68.

<sup>52</sup> *CPS Foreign*, 1559-1560, 366, no.710; Clifford, *State Papers and Letters of Sir Ralph Sadler*, ii, 245.

<sup>53</sup> Knox, *Works*, ii, 168.

had returned to Catholicism by this point.<sup>54</sup> When Lord James returned to court in December 1561, Erskine of Dun was appointed as commissioner for Aberdeen and Banff to carry on this work, although an illness prevented him from doing so. A series of temporary and ineffectual commissioners followed, and eventually the new presbyteries and bishops took on the burden. These various commissioners planted ministers in the old parishes, as far as they could, but this was a slow and uneven process.<sup>55</sup>

For Marischal's lands in Buchan, the Abbey of Deer formed the epicentre of reforming influence in the region, its brethren providing three ministers (Gilbert Chrisholm, David Howieson and John Keith) who together oversaw, at one time or another, a total of twelve parishes, including the four belonging to the abbey.<sup>56</sup> It is not clear how Robert Keith the commendator fitted into this scenario. In July 1569 the General Assembly complained that Robert, along with the Earl of Huntly, had been abusing the Kirk, and that Robert himself had 'debursed his money to the enemies of God, to persecute his servants and banish them out of the realme'.<sup>57</sup> Although this might imply that the commendator was Catholic, he may rather only have been a benefactor to Catholics, as was his father in relation to John Eldar.<sup>58</sup> The persecution need not be directed over all personnel in the new Kirk. As will be seen in the following discussions there could be frequent disputes between patrons and individual ministers. This may be an exaggerated reference to a particular quarrel between the commendator and one or two ministers, rather than representing a policy of persecution on his part. The earl and commendator were not dogmatically anti-Catholic, but it does not follow that they were Catholic. As the former monks of the abbey were able to spearhead the ministry in the north east, this suggests their secular abbot did

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<sup>54</sup> *CSP, Scotland*, i, 555-557.

<sup>55</sup> McMillan, 'Keeping the Kirk'; McLennan, 'Presbyterianism Challenged', i, 6-7.

<sup>56</sup> M. Dilworth, 'Deer Abbey's Contribution to the Reformed Church', *IR* 52 (2003), 216-225.

<sup>57</sup> *BUK*, i, 155.

<sup>58</sup> See Longley and Dunnottar. Robert I died in Paris, Robert II was in Paris in December 1554. Mark Dilworth suggests that both of these expeditions were to provide them with training for a clerical career in their role as commendators. Given the earl's long Protestantism and Robert I's five illegitimate children this might be unlikely. M. Dilworth, 'The Commendator System in Scotland' *IR* 37 (1986), 60.

not halt their activities, even if he had hindered them. Aside from this incident he may have helped them otherwise, as there is no further complaint over the rest of the commendator's life into the 1590s.<sup>59</sup> All this really shows is that the commendator was operating as a typical lord, rather than as a dogmatic Protestant. Jenny Wormald argues that this sort of religious moderation is unsurprising in a society where bonds of kinship and loyalty were so strong; that Earl William comforted Mary of Guise, in theory the greatest enemy of the Protestants in Scotland, on her death bed, hardly indicates that he was likely to make any savage purges of his friends and kinsmen occupying positions in the old church. This lack of single mindedness looked to the ministers like lack of commitment. However, even the thoroughly godly John Erskine of Dun was appointing kinsmen and supporters to ministerial posts.<sup>60</sup>

The extent to which Earl William helped reform the bounds of his lordship is not clear. He was not the leader, but perhaps a supporter of the various commissioners appointed to reform the regions. The areas in the north east which were dominated by Protestant nobles tended, initially, to have a firmly established reformed Kirk, which suggests that the nobility was a factor in helping reform those areas. The lands of the comparatively healthy and proactive presbytery of Deer, for example, were dominated by Marischal and Alexander Fraser of Philorth, compared to the much weaker presbyteries of Ellon and Aberdeen, which were dominated by the Catholic Hay, Gordon, Cheyne and Menzies families.<sup>61</sup>

### **Survey of Parishes**

The following survey of Marischal's parishes will explore each one in detail. The first group are those acquired directly by the earldom, the second those secured through the

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<sup>59</sup> Dilworth, 'Deer Abbey', 216-225.

<sup>60</sup> Bardgett, *Scotland Reformed*, 93; Wormald, *Mary Queen of Scots*, 109; Wormald, 'Princes' and the Regions', 67.

<sup>61</sup> For the strengths of the respective presbyteries see McMillan, 'Keeping the Kirk'.

Abbey of Deer. Peterhead, the example with the most surviving evidence, will be considered last.

Most studies of the post-Reformation ministry do not take account of the role of noble kirk patronage. For example, John McCallum's study of the Reformation in Fife, in considering the ministry as a profession, does not consider the role of patrons in advancing the careers of the various ministers.<sup>62</sup> James Kirk charted the general progress and advance of lay patronage over the period, but did not explore that patronage in finer detail.<sup>63</sup> Elaine Finnie identified that the Hamiltons held some 53 parishes between 1554 and 1573 through their control of various major religious houses, but the analysis of the exercise of their patronage is cursory.<sup>64</sup> The only brief exploration of a Scottish nobleman's exercise of kirk patronage is Robin Macpherson's study of Francis Stewart, fifth Earl of Bothwell. Bothwell was patron of 59 parishes, far in excess of Marischal's 13, so in theory had more opportunity to influence the reformed Kirk. However, Bothwell took up the reins of his earldom after a considerable period of disruption caused by the previous earl and tampering by the Regents Moray and Morton. Bothwell's fall from grace in 1591 means that the study of his patronage only covers the 1580s.<sup>65</sup> The study of the Earl Marischal's parishes, on the other hand, tells an unbroken story of an earldom's patronage from the Reformation to 1623. Additionally, as a smaller sample, Marischal's parishes also allow a more focused examination of the nature of that patronage.

The comparative value of the parishes at the Reformation can be seen below in table 4. The data in this table should be used with a great deal of caution; the 'value' was not a static figure over time. However, it can be used as a loose indicator of the variety in size and wealth of the parishes. The value at the Reformation can be seen as the value for the earls (as ultimate collectors of the tiends) and the crown (through the thirds), from

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<sup>62</sup> J. McCallum, *Reforming the Scottish Parish: The Reformation in Fife* (Farnham, Ashgate. 2010), 121-152.

<sup>63</sup> Kirk, 'Royal and Lay Patronage in the Jacobean Kirk', 127-150.

<sup>64</sup> Finnie, 'The House of Hamilton', 14, 28.

<sup>65</sup> Macpherson, 'Francis Stewart', 311-370.

which both took a portion for their efforts. The comparative index gives an idea of the value for the ministry. Deer may seem like a wealthy parish, but its sheer size rendered the task of any minister much more difficult.

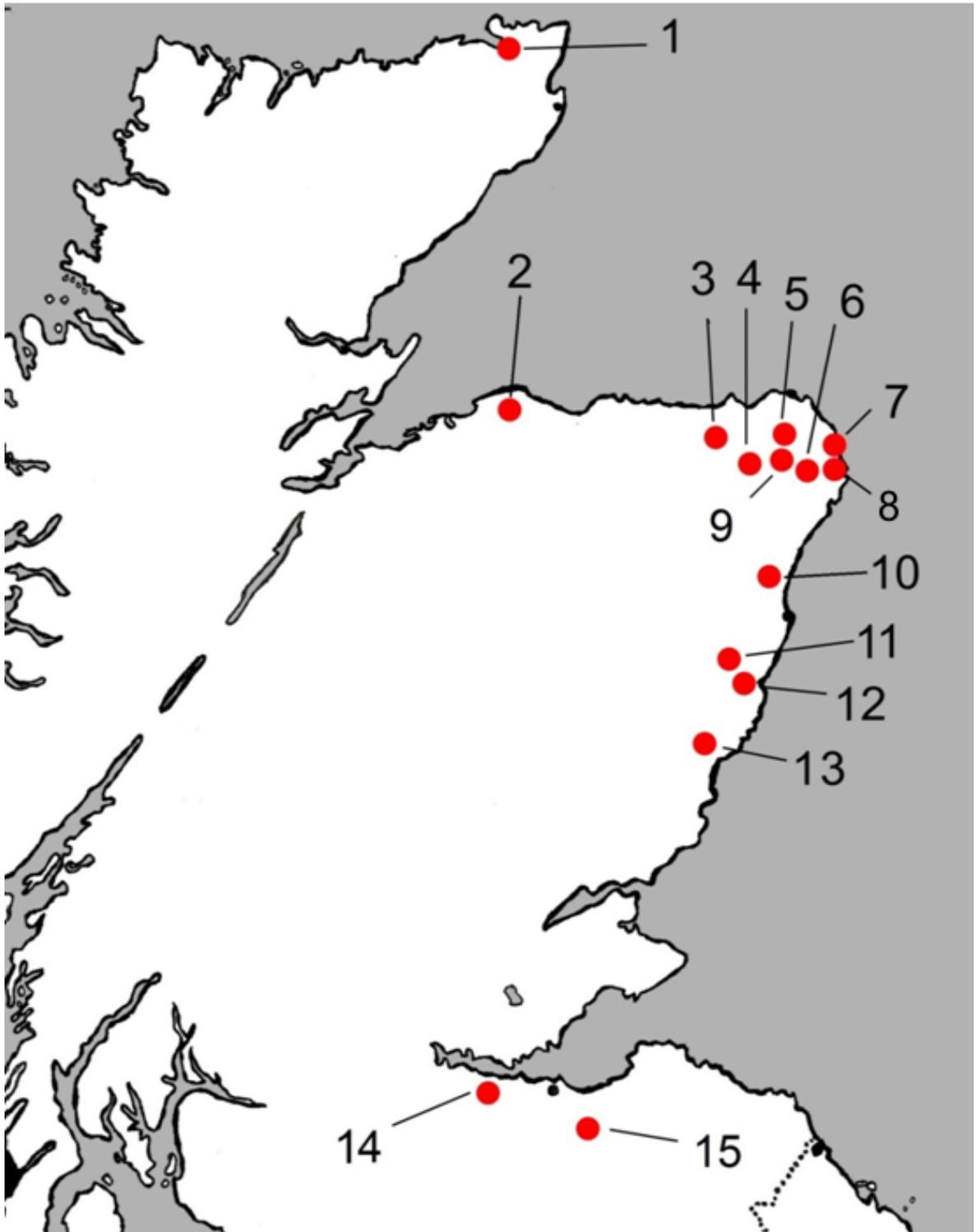
Table 4: Comparative value of Marischal's Parishes

<b>Parish</b>	<b>Value at the Reformation, before removal of the Thirds<sup>66</sup></b>	<b>Approximate Size in square miles<sup>67</sup></b>	<b>Approximate Comparative index; value per square mile</b>
Dunnet	£133 3s. 6d	27.8	£4 15s. 10d.
Kingedward	£102	27.4	£3 14s. 5d.
Deer	£187 10d	80.3	£2 6s. 4d.
Peterhead	£61 2s	43.2	£1 8s. 3d.
Longley/Fetterangus	£26 13s. 4d.	18.7	£1 8s. 6d.
Foveran	£98	16.9	£5 16s.
Dunnottar	£80	12.3	£6 10s.
Fetteresso	£239 3s. 4d.	43	£5 11s. 3d.
Benholm	£73 6s. 8d.	7.6	£9 13s.
Strathbrock (parsonage)	£200	7.1	£26 6s. 4d.
Keith Marischal	£50	5	£10

<sup>66</sup> Duffus was not recorded, so is not included here. Kirk, *Thirds*, 95, 152-153, 403-404, 450, 547-459.

<sup>67</sup> Taken from F. Groome, ed., *Ordnance Gazetteer of Scotland*, 6 vols (Edinburgh, Thomas Jack, 1882-1885); adjusted for parish changes, divisions and mergers.

Figure 13: Marischal's Parishes



1. Dunnet, 2. Duffus, 3. Kingedward, 4. New Deer (split from Deer in 1620), 5. Fetterangus (merged with Deer in 1618), 6. Longside (split from Pererhead in 1620), 7. Longley, 8. Peterhead, 9. Deer, 10. Foveran, 11. Fetteresso, 12. Dunnottar, 13. Benholm, 14. Strathbrock, 15. Keith Marischal (merged with Humbie in 1618).

## Duffus

The earls possessed a third of the parsonage of Duffus (increasing to a half by 1592), where they had long exercised patronage alternatively with the Sutherlands of Duffus, as heirs to the Cheyne family.<sup>68</sup> In 1561 Earl William presented John Keith (a former monk of Deer and son to the Laird of Drumtochty) to the parsonage.<sup>69</sup> Although there was still no legal association between benefices and the new Kirk, Earl William had signed the *Book of Discipline* in the previous January and John's appointment was possibly made with a view to his serving in the new church. At some point John acquired a degree, and it is conceivable that the parsonage supported his education, as a John Keith was admitted to St Leonard's in the following year.<sup>70</sup> It had not been unusual for parsonages to be used to support university education before the Reformation.<sup>71</sup> By 1567 John was serving as minister at Duffus and Kinnedar, and by 1574 at Duffus, Ogston and Alves. Eventually his charges reduced to Duffus alone, where he served until his death in 1607. He regularly attended the General Assembly and discharged a number of offices and commissions for the Kirk.<sup>72</sup> On 22 November 1587 John was granted exemption from travel because of his bad health and in thanks for 24 years continual service 'with no faults or blots'.<sup>73</sup> John was an important figure in the church, and had benefitted from Earl William's patronage. After he died Patrick Dunbar was appointed, presumably the choice of the Sutherlands of Duffus, in their turn as patrons.<sup>74</sup>

## Strathbrock

Like Duffus, patronage of Strathbrock was officially exercised alternately between the successors of the extinct Cheyne family, namely the Earls Marischal and William

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<sup>68</sup> RMS, 1580-1593, 435, 463-464, 742-748, nos.1289, 1341, 2176; NRS, CH7/74.

<sup>69</sup> Dilworth, 'Deer abbey', 219-220; NRAS 217/Box 15/641.

<sup>70</sup> J. Maitland-Anderson, *Early Records of the University of St Andrews* (Edinburgh: SHS, 1926), 269.

<sup>71</sup> D. McKay, 'Parish Life in Scotland 1500-1560' in *Essays on the Scottish Reformation*, 86.

<sup>72</sup> Dilworth, 'Deer abbey', 219-220.

<sup>73</sup> NRS, PS1/56, ff.103v-104r.

<sup>74</sup> FES, vi, 385.

Oliphant of Kirkhill, although, for unknown reasons, Earl George presented exclusively during his lifetime.<sup>75</sup> Earl William and then Earl George initially used the parsonage as a means of noble patronage. As the parsonage was worth £200 it was presumably exempt from the 1566 obligation to give lesser benefices to the ministry. At an unknown date it was presented to Robert Pitcairn, Commendator of Dunfermline, an important administrator in the Scottish government during James VI's minority.<sup>76</sup> Pitcairn was no minister; Adam Blackwood's 1587 panegyric of Mary Queen of Scots even describes him (perhaps exaggerating) as 'a filthie, adulterous whoremaister, who kept all his liffe an other mannes wiff'.<sup>77</sup> On 9 November 1584, after Pitcairn had died, Marischal presented the parsonage to Sir John Maitland of Thirlestane, at the time the king's secretary, who, as an administrator in government, was an appropriate successor to Pitcairn. However, he was no minister.<sup>78</sup>

On 6 September 1585 Maitland resigned the parsonage back to Marischal, who a week later presented it to Patrick Scharp, student at the new University of Edinburgh.<sup>79</sup> The presentation may have been a means to provide Scharp with a bursary for his education, with a view to his taking up the parish ministry, like John Keith at Duffus. The presentation was confirmed in 1591, after Patrick had graduated.<sup>80</sup> By 1587 Marischal had acquired the vicarage from Sir Patrick Ogston, who had held it since 1545.<sup>81</sup> Indicating that the benefice and ministry had become united, on 25 February 1595 Marischal presented Scharp to the vacant vicarage for the Presbytery of Linlithgow to examine for the position of minister.<sup>82</sup> In doing so Marischal not only presented a competent minister to the vacant

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<sup>75</sup> NRS, GD30/2268.

<sup>76</sup> G. Hewitt, 'Pitcairn, Robert (c.1520–1584)', *ODNB*; NRS, GD30/1969.

<sup>77</sup> A. Blackwood, *History of Mary Queen of Scots; a Fragment*, trans. R. Adam (Edinburgh: Maitland Club, 1834), 69.

<sup>78</sup> NRS, GD30/1968.

<sup>79</sup> NRS, GD30/1972, 1973.

<sup>80</sup> NRS, GD30/1980.

<sup>81</sup> *RMS*, 1580-1593, 464, no.1341; C. Haws, *Scottish Parish Clergy at the Reformation* (Edinburgh: SRS, 1972), 228; NRS, GD30/1983.

<sup>82</sup> *Fasti Ecclesiae Scoticanæ*, suggests that Scharp had been appointed in 1590, but has confused the vicarage for the parsonage. James Kirk made the same mistake in assuming Maitland was appointed minister

charge, but one whose education he may have intentionally patronised. On 5 March 1595 Patrick was made minister by the presbytery.<sup>83</sup> This clearly shows Marischal, by 1595, advancing the interests of the Kirk through his patronage and returning the benefice to spiritual use from secular control.

Supporting Patrick also served the earl's earthly patronage. After Marischal, Patrick's father, Sir John Scharp of Houstoun, was the major landowner in the parish and barony of Strathbrock.<sup>84</sup> The presentation of Patrick can be seen as Marischal exercising the mechanisms of lordship to advance the interests of his neighbours and supporters, the parish acting as a vehicle of patronage. Patrick was sufficiently well supported in his office that he built a new manse in 1590, indicating the health of the ministry there.<sup>85</sup> After Patrick died in 1598, Marischal presented Alexander Keith, a 1596 graduate of Edinburgh, who was admitted on 19 September.<sup>86</sup> Alexander was an illegitimate son of James Keith, himself an illegitimate son of Andrew Keith of Ravenscraig.<sup>87</sup>

Like Patrick, Alexander was a well-qualified candidate, although in 1602 he was accused of simony with regard to the parsonage.<sup>88</sup> At the same time Marischal consented to the feuing of the teinds of the lands of Houstoun to Sir John, which may be at the root of the accusations.<sup>89</sup> A transfer in the administration of the parish teinds may have led to their devaluation, leaving Alexander culpable of the dilapidation of his benefice. Presumably some settlement was reached, as Alexander did not suffer as a result. Otherwise Alexander was a conscientious minister in the kirk.<sup>90</sup>

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in 1584, rather than just granted the parsonage. NRS, GD30/1983; *FES*, i, 377-233; Kirk, *Patterns of Reform*, 417.

<sup>83</sup> NRS, GD30/1984, 1985.

<sup>84</sup> *RMS*, 1580-1593, 464, no.1341.

<sup>85</sup> Primrose, *Strathbrock*, 55

<sup>86</sup> *FES*, i, 377-233; NRS, GD30/1992.

<sup>87</sup> NRS, GD30/1992.

<sup>88</sup> NRS, GD30/1992.

<sup>89</sup> NRS, GD30/1998.

<sup>90</sup> He was member of the 1610 Glasgow General Assembly and adhered to the protestation for the liberties of the Kirk on 27 June 1617. *FES*, i, 377-233.

## Fetteresso

Patrick Broun held the benefice of Fetteresso as a financial asset before November 1579, but did not serve in the new Kirk.<sup>91</sup> The last pre-Reformation priest was David Pawtoun, who kept the pension until he died in 1580. He did not serve in the new church, although his illegitimate son John served as a reader in neighbouring Dunnottar.<sup>92</sup>

The first minister was John Christison, a former friar, who also served Glenbervie and Dunnottar. Andrew Milne was minister by 1574 with Dunnottar and Benholm. Milne was an important figure in the new church, serving as Commissioner for Montrose at the first General Assembly in 1560, becoming minister of Stracathro with Dunlappie in 1567, and schoolmaster in Montrose around 1569, where he taught James Melville, nephew to Andrew Melville (who recalled him as ‘a learned, honest, kynd man’).<sup>93</sup> It is unclear how much influence Earl William had in the choice of these candidates and it may have been left in the hands of Erskine of Dun. With the death of Patrick Broun in November 1579 the crown presented Milne to the parsonage and vicarage and when David Pawtoun died in July 1580 Milne was likewise presented with the vicarage pensionary.<sup>94</sup> Royal appointments were used by Erskine of Dun as a means to legally underpin his selection of ministers, but this does not mean he was wholly responsible for the choice; as possessor of the benefice Marischal may have been actively involved in the process.

Even if not appointed by Earl William, Milne was a close associate of Earl George. Milne attended 10 out of 24 General Assemblies between 1581 and 1600, served with George in the visitation to King’s College in Aberdeen in 1583, and was one of the ministers to present petitions to the king to prevent dangers to religion in January 1589.<sup>95</sup>

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<sup>91</sup> *RSS*, vii, 345, no.2096; Haws, *Clergy*, 87.

<sup>92</sup> *RSS*, iv, 492, no.2830; vii, 399, no.2441; *RMS*, 1546-1580, 215, no.959; Bardgett, *Scotland Reformed*, 101-102.

<sup>93</sup> Haws, *Clergy*, 87; *JMAD*, 21.

<sup>94</sup> *RSS*, vii, 345, 399, nos.2096, 2441.

<sup>95</sup> *FES*, v, 464.

For his good work and his extensive travels for king and Kirk, Milne was gifted the third of the revenues of the chapel of Cowie in 1601.<sup>96</sup>

It is indicative of how much Marischal valued Milne that in 1593 he ensured that the minister of Fetteresso, along with the minister of Deer, would be part of the committee to examine the candidates for positions in Marischal College.<sup>97</sup> Through this Marischal was ensuring that the two most important ministers from his lands north and south of Aberdeen could confirm the religious credentials of the nominees and perhaps help enforce his own choice of candidate in any vote.

Milne died in 1605 and was succeeded by his son, Andrew.<sup>98</sup> The Milnes were well enmeshed in the religious life of the parish; Andrew senior's other son James and Andrew junior's son Andrew both served as masters of Fetteresso Grammar School.<sup>99</sup> The younger Andrew's appointment shows Marischal advancing the dynastic ambitions of his ministers, which served to enforce the clientage of his subordinates, as well as to ensure continuity in the parishes.

### **Fetterangus and Longley**

Long before the Reformation Earl William held the patronage of the parishes of Fetterangus and Longley (the latter also known as Inverugie or St Fergus).<sup>100</sup> In 1160 the Parish of Inverugie had its main church at Longley with a chapel in its detached portion at Fetterangus. This chapel later became the focus of a new parish, but never quite severed ties from its mother parish. At the Reformation the two parishes were considered 'unite'. They yielded a diminutive total parish revenue of £26 13s. 4d., by far the poorest parish of

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<sup>96</sup> NRS, PS1/72, f.57r.

<sup>97</sup> *FMC*, i, 39-77.

<sup>98</sup> *FES*, v, 464.

<sup>99</sup> J. Durkhan and J. Reid-Baxter, *Scottish Schools and Schoolmasters 1560-1633* (Edinburgh: SHS, 2006), 298.

<sup>100</sup> *RSS*, v, 117, no.2822, *FES*, v, 459, 464; NRS, CC8/2/3, ff.39v-41r.

which the earls were patrons.<sup>101</sup> In 1618 Fetterangus lost its quasi-parochial status and was finally severed from Longley, when the commissioners for the 1617 Act for the Plantation of Kirks attached it to the Parish of Deer.<sup>102</sup>

In 1545 Earl William presented Archibald Keith (of the Ludquharn Keiths) to the vicarage of Longley, an appointment later approved by Cardinal Beaton. The previous incumbent, Gilbert Keith, who had held it since 1543, was given a yearly pension for the rest of his life.<sup>103</sup> This may be the same Gilbert Keith who was drawing an annual pension of £30 from the parsonage of Strathbrock.<sup>104</sup> On the death of Gilbert in 1565 John Eldar was mistakenly presented to the vicarage, which was confirmed by Queen Mary.<sup>105</sup> Before he died, Gilbert had alienated some of the lands of the benefice to George Keith, the future earl, which was presumably used to support his education.<sup>106</sup> Eldar's appointment to the benefice was contested in 1568 by Archibald Keith, now serving as a minister in the reformed Kirk and the appointment was declared void.<sup>107</sup> However, Archibald does not seem to have retrieved the alienated lands.

Although the Earl and Master of Marischal were the 'undoutit patronis', this did not yet entail the appointments to the ministry. For the decades following the Reformation the ministry of Longley was held as a joint charge. Between 1567 and 1574 Gilbert Chrisholm, former prior of Deer, was minister with Archibald Keith (the two also sharing Peterhead) followed by Foveran and Crimond respectively.<sup>108</sup>

The appearance of John Eldar receiving former kirk revenues under the patronage of the earl is remarkable. Eldar, a native of Caithness (possibly from Marischal's lands there), had been a leading Protestant in the 1540s, but had converted to Catholicism by

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<sup>101</sup> Kirk, *Patterns of Reform*, 450.

<sup>102</sup> Kerr-Peterson, 'Post-Reformation Church Architecture', 109-110

<sup>103</sup> RSS, v part 2, 117, no.2822; *Aberdeenshire-Banff Illustrations*, 193-195; NRS, CC8/2/3, ff.39v-41r.

<sup>104</sup> Haws, *Clergy*, 153.

<sup>105</sup> RSS, v part 1, 617, no.2148; v part 2, 156, no.2919.

<sup>106</sup> RSS, v part 2, 117, no.2822.

<sup>107</sup> NRS, CC8/2/3, ff.39v-41r.

<sup>108</sup> Haws, *Clergy* 86, 170.

1555. With a man called Arthur Lallart, Eldar had been the schoolmaster to Henry Stuart, Lord Darnley.<sup>109</sup> In February 1554 Eldar witnessed a charter within the Abbey of Deer, a grant of land by the commendator to his kinsman Alexander Keith of Clackriach.<sup>110</sup> Given the abbey's later prominent involvement in the establishment of the Protestant church in Buchan, Eldar's presence complicates the picture. Earl William's support of a Catholic using former church lands is important; he may have been recognising Eldar's former work for the Protestant cause, merely assisting an old friend, or was perhaps supporting Eldar's cartographical work, overlooking his religious conviction.<sup>111</sup> If nothing else this shows that Earl William was not dogmatically anti-Catholic.

James Leask was the minister by 1596, having transferred from Cruden and he later transferred to Colstone in 1599. For the rest of Earl George's life the charge was held by David Robertson, a former regent in King's College and hence well educated and thus qualified for the position.<sup>112</sup> On 25 August 1603 Robertson was pressed by the Presbytery of Deer to recover the vicarage of Longley. At the time it was in the hands of Samuel Keith, son of Archibald Keith minister of Crimond, who had held it since 1545.<sup>113</sup> When Archibald died in 1595 Samuel, evidently having been prepared for the position and possessing a degree, was presented to the benefice of Crimond to replace his father.<sup>114</sup> However, Samuel was not admitted to the ministry in his father's footsteps, presumably as he had been put to the horn for harassing the lands, tenants and servants of the Earl Marischal in 1586, and for mutilating John Jak in 1590.<sup>115</sup> By 1610 Samuel's path had diverged considerably from the ministerial career he had been destined for: after

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<sup>109</sup> C. Bingham, *Darnley: A Life of Henry Stuart, Lord Darnley, Consort of Mary Queen of Scots* (London: Constable, 1995), 52-54, 57-59, 67, 90.

<sup>110</sup> *RMS*, 1546-1580, 255, no.1145.

<sup>111</sup> M. Merriman, 'Elder, John (fl. 1533-1565)', *ODNB*.

<sup>112</sup> Anderson, *Officers and graduates of University and King's College* (Aberdeen; New Spalding Club, 1893), 53; *FES*, vi, 240.

<sup>113</sup> *NRS*, CH2/89/1/8.

<sup>114</sup> *NRS*, PS1/68, f.118v.

<sup>115</sup> *NRS*, PS1/64, f.57r; *RPCS*, iv, 118-119.

confessing to fornication with three women, he refused to publicly repent and threatened the kirk session of Deer with violence. As a result he was excommunicated.<sup>116</sup>

Not long after Robertson was admitted to the parish in 1599, the Presbytery of Deer decided that it was necessary to move the parish kirk because it was overblown by sand. Marischal gave his consent to the project, but for reasons lost to us, it never went ahead. It was not until 1610 that it was revived, although it took another two years to start negotiations with William Lord Keith, who had taken over the running of the earldom in Buchan. Nothing was achieved until 1615, when William personally attended a presbytery meeting. A new kirk was built and was ready for services in 1616, and at the same time the minister's stipend was modified. This was a relatively simple project; all that was required was a new building, the infrastructure to support the minister already being in place. Where more complicated parish division was necessary, in Deer and Peterhead, William was to prove less helpful.<sup>117</sup>

### **Dunnottar**

Before the Reformation the benefice of Dunnottar had been appropriated to Trinity College in Edinburgh making two prebends, which were held by William Salmond and John Eldar (the same John Eldar involved with Longley).<sup>118</sup> In April 1565 Marischal acquired the lease of the benefice for 19 years, in exchange for £76 13s. 4d. annually, with the responsibility to pay the 'curat' £12 annually and to provide him with a house and yard.<sup>119</sup> In November 1567 he also leased the ecclesiastical lands of Dunnottar for £3 13s. 4d. annually.<sup>120</sup> Both were renewed in 1578 with the additional provision that the earl must provide 'upbygging of the haill kirk and in special of that part... callit the quere quhilk be

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<sup>116</sup> NRS, CH2/89/1/138-139, 140.

<sup>117</sup> Kerr-Peterson, 'Post-Reformation Church Architecture'.

<sup>118</sup> RSS, vii, 100, 273, nos.686, 1698.

<sup>119</sup> *Charters of the Hospital of Soltre*, 126-127.

<sup>120</sup> *Ibid.*, 131.

the iniquitie of tyme was almost decayit and fallin to the ground'.<sup>121</sup> Dunnottar was acquired permanently by Earl George by 1587.<sup>122</sup> In 1582 Marischal built himself a burial aisle onto the side of the old church, asserting his presence within the community.<sup>123</sup>

The first minister, between 1560 and 1570, was John Christison. In 1574 Andrew Milne transferred from Stracathro, being presented by the king at the recommendation of Erskine of Dun.<sup>124</sup> When the two prebends making up the benefice became vacant through the deaths of Salmond and Eldar, they were transferred to Milne in August 1576 and November 1578.<sup>125</sup> Milne reduced his charge to Fetteresso alone in November 1579.<sup>126</sup> On the same day that Milne was granted Fetteresso, Dunnottar was granted to Alexander Keith.<sup>127</sup> Alexander, who had been the minister of Garvock since 1568, was an illegitimate son of the first Commendator of Deer.<sup>128</sup> He continued to serve Garvock and was presented to its vicarage in February 1586.<sup>129</sup> In 1588 Alexander gave up both Dunnottar and Garvock in favour of Benholm, which had been acquired by the Keiths.<sup>130</sup> In Dunnottar he was replaced by William Leask, who had served in Aberdeen and Nigg. Leask was still minister in 1591, although what subsequently happened to him is unknown. We have already seen a James Leask appointed to Longley and this was a client family of the earls, who were important lairds in Buchan and married into the Keiths of Ludquharn.<sup>131</sup>

By 1593 Leask was replaced in Dunnottar by John Keith. Keith had first been admitted to the ministry of Kintore by the Presbytery of Aberdeen, before being transferred

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<sup>121</sup> *Ibid.*, 139.

<sup>122</sup> *RMS*, 1580-1593, 463-464, no.1341; *RSS*, v part 2, 117, no.2822; M. Wood, ed., *Extracts from the Records of the Burgh of Edinburgh*, vi, 42.

<sup>123</sup> Kerr-Peterson, 'Post-Reformation Church Architecture', 104-106.

<sup>124</sup> See Fetteresso above. *Charters of the Hospital of Soltre*, 137.

<sup>125</sup> *RSS*, vii, 100, 273, nos.686, 1698.

<sup>126</sup> See Fetteresso above.

<sup>127</sup> *RSS*, vii, 345, no.2097.

<sup>128</sup> *ATCR*, XXXI, 302-303.

<sup>129</sup> *NRS*, PS1/55, f.17r.

<sup>130</sup> See Benholm below.

<sup>131</sup> *RMS*, 1593-1608, 98, no.287.

to Dunnottar.<sup>132</sup> It may have been at Kintore, where Marischal held lands associated with Hallforest Castle, that John came to the earl's attention. In 1604 Marischal attempted to move the reluctant John to the vacant parish of Peterhead. Considering John's experience, this was a good choice by the earl: Dunnottar served the new port of Stonehaven in the same way Peterhead served the new port of the same name. The move may have been considered as a promotion by the earl, as Peterhead was developing faster than Stonehaven. However, after prolonged negotiation John declined the offer and continued serving at Dunnottar until at least 1630.<sup>133</sup>

### **Keith Marischal**

Sometime before 1592 John Keith, minister of Duffus, acquired the benefice of Keith Marischal and passed it on to Marischal.<sup>134</sup> Although the benefice had been appropriated to St Salvator's Chapel in St Andrews, its patronage was retained by the earls.<sup>135</sup> It is unclear who was the last priest or the first minister. James Guthrie was reader in 1574 and 1576; he was given the third for his stipend, indicating that there was no minister.<sup>136</sup> On 12 October 1592 the Presbytery of Haddington attempted to negotiate with Marischal for the appointment of a minister, although nothing came of this; the position was still vacant in 1598.<sup>137</sup> Eventually John Nimmil was appointed, but he later complained that as there was no manse and no money to support one, he had to travel from Edinburgh every Sunday for service, and requested that he be relieved of the position.<sup>138</sup> From at least 1613 the benefice was vacant.<sup>139</sup>

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<sup>132</sup> NRS, CH2/89/1/37.

<sup>133</sup> Macfarlane, *Geographical Coll.*, iii, 236-240.

<sup>134</sup> Humbie, *NSA*, ii, 102; Kirk, *Thirds*, 95; A. MacGrigor, ed., *Reports on the State of Certain Parishes in Scotland, made to his Majesty's Commissioners for Plantation of Kirks* (Edinburgh: Maitland Club, 1835), 121-124.

<sup>135</sup> *RMS*, 1513-1546, 68, no.302; Cowan, *Parishes*, 92.

<sup>136</sup> Haws, *Clergy*, 117.

<sup>137</sup> NRS, CH2/185/1/71, 132; CH2/185/2/3, 69.

<sup>138</sup> The *Fasti* has the date of Nimmil's complaint as 15 August 1607, although it is not apparent at that date in the Presbytery Records. *FES*, i, 377; NRS, CH2/185/2.

<sup>139</sup> NRS, CH2/185/3/13, 27, 35, 43.

The commissioners of the 1617 Act for the Plantation of Kirks came to Keith Marischal in 1618. They decided to merge it with the neighbouring parish of Humbie, from which Keith Marischal had originally been detached in the thirteenth century. The reasons for this were the lack of revenues, there being only 60 communicants in the parish and the close proximity (a quarter of a mile) to the church of Humbie, whose minister was already serving the vacant parish in any case. With the dissolution of the parish Marischal lost its patronage to the crown, but as he had never exercised it, this was no huge loss.<sup>140</sup> As Marischal had invested so much in his ancestral seat across the burn, the neglect is somewhat surprising. The building may have been maintained as a personal chapel, like that of Dunnottar Castle.

### **Benholm**

The story of the patronage of Benholm is complicated. On 30 June 1587 Robert Keith, Commendator of Deer, was granted the patronage by King James, with vicarage and parsonage. In 1594 Robert granted the barony of Benholm to his nephew (Marischal's brother) also called Robert. This Robert Keith of Benholm later entailed the barony and patronage to John Gordon of Carneburrow in 1605. When Robert died in 1616 the estate passed to Carneburrow, but in November the following year Marischal repurchased it. Rather oddly, Marischal considered the patronage already to be his, as he had entailed it to his son, William Lord Keith, in 1612. Then in 1614 Marischal transferred it from William to his second son James. This was ratified by the minister of Benholm in 1615, which can be seen as recognition that Marischal was the *de facto* if not *de iure* patron. Regardless of the exact legal status of the patronage, the Keiths controlled it after 1587.<sup>141</sup>

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<sup>140</sup> MacGrigor, *State of Certain Parishes*, 121-124.

<sup>141</sup> NRS, GD4/69, 71, 77, 79, 83, 96, 120, 121, 123; RMS, 1609-1620, 281-284, no.757.

William Morrison was the minister at this time, although he died that year.<sup>142</sup> The following year Alexander Keith translated to Benholm from Dunnottar and we might assume that Marischal made this appointment. Alexander served as Marischal's chaplain in his mission to Denmark in 1589.<sup>143</sup> In early June 1594, however, Alexander was murdered by George Wishart, Schoolmaster of Conveth. Wishart was in turn dead by 15 June and his assets were gifted to Alexander's son George, presumably in settlement of bloodfeud. Why Alexander was murdered is not recorded.<sup>144</sup> Alexander was replaced by James Sibbald, regent of King's College and brother to Abraham Sibbald, minister of Deer. They were the sons of Andrew Sibbald, the Laird of Kair (a neighbour of the earldom) and Margaret Arbuthnot, daughter of the Laird of Arbuthnot, and through their mother were distant relations to Marischal.<sup>145</sup> As Abraham had been appointed through the influence of Marischal, we have good grounds to expect the same of James. Like the Scharps in Strathbrock, we might consider these appointments in part as an act of noble patronage.<sup>146</sup>

### **Parishes Acquired through the Abbey of Deer**

#### **Deer**

Robert Narne was minister of Deer in 1562 and Gilbert Chrisholm from 1567 to 1576. John Wardlaw followed in 1576, and he held the parsonage in 1583.<sup>147</sup> Abraham Sibbald was presented to the benefice by the Earl Marischal in 1587, having previously served at Nigg. He had some initial problem in securing all the parish revenues, as some had been appropriated by Marischal and the parishioners, although after help from the Commissary Courts this was set in order.<sup>148</sup> Abraham was a respected member of the Kirk, attending numerous General Assemblies and holding various commissions; in 1606 he was

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<sup>142</sup> RSS, vii, 180, 205, 227, nos.1208, 1354, 1479.

<sup>143</sup> Riis, *Should Auld Acquaintance*, ii, 64.

<sup>144</sup> NRS, PS1/67 f.41v.

<sup>145</sup> Burke, *A Genealogical and Heraldic Dictionary of the Landed Gentry of Great Britain and Ireland*, 4<sup>th</sup> edn, (London: Harrison, 1863), ii, 1372 .

<sup>146</sup> FES, v, 455; viii, 516; Burke, *A Genealogical and Heraldic Dictionary*, ii, 1372.

<sup>147</sup> FES, vi, 215; viii, 580; Haws, *Clergy* 62.

<sup>148</sup> NRS, CC8/2/113, f.227; FES, vi, 69; viii, 580.

appointed as constant moderator to the Presbytery of Deer.<sup>149</sup> It has already been noted that the minister of Deer was trusted by Marischal in being appointed to the committee for the examination of candidates for the principalship of Marischal College.<sup>150</sup>

Sibbald was also active within the parishes; a plaque on the ruins indicates that he used his own money to enlarge the Kirk of Deer.<sup>151</sup> Next to this is a plaque of similar design, bearing the arms of the Earl Marischal and the simple inscription translated as ‘George Earl Marischal Lord Keith and Altrie and patron’, showing that Abraham recognised the earl as his superior. Sibbald also contributed to the building of Longside Kirk: his arms and monogram having pride of place on the bellcot of the new church. His are the most prominent arms on the building, also reflecting his role as moderator of the presbytery.<sup>152</sup>

Sibbald was also actively involved in parish reform in Buchan. Deer was one of the largest lowland parishes in Scotland and from at least 1610 there were repeated attempts to divide it in half. William Lord Keith, now managing his father’s estates in Buchan, was approached as patron to facilitate this: to provide an appropriate site and materials for a new kirk, manse and glebe, and for adequate provision to support a new minister. Although agreeing to the principle of the project, William proved inert. Year followed year with nothing more than frustrated attempts to arrange negotiations. It was not until after the 1617 legislation for the Plantation of Kirks and determined action by the Synod of Aberdeen and the Presbytery of Deer that William was pushed into taking action.<sup>153</sup> A new minister was appointed: John Broun (a graduate of Marischal College), having obtained a presentation (presumably from Lord Keith) was offered by the Bishop of Aberdeen to the

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<sup>149</sup> *FES*, vi, 215.

<sup>150</sup> See Fetteresso above.

<sup>151</sup> J. Henderson, ed., *Aberdeenshire Epitaphs and Inscriptions* (Aberdeen: 1907), 378.

<sup>152</sup> Kerr-Peterson, ‘Post-Reformation Church Architecture’, 112.

<sup>153</sup> *Ibid.*

presbytery for trial on 1 July 1619 and installed on 25 June 1620.<sup>154</sup> The building works stalled, however, and it took until at least 1622 for a new church to be built.<sup>155</sup>

### **Foveran**

In 1563 the parsonage of Forveran, worth £84 13s. 4d., was divided between the Earl Marischal and Lord Forbes, while the Commendator of Deer retained the vicarage, worth £13 6s. 8d.<sup>156</sup> Gilbert Chrisholm was minister in 1567 and 1570; John Gartly held it in 1574; Thomas Tullidaff was admitted in 1582 and served for 57 years.<sup>157</sup> There is no mention of Marischal's involvement in his appointment, and little evidence for his having much influence in the parish. On 6 February 1600 Tullidaff was ordered by the Presbytery of Ellon to go to Marischal about his stipend. Nothing more is mentioned of this matter, so presumably some agreeable settlement was negotiated.<sup>158</sup> Foveran was neither attached to the lands of the earldom, nor an ancestral possession of the family, perhaps explaining Marischal's disinterest.<sup>159</sup>

### **Kingedward**

The last priest of Kingedward was a man with the surname of Shand, who held the vicarage pensionary from 1550. This was presumably Alexander Shand who was recorded as reader after the Reformation and held the vicarage pensionary in 1572, when he died. The pensionary passed to David Howeson, a former monk of Deer, who had been minister of Kingedward since at least 1570. Howeson's presentation was made by the king, with no reference to the Commendator of Deer. John Philip was minister in 1574. Walter Maitland was presented to the parsonage in October 1587 and was minister up to 1605. Henry Ross

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<sup>154</sup> NRS, CH2/89/1/233, 248; *FES*, vi, 218.

<sup>155</sup> Kerr-Peterson, 'Post-Reformation Church Architecture', 108-112.

<sup>156</sup> Kirk, *Thirds*, 457-458.

<sup>157</sup> Haws, *Clergy* 93-94; *FES*, vi, 193.

<sup>158</sup> NRS, CH2/146/1/53.

<sup>159</sup> Cowan, *Parishes*, 70.

was then appointed to the ministry, although he left in 1607.<sup>160</sup> There is no evidence for Marischal's involvement in any of these appointments.

We can suspect Marischal's involvement with the presentation in 1608 of his distant kinsman Andrew Keith, a regent of Marischal College. However, Andrew was soon accused of historic adultery, which was put before a sub-synod on 21 April 1609. He repented for his action, but was not readmitted to the ministry.<sup>161</sup> William Guild was appointed in his stead. Guild was educated in Marischal College and is celebrated as the author of some 22 Calvinist theological works, as well as a generous benefactor to various hospitals and educational establishments, including Marischal College. He was a conscientious member of the Kirk, and was later associated with the Aberdeen Doctors.<sup>162</sup> It is not clear if Marischal was responsible for Guild's appointment. Some connection existed between Guild and the earl, as he contributed poems to the service held by Marischal College on the earl's death in 1623.<sup>163</sup> In October 1618 Guild was appointed by the Bishop of Aberdeen to meet with Lord Keith to discuss the division of the parishes of Deer and Peterhead and the endowment of adequate provision for their new ministers. As these parishes were not in Guild's presbytery, this suggests that Guild had some form of personal association with his patron.<sup>164</sup> Not one of Guild's 22 books is dedicated to the earl, which might suggest that even if Marischal was Guild's kirk patron, he was not Guild's academic patron. However, in 1624 Guild described William Keith, fifth Earl Marischal, as 'my singular good Lord, and Patron', which may hint at some previous relationship with the fourth earl.<sup>165</sup>

## Dunnet

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<sup>160</sup> Haws, *Clergy* 136; *FES*, vi, 264-265; *RSS*, vi, 322, no.1682.

<sup>161</sup> *FES*, vi, 264-265; *RPCS*, vii, 677.

<sup>162</sup> R. Wells, 'Guild, William (1586-1657)', *ODNB*.

<sup>163</sup> *FES*, vi, 265; Ogston, *Oratio Funeris*, 18; Wells, 'Guild, William'.

<sup>164</sup> *NRS*, CH2/89/1/227.

<sup>165</sup> W. Guild, *Three Rare Monuments of Antiquitie*, (Aberdeen: Edward Raban, 1624).

Three months before Robert Keith was made Commendator of Deer, on 23 October 1542 he was presented to the half parsonage of Dunnet. This had been appropriated to make two prebends in the Cathedral of Dornoch, and the other half was presented to Thomas Menzies younger of Pitfodells.<sup>166</sup> Menzies was the son of the Provost of Aberdeen, who had been accused, alongside William Earl Marischal, of heresy in 1544.<sup>167</sup> The family had no connection to Caithness, which may suggest that the two appointments were made by Marischal, exercising a right of patronage. Alexander Thomson held the vicarage pensionary in 1549, and was presumably the last priest. After the Reformation John Promptoch was exhorter between 1569 and 1572, John Watson had oversight in 1574 and Thomas Dunnet was reader between at least 1574 and 1576. Thomas was allowed the glebe and manse as there was no permanent minister.<sup>168</sup>

The celebrated map-maker Timothy Pont was admitted to the ministry of Dunnet in 1601 for which he was given a stipend by the church.<sup>169</sup> It is unclear whether he was appointed by Marischal or was in receipt of the rest of the parsonage. As a minister he appears to have been an absentee. Alan MacDonald suggests:

of all the surviving evidence linking Timothy Pont with Caithness, not one document actually suggests that he was ever physically there, and that he should be considered as a benefice holder rather than a pastor.<sup>170</sup>

Presumably the parish was served permanently by a reader, with the minister of the neighbouring parish occasionally conducting service.

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<sup>166</sup> RSS, ii, 748-749, 752-753, nos.4946, 4972.

<sup>167</sup> See chapter one.

<sup>168</sup> Haws, *Clergy 72*; *FES*, vii, 118.

<sup>169</sup> NRS, E47/8.

<sup>170</sup> A. MacDonald, 'Mapmaker or Minister? Timothy Pont's Ecclesiastical Context', *Northern Scotland* 22 (2002), 46.

It is tempting to speculate whether Marischal might have patronised Pont and his work mapping Scotland. In Marischal's funeral oration William Ogston describes young George's time in Geneva and his especial interest in chorography:

His accessit Chorographiae, et quae circa eam studium foelix, cum vix hodieque regnum exstet, quod non veluti penicillo in tabula delinearet, urbes, flumina, maria, leges, reges, praefecturas, et quae alia, ad regionis, gentisve descriptionem pertinerent.<sup>171</sup>

With these he undertook Chorography, and that happy research around it, and today there exists not a kingdom he could not map as if painting in a picture, cities, rivers, seas, laws, kings, bishoprics, and other things which pertained to the description of a region or people.

Interestingly, among Marischal's surviving accounts, an entry of 1610 reads:

Item to Mr Timothie Pont at my lords and the freinds co[m]mand, according to my Lo[rdsh'p's] p[r]e[c]pt Sewine y[ai]r anent qlk was delyv[er]t to him at the subscryveing of the tak of Caithnes - - - ij c lxxxiiij lib vj s 8d<sup>172</sup> [or 425 merks]

It is not overly clear from the wording whether the 'subscryveing of the tak of Caithnes' was pertinent or incidental to the delivery of the payment. In the computation this entry is taken from, written by Alexander Ord (the earl's agent in Edinburgh) and which totals 78 entries, this is the only one to have the phrase 'at my lords and the freinds co[m]mand'.<sup>173</sup> This might refer to a group of likeminded men patronising the map-maker as a collective, led by Marischal, the patron of his benefice.

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<sup>171</sup> Ogston, *Oratio Funebris*, 11.

<sup>172</sup> NLS, MS 21176, f.10r.

<sup>173</sup> My thanks to Alan MacDonald for his thoughts on this entry. NLS, MS 21176, ff.5r-11v; *Perrs. Comm.*, 5 February 2015.

Marischal's son, William Lord Keith, sold his rights to Dunnet and his other Caithness estates to the Earl of Caithness, with Marischal's consent, in 1612.<sup>174</sup> Pont moved on from the ministry there by 1614.<sup>175</sup> The appearance of Timothy Pont in Marischal's parishes is made even more tantalising when we recall that another important cartographer, John Eldar, was supported by William the third Earl Marischal, using the vicarage of Longley and Fetterangus and half of the parsonage of Dunnottar. In May 1566 the future earl George had been given the vicarage of Longley, which was presumably used to support his education.<sup>176</sup> Having taught Lord Darnley, one may speculate whether Eldar was George's schoolmaster, hence his boyhood passion for chorography.

### **Peterugie (Peterhead)**

The final parish to be looked at here is the one with the most ample evidence, largely contained within the detailed minutes of the Presbytery of Deer. Sir Patrick Ogston held the vicarage at the Reformation and still held it in 1577. Gilbert Chrisholm was minister between 1567 and 1570, and held the charge jointly with Archibald Keith. Thomas Morison was minister in 1578. Thomas Bisset was appointed in 1585, and was presented to the vicarage of Peterhead in December 1594.<sup>177</sup> Marischal was not involved with this choice, as Bisset later asserted that he was appointed directly by the king.<sup>178</sup> Up to this point there is no evidence for the earls interacting with the parish, although Sir Patrick Ogston was also noted at Strathbrock. He is an elusive figure. He was possibly the illegitimate son of George Ogston, Vicar of Forg. Patrick was a regent of King's College in the 1540s, and then a public notary and he also held the vicarage of Inverkeithny: no connection to Marischal is apparent.<sup>179</sup>

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<sup>174</sup> *RMS*, 1609-1620, 286-287, no. 766.

<sup>175</sup> *FES*, vii, 118.

<sup>176</sup> *RSS*, v part 2, 117, no.2822.

<sup>177</sup> Haws, *Clergy* 199; *FES*, vi, 230-231, 593.

<sup>178</sup> *NRS*, CH2/89/1/35.

<sup>179</sup> *RMS*, 1546-1580, 827, no.3014; *RSS*, ii, 736, no.4868; R. Keith, *An historical catalogue of the Scottish bishops, down to the year 1688*, ed. M. Russel (Edinburgh: 1824), 129; Anderson, *Officers and graduates*, 51.

After 19 years serving the charge, Bisset was deposed from his office, sometime in March 1604.<sup>180</sup> Exactly why is unclear. In the two years for which the presbytery records survive during his tenure there are two complaints against him, both for overzealous decisions in kirk discipline. There can be traced a further third incident in 1595, a violent quarrel with some of his parishioners. This dispute was so violent that the Privy Council had to intervene, suggesting that he may have been an unpopular and heavy-handed minister.<sup>181</sup> However, in September 1603, in the last visitation by the presbytery to Peterhead when Bisset was still minister, the most that could be said against him was that horses were found grazing in the kirkyard. When Bisset left the room for the presbytery to hear the congregation's views, Bisset 'wes weill reportit of', saving his absence to pursue a legal action against the Earl Marischal.<sup>182</sup>

This legal dispute concerned the vicarage, which had been reclaimed by Marischal. On 12 April 1603 the Synod of Aberdeen ordered Bisset to retrieve it.<sup>183</sup> Instead, in June, Bisset reported that Marischal had put him to the horn for failing to deliver the writs and titles of the vicarage along with 800 merks:

be vertu of ane pretendit co[n]tract maid betwixt the said nobill lord and Mr William Reid schoolmast[er] to the maist[er] of M[er]schall on the ane parte and M[r] Thomas on the uther part.<sup>184</sup>

Marischal was attempting to seize the vicarage in order to support the educator of his son, possibly with the intention that Reid might eventually take up the ministry, teaching being an important part of ministerial qualification.<sup>185</sup> The vicarage had previously been given to Bisset by the crown, which it was not legally entitled to do, as it belonged to Marischal, hence the dispute.

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<sup>180</sup> NRS, CH2/89/1/14, 15.

<sup>181</sup> NRS, CH2/89/1/3, 11; *FES*, vi, 230; *RPCS*, v, 645.

<sup>182</sup> NRS, CH2/89/1/9.

<sup>183</sup> NRS, CH2/89/1/3, 4.

<sup>184</sup> NRS, CH2/89/1/7.

<sup>185</sup> McCallum, *Reforming the Scottish Parish*, 123, 131, 143.

By 12 August 1603 Bisset had obtained a suspension of Marischal's horning and had then 'raisit letters of hornynge ... aganis the parochioners to caus them anser hyme of the said vicarage'.<sup>186</sup> As Marischal did not have a candidate ready to replace Bisset we might conclude that this was not a matter of his wishing to oust Bisset. The fact that the earl wished to retrieve the writs for the vicarage indicates that he saw it as a revenue stream which he had the right to bestow as he saw fit - Bisset would, after all, still retain the larger parsonage. That Bisset was successful in resisting Marischal, but then raised letters of horning against some of his parishioners, might be the reason for his fall.

Although Bisset was 'weill reportit of' during the September visitation, we should not take this at face value, especially from a man with a violent history. It is possible that a number of parishioners held long term grievances against Bisset following the incident of 1594. A further number were upset by his undue harshness, as seen in the presbytery complaints. Now more parishioners had been put to the horn as a consequence of his dispute with Marischal. Although Bisset had successfully resisted Marischal this may have been career suicide; the aggrieved parishioners could make an alliance with the rebuked nobleman to ensure Bisset's removal, which was enforced by presbytery and synod.<sup>187</sup> Marischal was certainly key to Bisset's deposition. In April 1604, while discussions were ongoing about his replacement, the presbytery sent men to Marischal 'for the finall setling of all debats' between him and Bisset.<sup>188</sup> Bisset would not accept his dismissal quietly.

The presbytery decreed that Abraham Sibbald should write to Marischal on behalf of Peterhead's parishioners to urge him to present a candidate for consideration. Here we see various levels of the relationship between Kirk, presbytery and parish; Sibbald, a man already under the patronage of the earl, acting on behalf of the presbytery, which was acting in turn as the interface between the parish and its patron. Marischal then proposed

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<sup>186</sup> NRS, CH2/89/1/8.

<sup>187</sup> NRS, CH2/89/1/15.

<sup>188</sup> NRS, CH2/89/1/16.

John Keith, minister of Dunnottar, and suggested that the presbytery also write to him separately to urge him to take the position, which may indicate some reluctance on John's part.<sup>189</sup> At the same time, although the presbytery had lost one of its number, it endeavoured to turn Bisset's downfall into an opportunity. In April 1604 it sent commissioners to Marischal to discuss the possibility of dividing Peterhead parish into two new parishes, which would require two new ministers.<sup>190</sup>

The presbytery therefore sent the minister of Longley, David Robertson, to discuss John Keith with the eldership of Peterhead. If the elders approved, the presbytery would write to see if he would accept the post.<sup>191</sup> Nothing came of this, as on 21 June the presbytery sent four men (John Rose, John Chalmer, John Blackburn and John Heriot) to Marischal, whom he might consider presenting.<sup>192</sup> However, on 19 July 1604 the presbytery received a formal presentation from Marischal of another man, Gilbert Keith.<sup>193</sup> Gilbert, a regent in King's College, was thought a good candidate by the presbytery, and was put forward for consideration in the parish.<sup>194</sup> Despite Gilbert's good standing, in August the principal, regents and parishioners of Old Aberdeen intervened to say that they could not do without Gilbert at that time.<sup>195</sup>

With the failure to secure Gilbert, two candidates were nominated for the position by the Synod of Aberdeen: John Heriot, previously suggested by the presbytery to Marischal, and Alexander Youngerson. At the same presbytery meeting in which they were presented, on 16 August 1604, another man, Alexander Scrogie, stepped forward with a letter of presentation from Marischal. This outraged Heriot, but Scrogie retorted that:

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<sup>189</sup> NRS, CH2/89/1/15-16.

<sup>190</sup> NRS, CH2/89/1/16.

<sup>191</sup> NRS, CH2/89/1/16.

<sup>192</sup> NRS, CH2/89/1/25.

<sup>193</sup> NRS, CH2/89/1/27-28.

<sup>194</sup> NRS, CH2/89/1/27-28.

<sup>195</sup> NRS, CH2/89/1/33; *RMS*, 1593-1608, 623 no.1720; *FES*, vi, 74.

he haid my Lordis presentatioun bot lauchfullie purrchessit and as he thocht w[i]t[h]out faille or offence done to ony ma[n] The place beand vacant and he in lyk maner being ane vacant persone.<sup>196</sup>

Where Marischal had previously presented two men he knew, it is interesting to note that he was content to sell his patronage to an apparent stranger in this case.

Of the three candidates the presbytery preferred Heriot. However, Heriot did not wish to offend Marischal and wanted to speak with the earl to acquire a presentation before accepting.<sup>197</sup> On 30 August the presbytery was still keen for Heriot's appointment, but had not secured a presentation from Marischal. Scrogie did not press his presentation and abandoned his bid. At the same time, however, the presbytery presented John Keith, who had been suggested by Marischal back in April. John impressed the elders.<sup>198</sup> Heriot therefore declined the presbytery's offer for consideration for the post:

first becaus Mr Johne Keithe was the first ma[n] thair eye was sett upoun quhom unless thay had bein out of the hope to had gottin thay wald hawe socht nane uther. Nixt becaus Mr Johne Heriat nether had gottin nor wald gett my Lord Merschell his presentatioun seing Mr Johne Keithe had baithe gottin and acceptit the sam.<sup>199</sup>

Marischal had presented three candidates, one of whom was preferred by the presbytery, but who was not able to take the position, and a second who had purchased his presentation, but had not pressed his case (presumably without a refund). The synod had suggested two candidates, of whom the presbytery favoured one. It is interesting that of the remaining two candidates, the presbytery favoured the one suggested by the synod over the one presented by Marischal. However, the parishioners had preferred Marischal's nomination, and

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<sup>196</sup> NRS, CH2/89/1/33, 39B .

<sup>197</sup> NRS, CH2/89/1/34.

<sup>198</sup> NRS, CH2/89/1/34-35.

<sup>199</sup> NRS, CH2/89/1/35.

ultimately the synod's own candidate considered his position to be untenable without the earl's endorsement.

Although John accepted the opportunity to be considered further, he had reservations. He was concerned with the sufficiency of the living as 'he thocht the congregatioun of Piterheid baithe greater and mair inco[m]modiouslie cass[t]in than that onlie ane ma[n] could goodly tak cair of', raising the issue of dividing the parish, although it was thought best at the meeting for him to accept the position and deal with that later.<sup>200</sup> The ousted minister Thomas Bisset took this moment to complain. As he was still seeking his restoration from the king and General Assembly, John Keith insulted him in continuing his application for the position. After Bisset's speech the presbytery stood by his removal and asked John if he was still willing to continue, which he was.<sup>201</sup>

On 13 September 1604 John gave a service in Peterhead Kirk. John was thought acceptable, but the presbytery had reservations over the wording of Marischal's presentation, which stated that he advanced John to the benefice of Peterhead according to the provisions in the agreement he had made with the presbytery in erecting the properties of the Abbey of Deer into the Lordship of Altrie in 1587.<sup>202</sup> The presbytery wanted this to be reworded to specify that John was being presented to the entire benefice, including both the parsonage and vicarage. Evidently they feared that Marischal had permanently alienated the vicarage and if they appointed John, they would have tacitly approved Marischal's presentation, which, by not explicitly including the vicarage, could mean that they would not legally be able to retrieve it in the future. John's appointment was put on hold while he went to Marischal to amend the presentation's wording.<sup>203</sup> Marischal refused. Although willing to negotiate on the provision for the new minister, Marischal was unwilling to discuss the return of the vicarage, arguing that to do so would cause him great

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<sup>200</sup> NRS, CH2/89/1/35.

<sup>201</sup> NRS, CH2/89/1/35.

<sup>202</sup> This agreement does not survive. NRS, CH2/89/1/35.

<sup>203</sup> NRS, CH2/89/1/35.

prejudice as it had not been specified in the former agreement in the creation of the Lordship of Altrie. The presbytery, fearing criticism from the wider Kirk that if they admitted John they would be complicit in dilapidating the benefice, was paralysed.<sup>204</sup> Negotiations had reached an impasse.

Neither side backed down after further negotiations in October. The congregation of Peterhead, bereft of a minister since March, complained about the delays and decline of morals within the parish and demanded that John be planted as minister as soon as possible.<sup>205</sup> Eventually, after advice from the Synod of Aberdeen and a lawyer, the presbytery thought best to admit John, but on certain conditions. John agreed to sign an obligation, saying that he would do all in his power to reclaim the vicarage from the earl.<sup>206</sup>

Perhaps in an act of desperation by the presbytery, on 17 November 1604 it granted Thomas Bisset permission to go to Edinburgh to pursue his action against Marischal for the recovery of the vicarage of Peterhead for the use of the Kirk.<sup>207</sup> Presumably Bisset felt that by performing this errand he might recover his former position. Bisset pursuing the action would also to some extent protect John from any immediate ill will from Marischal. Bisset again failed. The presbytery therefore gave up and John was accepted to the post and recognised as minister of Peterhead by 1 February 1605.<sup>208</sup> Presumably John's obligation was seen as sufficient safeguard by the presbytery against charges of dilapidation.

With a minister at last formally appointed, a new problem now arose, this time from John himself. In April 1605 it was noted that he had not taken up residence in Peterhead.<sup>209</sup> Having been absent from his position for 13 weeks, on 2 May the presbytery received a letter from John which stated that his absence was due to the 'tareing [delay of]

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<sup>204</sup> NRS, CH2/89/1/37.

<sup>205</sup> NRS, CH2/89/1/39.

<sup>206</sup> NRS, CH2/89/1/37.

<sup>207</sup> NRS, CH2/89/1/42, 43.

<sup>208</sup> NRS, CH2/89/1/54.

<sup>209</sup> NRS, CH2/89/1/51, 52.

my L[ordship's] hamcu[m]ing'.<sup>210</sup> Marischal had been in Edinburgh in February and March, so was probably still there and had not returned to Dunnottar to release John.<sup>211</sup> By July John had still not arrived in Peterhead. In the presbytery meeting of 25 July 1605 a formal complaint was raised against him for his absence. John replied that:

he wes resolvit not to exercise onie ministrie att Petirheid ... becaus his conscience did accuse him for accepting of a ministrie thair and deserting of his former congregatioun, That he wes urged in the beginning and forcit be my L[ord] Merschell to accept of it, that he tuik it on vpon conditione that he suld sit doune and bruik that ministrie with peace; that he suld have bein sufficientlie provydit in stipend, But haid found na sic thing sence his entrie, that his lyf wes in the daylie perrell of a despecable man, that my L[ord] Merschell wald not enter him with ye stipend except he wald vaccand him of onie entrie or ryt that M Thomas Bisset haid or nicht alledg to yat provisione, that the parochaneris haid nevir acknavledgit his travels and expenss maid in thair servis.<sup>212</sup>

The threat to John's life came from Bisset. The representatives of the parish replied that John was protected as far as possible by them, and that the settlement of this issue along with his provision rested on negotiation between Bisset and Marischal.<sup>213</sup> John remained reluctant. His appointment under the obligation to retrieve the vicarage had put him in a very difficult position and was probably a large part of the reason he was now unenthusiastic about the post. If he eventually succeeded in retrieving the vicarage from Marischal, he might incur the wrath of his patron as Bisset had done. If he failed, he was liable to be removed by the presbytery for dilapidation of the benefice. This, combined with the harassment from Bisset, made staying in Dunnottar much more attractive.

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<sup>210</sup> NRS, CH2/89/1/54.

<sup>211</sup> RMS, 1593-1608, 567, 572-574, 578 nos. 1556, 1557, 1571, 1572, 1578, 1588.

<sup>212</sup> NRS, CH2/89/1/57.

<sup>213</sup> NRS, CH2/89/1/57.

Fortunately for John, the earl's commissioner, Alexander Keith, who was present at the meeting, presented a letter from the earl, requesting that John be returned to serve Dunnottar parish instead. The presbytery, 'seing the said M. Jhone his hart and affectione altogidder away fra Petirheid', agreed to this request.<sup>214</sup> On 22 August 1605 a new candidate was presented by Marischal in James Martin, who had been appointed to Dunnottar to replace John. The presbytery again found Marischal's presentation inadequate, and asked Martin if he was willing to accept the position on the same terms that it had been offered to John Keith, namely taking into account the obligation to retrieve the vicarage. Martin agreed and was put forward for examination.<sup>215</sup> On 31 October 1605 Martin was examined by the parish and accepted.<sup>216</sup>

Meanwhile, on 1 and 8 September 1605, in an act of desperation, Thomas Bisset had entered the Kirk of Peterhead, interrupted the service and 'usurpitt the office of ye ministry'. On 12 September the presbytery ordered that if he attempted to do so again he would be excommunicated.<sup>217</sup> Bisset retorted that as he held his position from the king and General Assembly the presbytery did not hold jurisdiction over his office.<sup>218</sup> This matter was a long way from being settled and Bisset continued to be a problem for a number of years. Later Martin complained that Bisset, with a group of accomplices, came to his house in April 1606 and destroyed his garden along with that year's crops. Bisset had to be fined and bound by oath under a decree of the Privy Council not to harm Martin.<sup>219</sup> Martin served Peterhead for the rest of his life, dying sometime before 1623. He was immediately succeeded by his son, also called James.<sup>220</sup> It does not seem that James senior ever recovered the vicarage as he had agreed to do.

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<sup>214</sup> NRS, CH2/89/1/57.

<sup>215</sup> NRS, CH2/89/1/60.

<sup>216</sup> NRS, CH2/89/1/66.

<sup>217</sup> NRS, CH2/89/1/62.

<sup>218</sup> NRS, CH2/89/1/68.

<sup>219</sup> By 1608 Bisset had moved to Aberdeen. *RPCS*, vii, 381-2, 678; *ATCR*, XLIII, 742.

<sup>220</sup> *FES*, vi, 231.

Like the parish of Deer, Peterhead was considered too large to be administered by just one minister and efforts were made from 1604 to divide it. Like Deer, these efforts, coming to the fore again after 1610, took a very long time to produce any result. Year after year of failed attempts to organise meetings with Lord Keith did not yield church, manse, glebe, or provision for a second minister. As with Deer, it was not until after the 1618 legislation and the determined effort of the synod and presbytery that Lord Keith was stung into action. Work progressed much quicker than at Deer and a new parish and church had been established by 1620. Here the effort was pushed along by Sir William Keith of Ludquharn, who acted as an interface between Lord Keith, the presbytery and the parish.<sup>221</sup> James Martin's brother, Alexander Martin, was appointed to be minister of the new kirk on 11 November 1619.<sup>222</sup>

The case of Peterhead reveals much about Marischal's relationships with his parishes. In all his dealings over the parish he considered the vicarage as a separate asset, and his to present to whomever he saw fit. Bisset had been appointed by the king; thus Marischal had no duty of care to him as patron. Likewise, Bisset owed the earl no loyalty. Marischal continually presented candidates for the position, whom the presbytery considered, but did not automatically accept, challenging them as insufficient to protect the security of the benefice from dilapidation. For a man who considered the benefice as his, the presbytery's rejections were no doubt something of an insult, and explain why Marischal did not take a more active interest in the affairs of the wider Kirk – he could not hope to direct matters on his own terms. Marischal's inattentiveness meant that a number of candidates were presented without ensuring either their availability (Gilbert Keith), appropriateness (Scrogie) or preparedness (John Keith). This was compounded by the earl's unwillingness to compromise over the status of the vicarage and his inaction over the

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<sup>221</sup> Kerr-Peterson, 'Post-Reformation Church Architecture'.

<sup>222</sup> NRS, CH2/89/1/241.

problem of the size of the parish, as well as his failure adequately to deal with and remove the troublesome Bisset.

### **Conclusion**

The parishes above present a varied picture. From the limited available evidence, William, the third Earl Marischal, rarely exercised his rights of patronage. He seems to have considered the lands he had acquired from the old church as ancestral property rather than carrying obligation toward ministerial support or appointment. Sometimes these properties were used to support the church indirectly, such as the presentation of John Keith to the parsonage of Duffus, where his education was supported with a view to taking up the ministry there. Most new ministers were graduates with additional experience, such as teaching in a grammar school, regenting in a university, or working as a reader, so John's example can be seen as valuable patronage by the earls for the service of the church.<sup>223</sup> However, the example of Duffus is counter-balanced by the presentations of the government official Robert Pitcairn, or the Catholic John Eldar. Earl William appears to have remained faithful to the *First Book of Discipline*, to which he had subscribed: the appointment of ministers was an entirely spiritual matter, for the congregations and the superintendents. Counter to the *Book of Discipline*, however, he did not deliver the patrimony of the old church, except the thirds, to the new. He did not even give up the collection of teinds and the feuing of former church lands. Land and money were his concern as a temporal magistrate. This can be seen as a modification of the principles of the *Book of Discipline*, rather than a rejection of them, and was a position which was articulated by Erskine of Dun:

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<sup>223</sup> McCallum, *Reforming the Scottish Parish*, 123, 131, 143.

there is a spirituall jurisdiction and power which God hath givin unto his kirk, and to these who beare office therein; and there is a temporall power givin of God to kingis and civill magistrats.<sup>224</sup>

This was a viewpoint George initially inherited with the earldom, although he soon started exercising his rights of patronage as a spiritual concern. Strathbrock was briefly used to support the administrator and royal secretary John Maitland, but then used as a form of bursary for the university education of Patrick Scharp. However, both practices soon ceased; the likes of Maitland were not patronised again and the use of benefices as a bursary to support education stopped. This was due to the wider understanding that former benefices should be used only to support ministers in the parishes, a viewpoint highlighted in the difficulties Marischal faced in attempting to confiscate the vicarage of Peterhead to support William Reid, the schoolmaster of his son. Educational uses of former church property are a notable aspect of Marischal's patronage, not only in the form of supporting the education of ministers and his son's educator, but also if we consider the donation of the Black and White Friars of Aberdeen along with the chaplainries of Bervie and Cowie to support Marischal College.<sup>225</sup>

The next phase shows Earl George patronising qualified men to fill positions in vacant parishes: Alexander Keith, graduate of Edinburgh to Strathbrock; Gilbert Keith, regent in King's College to Peterhead (although he declined); Andrew Keith, regent in King's College to Kingedward (although found unsuitable). We also see Marischal increasingly presenting men from client families, or families which were already serving as ministers in his parishes. We find James Leask in Longley and William Leask in Dunnottar; Abraham Sibbald in Deer and James Sibbald in Peterhead; James Martin in Peterhead and Alexander Martin in Longside; and the Milne dynasty dominating Fetteresso. James Sibbald, a relative of the Sibbald brothers, was a professor of moral philosophy in

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<sup>224</sup> Calderwood, *History*, iii, 156-162.

<sup>225</sup> *FMC*, i, 41, 62, 77, 101, 192; *NLS*, MS 21183, f.52r.

Marischal College and later the ‘Aberdeen Doctor’ who contributed to the earl’s memorial service.<sup>226</sup> This picture of traditional noble patronage is compounded when we consider the number of Keiths we find serving in his parishes at one time or other: John Keith in Duffus, Alexander Keith in Strathbrock, Gilbert and Archibald Keith in Longley, Samuel Keith intended for Longley, Alexander and John Keith in Dunnottar, that same Alexander serving in Benholm and Andrew Keith intended for Kingedward. Apart from the men who were not admitted to the parishes, these were all competent ministers. However, Marischal was clearly using his parishes for noble patronage as well as religious patronage. Marischal was not alone in this. The exploitation of patronage was the automatic and structural bedrock of early modern society, and Francis Stewart the fifth Earl of Bothwell was also active in the presentation of clients and family members to vacant parishes.<sup>227</sup> Even the godly John Erskine of Dun was known to present supporters and kinsmen to the kirks under his supervision.<sup>228</sup> Gordon Donaldson highlighted the emergence of clerical dynasties after the Reformation and how hereditary succession became respectable.<sup>229</sup> However, he did not consider the role of noble patronage in making this possible, as indicated by a study of Marischal’s parishes.

The parishes also reveal a much more negative aspect of Marischal’s treatment of them, that of appropriation. As noted with Pitcairn and Maitland, the revenues retrieved from the old church were initially considered as landed patrimony. To the earls, although the assets had been temporarily entrusted to the old church, it did not follow that the new church was entitled to them. Marischal seems to have successfully confiscated the vicarage of Peterhead from Thomas Bisset and there were problems at Foveran regarding the

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<sup>226</sup> It is not clear how James the Aberdeen Doctor relates to brothers Abraham and James. The Aberdeen Doctor is related to the Sibbalds of Kair, but his parentage is often confused with James the minister of Benholm. R. Wells, ‘Sibbald, James (c.1595–1647)’, *ODNB*; Ogston, *Oratio Funeris*, 17.

<sup>227</sup> W. Scheiner, ‘Patronage in the Renaissance: An Exploratory Approach’ in G. Lytle and S. Orgel, eds, *Patronage in the Renaissance* (Princeton: Princeton University Press, 1981), 3-26; MacPherson, ‘Francis Stewart’, 367.

<sup>228</sup> Bardgett, *Scotland Reformed*, 93, 95.

<sup>229</sup> Donaldson, *James V – James VII*, 151.

minister's stipend, as well as problems of simony in Strathbrock. In 1587 the General Assembly complained that 'the kirks of Deir are all frustrated of their stipends and the ministers thereof not [payit] according to their provision made in my Lord Marihalls infeftment'.<sup>230</sup> Marischal was often willing to negotiate about the exact provision of the ministers' wages, but was not above confiscating revenues he thought were his, or even withholding money. This is compounded by his inaction with regard to parish reform. Peterhead and Deer remained unchanged by Marischal, only being divided and properly endowed by his son Lord Keith and then only after protracted negotiation and prompting by Act of Parliament. This also raises the problem of a more serious abuse of kirk patronage, the possible appointment of an absentee minister in the form of Timothy Pont in Caithness. If we consider some of the major complaints levelled at the pre-Reformation church - clerical absenteeism, appropriation of kirk funds and ministers treating parishes as dynastic properties - then we can see all of these in some form in Marischal's treatment of his parishes after the Reformation.

Some of these apparent abuses Marischal perhaps considered justified. Among Marischal's surviving papers almost all references to the kirk relate to financial matters and the legal proceedings concerning the difficulties in the collection of teinds.<sup>231</sup> Considerable effort was exercised by the earls in collecting teinds; perhaps Marischal felt it only fair that having gone to such effort he was entitled to a hearty share of the revenues before passing a portion on to the church. Coupled with this, as the records for Peterhead show, the presbyteries were not part of a recognisable system of patronage and occasionally challenged Marischal's nominations and his interference with the benefices. In terms of reciprocal relationships of power, the Kirk offered very little to Marischal in a temporal sense. Clearly, both Kirk and earl had largely different and at times conflicting

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<sup>230</sup> *BUK*, ii, 717.

<sup>231</sup> *NLS*, MS 21183, ff.51v, 52r, 54r, 57-59.

understandings of their roles in society, which led to struggles over benefices, presentation and patronage.

Not much can be gauged of the ministers' religious sympathies; most were relatively unremarkable churchmen, with little hint of controversy. The lack of any particular theological standpoint on Marischal's part, as can be found among the 'godly magistrates' of England, suggests that Marischal had no conscientious or consistent church policy, but was primarily operating within the framework of the traditional mechanisms of lordship and client network patronage. This confirms Jenny Wormald's theory that the nobility served their own ideology, that of power and good lordship, over that of the Kirk: social order was Marischal's primary concern and religious fundamentalism could potentially shatter that cohesion.<sup>232</sup> Marischal's actions might be seen as a religious policy in themselves, as a means to soften the extremism in the Kirk and ensure some sense of commitment to stable social order in the ministers through the reciprocal bonds of patronage.<sup>233</sup> As this was happening across Scotland (with Bothwell and Erskine of Dun for example) it is too much to suggest that this is somehow a distinctive aspect of a 'conservative North East'.

In light of all the evidence of the earl's interaction with the church nationally and locally, the choice of the Samson tapestries in Dunnottar seems perfectly representative of his religious attitude. The story of Samson is largely devoid of outright moral overtone; Samson was famed more for his heroic deeds and great strength than his piety.<sup>234</sup> With the tapestries he could associate himself with Christianity, but in a form compatible with his noble identity: a story of vengeance, military feats and heroic deeds; a story with closer ties to Hercules than to the Sermon on the Mount; noble, not ministerial. Unlike John Erskine

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<sup>232</sup> Wormald, 'Princes' and the Regions', 70, 74.

<sup>233</sup> L. Peck, 'Court Patronage and Government Policy: The Jacobean Dilemma' in *Patronage in the Renaissance*, 27-46.

<sup>234</sup> M. Coogan and B. Metzger, eds, *The Oxford Guide to People and Places of the Bible* (Oxford: Oxford University Press, 2012).

of Dun, who blended the roles of churchman and nobleman, the Earls Marischal were Protestant nobles, not noble Protestants.

## **CHAPTER 9**

### Economic Activities

## The Stoic Ideal

During James VI's minority the nobility of Scotland was encouraged to donate books to the young king's library to aid his education. William Keith, Master of Marischal (George's father), donated the *Cosmographie Universelle* of Andre Theuet. His brother Robert Keith, Commendator of Deer, gave *Les Offices de Cicero*, which was in both Latin and French.<sup>1</sup> The selection of these specific books would suggest that they were important, or at least familiar, to the Keiths giving them. If these volumes were suitable gifts for the education of young James, then they would presumably have been suitable to give to young George, and both seem to have had an influence upon the boy. As a scholar he was keenly interested in the themes of the *Cosmographie* and especially its related field of chorography, and later in life the earl would use the *Cosmographia* of Sebastian Münster as one of the key texts to inform his genealogy.<sup>2</sup> Finding evidence for the influence of Cicero's *De Officiis* on George is less clear. In broad terms and as part of a wider European phenomenon, there had developed in Scotland a system of neo-stoicism, which was heavily influenced by classical authors, especially by Cicero's *De Officiis*. This philosophy carried notions of practical civic virtue, where the virtuous man, trained and improved by philosophy, became actively involved in the public and political life of his community. The centres of this movement were in France and the Low Countries, both places where Marischal had travelled, and it was pioneered by men such as Justus Lipsius, with whom Marischal was familiar, as he possessed a handwritten copy of one of Lipsius' philosophical treatises, *De Bello De Pace*.<sup>3</sup> Certainly later generations of the family

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<sup>1</sup> G. Warner, 'The Library of James VI' in *Miscellany of the Scottish History Society* (Edinburgh: SHS, 1893), i, pp.xi-lxxv at xlv, li

<sup>2</sup> Cosmography and chorography are two separate disciplines. Chorography examined provinces and regions, while cosmography focused on the world and universe. M. McClean, *The Cosmographia of Sebastian Munster* (Aldershot: Ashgate, 1997), 98, 112, 120; F. Lestignant, *Mapping the Renaissance World*, trans. D. Fausett, (Cambridge: Polity Press, 1994), 3-5; Ogston, *Oratio Funeris*, 6, 11.

<sup>3</sup> NLS, MS 21174, ff.7-8; D. Allan, *Philosophy and Politics in Later Stuart Scotland* (Linton: Tuckwell, 2000), 3-13, 19, 47, 71; G. Oestreich, *Neostoicism and the Early Modern State*, Trans. D. McLintock, (Cambridge: CUP, 1982), 7-8, V. Larminie, *The Godly Magistrate, the Private Philosophy and Public Life of Sir John Newdigate 1571-1610* (Oxford: Dugdale Society, 1982), 2-12.

remembered Earl George as a reformer of both ‘the country and citizenry’, citing his efforts in the foundation of Marischal College, but also in estate improvement.<sup>4</sup>

If we consider the content of *De Officiis* and look at how George may have applied its tenets in later life, then a pattern emerges. Cicero gives advice on how a rich man should best spend his wealth. The greatest way, he says, is to spend money on works useful to the community, such as city walls, dockyards, harbours and aqueducts. Less appropriate are theatres, colonnades and temples.<sup>5</sup> It seems remarkable, and perhaps a little beyond coincidence, that George would build three harbours, and found two port-towns. These projects provide the focus for this chapter, which will assess the struggle (or marriage) between Marischal’s Ciceronian benevolence and his economic self-interest, and ascertain how these considerations interacted with his noble identity. The creation of these harbours, however, seems to be at odds with the Aristotelian ideal of nobility, in its engagement with the world of commerce and trade, which could be seen as the sort of activity performed by lesser men. Whether the nobility should be involved with these sorts of activities was very much an ongoing European debate at the time.<sup>6</sup> However, since it was noted in Marischal’s funeral oration that in his youth ‘perneget Stagiritis’ (he flatly refused Aristotle), the earl may simply have ignored the debate.<sup>7</sup> In any case, the Scottish nobility was relatively relaxed about such activity, being largely unclear on exactly what defined noble status in general.<sup>8</sup>

### **Maritime Infrastructure**

Marischal built three harbours, two at Peterhead and one at Stonehaven. Both communities had long been fishing havens with rudimentary harbours, but Marischal

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<sup>4</sup> NLS, ACC9646.

<sup>5</sup> Cicero, *De Officiis*, II.60 .

<sup>6</sup> M. Lynch, ‘The Scottish Early Modern Burgh’ in J. Wormald, ed., *Scotland Revisited* (London: Collins, 1991), 73; Brown, *Noble Society*, 50.

<sup>7</sup> Ogston, *Oratio Funeris*, 10.

<sup>8</sup> Brown, *Noble Society*, 1-21, 108-109.

devoted a great deal of effort to developing them.<sup>9</sup> Although Marischal would exceed others in scale, he was not the first to pursue this sort of project. Contemporary with Marischal, John Beaton of Balfour built a harbour at Kilrenny in 1579; the first Earl of Winton had Cockenzie made into a port in April 1591; George Lauder built a harbour at Tynningame in 1593, and William Sandilandis had St Monans made into a port in 1621.<sup>10</sup> Most comparable to Marischal were the seventh and eighth Frasers of Philorth, who had gradually developed the settlement of Faithlie into a fishing station, and then into the prosperous port of Fraserburgh, between 1530 and 1579.<sup>11</sup> Fraserburgh was conveniently located in the north east, sited between the royal burghs of Banff and Aberdeen (see figure three in chapter one). Observing the success of Fraserburgh, the Earls Marischal presumably wished to emulate this achievement, especially as this was so close to their lands in Buchan.

In the 1560s George's grandfather, the third earl, attempted to gain control of the small harbour town of Rattray. Before Fraserburgh, this had been the principal harbour in the far north east between Banff and Aberdeen. Rattray was settled along the bank of the Loch of Strathbeg, which at the time was open to the sea and therefore ideally located, and sheltered as a harbour. However, the result of Earl William's legal battle for ownership with the Earl of Erroll was that Rattray was taken away from both men and erected by Queen Mary into an independent royal burgh in March 1564. This eventually led to the demise of Rattray, as the harbour remained too shallow for anything other than coastal vessels. Without self-interested noble investment, the site could not be developed.<sup>12</sup>

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<sup>9</sup> In the 1560s for example, Peterhead was described as a 'fisher toun'. Kirk, *Thirds*, 457.

<sup>10</sup> *RPS*, 1579/10/67; 1592/4/200; 1593/4/71; 1621/6/109; R. Maitland, *The History of the House of Seytoun*, ed. J. Fullerton (Glasgow: Bannatyne Club, 1829), 59

<sup>11</sup> Oram, Martin, McKean, Neighbour and Cathcart *Historic Fraserburgh* (York: Council for British Archaeology, 2010), 24, 31; *RPS*, 1579/10/69.

<sup>12</sup> H. Murray, and J. Murray, 'Excavations at Rattray, Aberdeenshire: A Scottish Deserted Burgh' *The Journal of the Society for Medieval Archaeology* 37 (1993), 42, 208

To the south, Peterhead would also have made an excellent site for a port as two small islands there could provide shelter for a harbour (figure 14). It lay at a critical location for ships on an inhospitable coast, at the easternmost point of Scotland, and was the first point reached by ships arriving from the Baltic (see figure seven in chapter three).<sup>13</sup> When developed, Peterhead became the third burgh on the coast between the royal burghs of Banff and Aberdeen, but far enough from Fraserburgh to carve out its own trading niche, and with the necessary noble investment and improvement to dwarf nearby Rattray.<sup>14</sup> However, in Earl William's time it was owned by the Abbey of Deer. Although the lands of the abbey came to the Keiths through the commendators, and were set in feu by the commendator to the Master of Marischal on 22 November 1569, 'including Peterhead, with seaport and harbour', until this acquisition was confirmed there was little incentive for investment: the possibility remained that the abbey could be taken back by the crown.<sup>15</sup> Hence when the abbey lands were erected into a permanent temporal lordship in 1587, Earl George immediately set about developing the site, and Peterhead was made a burgh of barony, with all the privileges of a port.<sup>16</sup> Illuminating the good situation of Peterhead, in 1618 the Dutch 'Company of Lewis' offered Marischal £10,000 for the right to build warehouses on a rock off Peterhead, although King James intervened to stop this.<sup>17</sup> In 1680 the Countess of Erroll recalled 'yea the foresaid Gorge Earle Marischall was offered for this Inch [Keith Inch, namely Peterhead] several tuns of gold by the Dutch, it being advantageous for their summer fishing in the northern seas'.<sup>18</sup>

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<sup>13</sup> A. Buchan, *The Port of Peterhead* (Peterhead: Scroogie, 1977), 14-15.

<sup>14</sup> I. Whyte, 'The Growth of Periodic Market Centres in Scotland 1600-1707' *Scottish Geographical Magazine* 95 (1979), 16.

<sup>15</sup> *RSS*, vi, 151, no.786.

<sup>16</sup> It should be noted that this was nominally granted to Robert, as part of the creation of the Lordship of Altrie, but the same charter states that it was a reward for Marischal's good service and that he was feuar of Robert's properties. Thus, although it was granted to Robert as legal title holder, it Marischal's *de facto*, especially as he dealt with the feuars and built the harbours. *RMS*, 1580-1593, 445-446, no.1309.

<sup>17</sup> MacCoinnich, *Plantation and Civility*, 475-479.

<sup>18</sup> J. Robertson, ed., *Collections for a History of the Shires of Aberdeen and Banff* (Aberdeen: Spalding Club, 1843), 416-417.

Two harbours, north and south, were created at Peterhead which, according to the charter creating the settlement a burgh of barony (presumably drafted by Marischal's household) would 'prove a great benefit to the whole country'.<sup>19</sup> Below the island of Keith Inch, Marischal began (or at least consolidated) the south pier in 1587, to enclose the old haven. This was to provide shelter for larger ocean-going vessels, as the south harbour was deeper and slightly less exposed than the north.<sup>20</sup> In July 1593 Marischal requested money from Parliament to repair the harbour as it had been damaged by a storm. Marischal had bestowed 'large expenses and yet the same will have need of much more before it may be bought to perfection'. Parliament therefore granted Marischal a five year impost of 20 pence on goods going in and out of the port, or 20 bolls of victual in other goods, according to their weight and quantity.<sup>21</sup> At about the same time, the north harbour was planned, with the construction of a bulwark started soon after. This harbour was built to protect the fishing fleet of the new town. Alongside Marischal's own money, this was partly paid for by the feuars of the town, as it was intended for their benefit.<sup>22</sup> Marischal employed Henry Middleton in Clerkhill to build both harbour bulwarks.<sup>23</sup> In 1595 Marischal was still working on the two harbours; having already purchased a ship-load of timber from Norway for the task, he required more. In an expression of the sheer wealth of the earl (and his willingness to spend it), he purchased outright an entire ship which happened to be in the harbour at the time to do this.<sup>24</sup>

To the south of Aberdeen, Marischal also built a harbour at Stonehaven. Even before Marischal started construction, the haven had long been used as an anchorage: for example Marischal's servant, George Fraser, paid 12 shillings to skipper Robert Wallatt to

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<sup>19</sup> *RMS*, 1580-1593, 445-446, no.1309.

<sup>20</sup> I am indebted to the comments of David Bertie on the development of the harbours of Peterhead. *Perrs. Comm.*, 9 August 2014; Buchan, *The Port of Peterhead*, 16-17.

<sup>21</sup> David Bertie *Perrs Comm* 9 August 2014; *RPS*, 1593/4/68.

<sup>22</sup> The original does not seem to survive but was reproduced in J. Arbuthnot, *An Historical Account of Peterhead from the Earliest Period to the Present Time* (Aberdeen: Chalmers, 1815), 65-76.

<sup>23</sup> Robertson, *Collections*, 417.

<sup>24</sup> In his apparent haste, he was deceived by the captain, who had no right to sell it. *RPCS*, v, 221.

take him between Leith and Stonehaven in December 1612, indicating the convenience as a stopping-off point.<sup>25</sup> The harbour of Stonehaven was constructed between 1612 and 1615 and incorporated an older quay. In July 1612 Marischal requested funds from Aberdeen Town Council for ‘the bigging of the bulwark of Staneheavin quhilk is partlie repairing and [partlie] new [which is] allmaist accomplishit’. The bulwark was to be built extending ‘fra the south to the north and fra the north to the south’. The Town Council noted the necessity of the project as a safeguard for lives and goods on the sea-route heading south, and so donated £200.<sup>26</sup> They also contributed tools, chains and cranes, as later in the month the council ordered one of its number to travel to Marischal’s agent at the Mill of Cowie to deliver them.<sup>27</sup> Marischal’s 1617 inventory of writs in Fetteresso mentions ‘James Mackene meassone his obligatioun upon the receipt of the wark tomes to the bulwark quhilk was borroweit fra the toun of Aberdeen’, presumably relating to this work, which also tells us the name of the contractor.<sup>28</sup> The tomes mentioned may have been account books or inventory books, but they might also be manuals or pattern books on how to build a harbour. Later that year, on 30 October 1612, the Town Council of Edinburgh recorded that:

my Lord Marischal has begun ane guid wark in making of ane substantial bulwark at Stonehaven in the Mearns, very necessary and profitable to all travellers and sailors.

Considering that Aberdeen had already provided liberally to the effort, Edinburgh also contributed £266 13s. 4d.<sup>29</sup> Asking different burghs to help at different times suggests that the cost of the project was spiralling beyond the earl’s initial estimation. That Marischal

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<sup>25</sup> NLS, MS 21176, f.30r.

<sup>26</sup> ATCR, XLV, 645, 652.

<sup>27</sup> ATCR, XLV, 677.

<sup>28</sup> NLS, MS 21183 f.51v.

<sup>29</sup> M. Wood, ed., *Extracts from the Records of the Burgh of Edinburgh, 1604-1626* (Edinburgh: Oliver and Boyd, 1931), 90.

did not resort to Parliament as he had done at Peterhead may imply that the impost there had not helped him recover much of the cost.

Work was completed in 1615. On 7 June, the same day the council of Aberdeen sent commissioners to Marischal about the appointment of a new principal for Marischal College, it also sent Robert Keith, a burges of the town, to go with them in order to retrieve the town's crowbars, hammers and other tools:

q[ui]lks wer lent to the Bulwark of Stanehyve and ane inventar to be gevin to the said Robert of sic Instruments as wer lent to the said Earl to the effect he may ressave the same back agane in the estait as thay were lent.<sup>30</sup>

Although Marischal required additional finances for each of his new harbours, we can still see him expending large sums of his own wealth, time and effort on the projects. He evidently considered them worth the investment.

As well as his large harbours, Marischal was also developing other maritime infrastructure, such as fishing stations. According to the eighteenth-century minister John Napier, Marischal created a fishing station at Johnshaven, bringing 12 boats from Peterhead.<sup>31</sup> Although this late account should be treated with caution, the creation of daughter colonies such as this, founded from larger ones, was not unusual.<sup>32</sup> In 1611 and 1623 there is mention of 'the town and lands of Johnshaven with the port and white fishings thereof'.<sup>33</sup> Johnshaven involved much less expenditure than the harbours of Stonehaven and Peterhead, as it was described in 1642 as little more than a shore for fishing boats.<sup>34</sup> Marischal also possessed a 'tenement, houses, boat and fish boat, in the

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<sup>30</sup> ATCR, XLVII, 166.

<sup>31</sup> J. Macphail, ed. *Papers from the Collection of Sir William Fraser* (Edinburgh: SHS, 1924), 55.

<sup>32</sup> J. Coull, *The Sea Fisheries of Scotland* (Edinburgh: John Donald, 1996), 38.

<sup>33</sup> NRS, GD4/138; GD70/57, 166.

<sup>34</sup> Macfarlane, *Geographical Coll.*, iii, 236.

town of Futtie [Footdee]', Aberdeen's lucrative fishing quarter.<sup>35</sup> Exploitation of the coast was evidently an important feature of the earldom and there was more just fish which might yield a profit. In 1589 one of Marischal's brothers captured a Dane, 'Peterson the Pyrate', and seized a ship which had in turn been taken from an Englishman. Marischal considered this prize to be his, although he was ultimately forced to return it to the original party.<sup>36</sup>

Shipping infrastructure is also evident at the earl's noble houses, although this was presumably for transportation, rather than fishing. Dunnottar Castle has a landing haven, in the form of a rock cutting gouged out of the north cove allowing coastal vessels to be safely dragged onto the beach.<sup>37</sup> A similar haven can also be seen at Ackergill and is suggested at Troup; and presumably the other coastal Keith houses of Boddam, Pittendrum and Delny would each have had small jetties, havens or quays.<sup>38</sup> In Aberdeen Marischal built himself a large town house opposite the Tolbooth which backed onto the quay.<sup>39</sup>

Although we have already seen Marischal purchasing a ship for the construction of Peterhead, there is little evidence for his shipping activities, although the feuars' contract of Peterhead stipulated that Marischal could also use the town's ships for his ends whenever he needed them, for which he would pay for costs and wages incurred.<sup>40</sup> His inventory of writs records Marischal making a lease to David Wat, a boat wright, in 1614.<sup>41</sup> Marischal's brother Robert was also investing in shipping: in September 1606 he purchased for £153 6s. 8d., *The Dow* of Finland which had belonged to the King of

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<sup>35</sup> One of the boats was described as 'the white fish boat' in 1623. NRS, GD190/3/142; NRS, GD4/138; Coull, *The Sea Fisheries of Scotland*, 35.

<sup>36</sup> *CSP, Scotland*, x, 105.

<sup>37</sup> D. Simpson, *Dunnottar Castle: Historical and Descriptive*, 18<sup>th</sup> edn. (Dunecht: Dunnottar Trust, 1967), 55; A. Graham, 'Archaeological Notes on Some Harbours in Eastern Scotland' *PSAS* 101 (1971), 205-206.

<sup>38</sup> M. Greig, 'Excavation of an unnamed castle at Cullykham, Castle Point, Troup' *PSAS* 142 (2012), 301-328; RCAHMS, 9145, Ackergill Tower.

<sup>39</sup> *ATCR*, XXXI, 736-738.

<sup>40</sup> Arbuthnot, *Peterhead*, 65-76.

<sup>41</sup> NLS, MS 21183, f.52r.

Sweden but was in too dilapidated a condition to sail home.<sup>42</sup> Presumably Robert wanted to salvage or restore it.

Through these efforts, we can observe a serious and ambitious focus on maritime activity. The development of this maritime infrastructure was George's foremost achievement. This may be seen as a major contributory factor to the fact that from a family with little apparent maritime connection before his time, his son, the fifth earl, was made commander of the King's Navy in Scotland in 1631.<sup>43</sup>

### Burghs

Once these harbours had been created, they needed towns to support them: to house the fishermen, lodge the mariners and provide the formal institutions of trade to exchange seaborne goods and agricultural produce from the hinterlands.<sup>44</sup> Town development was not unique to Earl George, as his grandfather had made Kincardine a free burgh in 1531, along with Cowie and Durris in 1541.<sup>45</sup> In Marischal's lifetime some 75 new burghs were created, he was very much part of a wider trend.<sup>46</sup> Marischal's neighbour David Lindsay of Edzell made the nearby town of the same name a burgh of barony in 1588, and even drew up detailed plans for 'ye new citie of Edzel'.<sup>47</sup> Marischal perhaps differs from these in terms of the sheer scale of his vision, showing considerable ambition for the whole east coast. In order to provide Peterhead with 'houses and taverns for entertaining and lodging those frequenting there', it was created a burgh of barony on 29 July 1587.<sup>48</sup> Marischal likewise acquired a charter to make Stonehaven a burgh of barony the following week, on

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<sup>42</sup> ATCR, XLII, 950-952.

<sup>43</sup> The most substantial maritime connection in the life of the third Earl relates to John Keith of Ackergill, 'servant of the Earl Marischal', who was captured for piracy in 1565. T. Henderson, 'Keith, William, fifth Earl Marischal (c.1585-1635)', revised. S Murdoch, *ODNB; CSP, Scotland*, ii, 176, 210; *RPCS*, i, 496.

<sup>44</sup> Whyte, 'The Growth of Periodic Market Centres', 14.

<sup>45</sup> G. Pryde, *The Burghs of Scotland: A Critical List* (Oxford: OUP, 1965), 58-59.

<sup>46</sup> I. Whyte, 'The function and social structure of Scottish Burghs of Barony in the Seventeenth and Eighteenth Centuries' in H. Maczak, and C. Smout, eds, *Grundung und Bedeutung Kleinerer Stadte im Nordlichen Europa der Fruhen Neuzeit*, (Harrassowitz: Wiesbaden, 1991), 13.

<sup>47</sup> F. Bardgett, 'Faith, families and factions: the Scottish Reformation in Angus and the Mearns' (University of Edinburgh PhD Thesis, 1989), 405-407.

<sup>48</sup> *RMS*, 1580-1593, 445-446, no.1309.

5 August 1587, and later made it head burgh of the shire of the Mearns, as Kincardine was no longer convenient.<sup>49</sup>

How Marischal then went about creating these towns can be seen in the 1593 contract with the feuars of Peterhead. This document specified that the townsmen were to have baillies and burgesses nominated by themselves and chosen by the earl. Marischal also specified that he would build the north harbour with proportionate financial contributions from the feuars when they reached 20 in number, and a tolbooth when they amounted to 30 in number. Marischal would receive all the dues taken from those outside the town who used the anchorages.<sup>50</sup> This document is highly useful as it shows that Marischal was investing in his properties, while passing some of the significant cost needed to finance the infrastructure on to the inhabitants.<sup>51</sup>

Tolbooths, the centre of local administration and justice, where the burgh councils and courts would meet and felons and debtors were imprisoned, were erected in both Stonehaven and Peterhead.<sup>52</sup> Stonehaven's tolbooth was originally constructed as a warehouse in the second half of the sixteenth century and converted for its new civic use.<sup>53</sup> The building was a gabled box; it is practical and no effort was made in its embellishment; there is certainly nothing of the elaboration of Musselburgh or the Canongate of Edinburgh.<sup>54</sup> This is underlined by the fact that it was a conversion rather than purpose-built, suggesting a reluctance for unnecessary spending on the part of Marischal, which stands in stark contrast to his rash ship purchase in 1595. Peterhead's tolbooth was

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<sup>49</sup> Ibid., 463-464, no.1309; *RPS*, 1600/11/64, 1607/3/21.

<sup>50</sup> Arbuthnot, *Peterhead*, 65-76.

<sup>51</sup> No similar document for Stonehaven survives. The 'Fundamental Charter' of 12 April 1624, probably Earl William's confirmation of his father's foundation, is devoid of such considerations toward the harbour, tollbooth or shipping. Whyte, 'Scottish Burghs of Barony', 21-22; Clark, *Small Towns in Early Modern Europe* (Cambridge: CUP, 1995), 7; NRS, GD49/313, transcript <<http://www.aberdeencity.gov.uk/nmsruntime/saveasdialog.asp?IID=22924&sID=10014>> [Accessed 21<sup>st</sup> January 2014].

<sup>52</sup> RCAHMS, *Tollbooths and Townhouses: Civic Architecture in Scotland to 1833* (Edinburgh: RCAHMS, 1996), 1-2; A. Simpson, and S. Stevenson, *Historic Peterhead* (Edinburgh: Scottish Burgh Survey, 1982), 23.

<sup>53</sup> RCAHMS, *Tollbooths and Townhouses*, 189-190; D. Howard, *Scottish Architecture from the Reformation to the Restoration 1560-1660* (Edinburgh: EUP, 1995), 116-121.

<sup>54</sup> Howard, *Scottish Architecture*, 118-121.

presumably similar. The symbolic ownership of the two towns would be evident from Marischal's nearby castles, in stark contrast to the modesty of the tolbooths, which expressed the relative power of the townsfolk. What becomes apparent in both Peterhead and Stonehaven is that Marischal was somewhat austere in his civic projects, covering the bare necessities and expecting his tenants to cover a fair proportion of the cost. This is in contrast to the Frasers of Philorth, who provided Fraserburgh with a tolbooth, mercat cross and built a new kirk entirely at their own expense.<sup>55</sup> Marischal did not follow Philorth in the relocation of kirks as at Fraserburgh: the townsfolk of Peterhead and Stonehaven had to walk a distance outside their towns to reach their respective parish kirks. It seems therefore, Marischal College aside, that the earl was more a businessman than a philanthropist; he was not unrestricted in his Ciceronian civic virtue.

### **Purpose**

What purpose was this maritime infrastructure to serve? Previously the third earl had doubled the size of the earldom through his marriage and the acquisition of the lands of the Abbey of Deer. In 1525, when William was entailed to the earldom, it consisted of six baronies - four concentrated in the Mearns with two outliers in Aberdeenshire and in Lothian.<sup>56</sup> Through his marriage to the heiress of Inverugie a vast array of lands were added, including Linlithgowshire, Buchan and even Caithness, so that by 1592 the earldom had expanded to incorporate nine baronies and three third baronies over six counties, (as shown in figures one to five in chapter one) which compares to the Earl of Huntly's 11 baronies over six counties. This was collectively made up of some 169 identified landed settlements and crofts with 32 mills.<sup>57</sup> To this were also added the assets of the Abbey of Deer, comprising 43 settlements and crofts and five more mills, which would contribute

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<sup>55</sup> *Ibid.*, 116.

<sup>56</sup> *RMS*, 1513-1546, 68, no.302.

<sup>57</sup> *RMS*, 1580-1593, 742-748, nos.2174, 2175; R. Callander, *A Pattern of Landownership in Scotland* (Fort William: Harghend, 1987), 29.

about a fifth to the total earldom.<sup>58</sup> As a simple explanation, developing infrastructure would allow easy travel and communication between these estates. However, the havens attached to the noble houses would have sufficed for this need; the harbour developments require further explanation.

The international perspective is part of the explanation. As burghs of barony Peterhead and Stonehaven were not permitted to participate directly in the import or export trade.<sup>59</sup> Royal burghs jealously guarded against any possible infringements of their rights and privileges, although they welcomed the development of harbours at convenient locations which might assist their ships and trade. This explains why Aberdeen and Edinburgh contributed to Stonehaven.<sup>60</sup> The harbour of Peterhead was a convenient stopping-off point for ships arriving or leaving for Scandinavia, and would benefit from ocean-going traffic in revenues derived from anchorages, even if the town could not directly participate in international trade.<sup>61</sup> The harbour of Peterhead was built and maintained using timber imported directly from Norway, and no doubt the town was partially conceived to capitalise as a stopping-off point on this lucrative trade.<sup>62</sup>

Through this initiative Marischal can be seen as accessing the North Sea world. This would have been a particularly attractive initiative for the earl as he had various links with Scandinavia and the Baltic. Through his mission to Denmark in 1589 the earl came into correspondence with Gertz Rantzou, and the two men exchanged seeds, dogs and pamphlets. In 1590 and 1593 Danish ambassadors wrote to Marischal asking his advice on how to negotiate with King James.<sup>63</sup> Marischal also corresponded directly with Christian IV of Denmark: in October 1604 Christian wrote to the earl, as one of Marischal's tenants,

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<sup>58</sup> Buchan, *Noble Family of Keith*, 43-47.

<sup>59</sup> W. Mackenzie, *The Scottish Burghs* (Edinburgh: Oliver and Boyd, 1949), 80-82.

<sup>60</sup> Graham, 'Harbours in Eastern Scotland', 200, 205-206.

<sup>61</sup> Riis, *Should Auld Acquaintance Be Forgot*, i, 48-49.

<sup>62</sup> Arbuthnot, *Peterhead*, 65-76; Brown, *Noble Society*, 58; *RPCS*, v, 221.

<sup>63</sup> Riis, *Should Auld Acquaintance*, i, 275; ii, 64-65.

John Davidson of Peterhead, owed customs money to the officers of Copenhagen.<sup>64</sup> Marischal also had family members abroad. For example, his father's cousin, Andrew Keith, Lord Dingwall, was an important figure in Sweden. He had arrived and had established himself in the royal courts of John III and then Sigismund, marrying the former's niece and accompanying the latter into exile in 1599. While in exile he ran an extensive network of spies in Sweden.<sup>65</sup> Dingwall was not bereft of the earl's help in his Swedish efforts, as his wife, Elizabeth Gripp, wrote to Marischal in August 1584, 'rendring your L[ordship] most humble and hartly thankes for all good and plentefull plesures done'.<sup>66</sup> Dingwall may have encouraged Marischal to develop maritime infrastructure, as he himself was active in North Sea trade: in January 1584 he was involved with the trade of Aberdeen goods in Elsinore to the sum of 850 thalers (£2040).<sup>67</sup> Lythe argues that these sort of personal ties were essential for fortifying the trade between Sweden and Scotland.<sup>68</sup>

Internal development of the earl's own estates may also have prompted the creation of the two towns. Keith Brown's study of aristocratic finances at this time suggests that the Scottish nobility suffered from a possible economic crisis in the 1590s and early 1600s. These were hard times for all layers of society caused by poor weather, failed harvests and rising prices. Coupled to this the expectations of nobles for conspicuous consumption could be ruinous. This in turn led to a degree of entrepreneurialism among some nobles, such as estate improvements and financial investments.<sup>69</sup> Squeezed finances may have necessitated these ventures to boost the earldom's revenue. However, there are ways in which the harbours can be seen as proactive endeavours rather than reactionary necessities.

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<sup>64</sup> Numerous copies of this letter exist; NLS, MS 231174, ff.15-16; Riis, *Should Auld Acquaintance*, i, 225.

<sup>65</sup> Murdoch, *Network North*, 98-99, 255.

<sup>66</sup> NLS, MS 21174, ff.3-4.

<sup>67</sup> ATCR, XXXI, 298-304.

<sup>68</sup> S. Lythe, *The Economy of Scotland in its European Setting 1550-1625* (Edinburgh: Oliver and Boyd, 1960), 151.

<sup>69</sup> K. Brown, 'Aristocratic Finances and the Origins of the Scottish Revolution' *English Historical Review* 104 (1989), 46-87.

The shortages of the late sixteenth and early seventeenth centuries, rising rapidly after 1585, meant that it was a prosperous time for grain producers. Marischal had some of the best agricultural land in Scotland and along with peers such as the Earl of Erroll, or his aunt Annas Keith, he transported grain to Leith for merchants to sell on to the continent.<sup>70</sup> The Edinburgh grain market was lucrative, but for effective trade in grain, due to the problems of overland travel, estates had to be within twenty miles of the coastline.<sup>71</sup> Thus the harbours would allow Marischal to significantly reduce the cost of getting his grain to Edinburgh. Among Marischal's surviving papers is a list of accounts by Alexander Ord, the earl's agent in Edinburgh for the period 1608 to the start of 1611. The total sum received for grain, oats, and meal sent from Peterhead and Aberdeen to Leith (Stonehaven's harbour was not yet built), after expenses, amounted to £27,380 and 13 shillings.<sup>72</sup> This figure is substantial, especially as this only represents Marischal's income from cereals. Harvest problems could impact upon this income though. In 1592 Marischal was paid £10,666 13s. 4d by Edinburgh merchant Robert Lumsden for 400 chalders of grain from the coming harvest. Marischal failed to deliver 114 chalders and 13 bolls, and under the terms of the contract had to repay £7980 12s 7d.<sup>73</sup>

The money yielded from shipping from Peterhead and Aberdeen to Leith can be seen as a considerable incentive for the construction of the harbour of Stonehaven between 1612 and 1615. There is less surviving evidence of other goods the earls were trading. Wool was a lucrative source of income: in September 1575 the third earl was owed £303

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<sup>70</sup> In 1581 Robert Keith of Canterland wrote to Annas about selling of her grain in Edinburgh, as part of the earl's shipments. In a letter of 1591 George Fraser mentions passing to Leith on the earl's business and Marischal's servitor James Barclay was even a representative on the committee concerning the trade of meal in Leith in July 1613. Brown, *Noble Society*, 54, I. Adams, *The Making of Urban Scotland* (London: Croom Helm, 1978), 49; *RPCS*, x, 118-119; NLS, MS 21174, ff.5-6; A. Gibson and T. Smout, *Prices, Food and Wages in Scotland 1550-1780* (Cambridge: CUP, 1995), 11, 16, 84, 175; NRAS 217/Box15/1347.

<sup>71</sup> Adams, *Urban Scotland*, 51.

<sup>72</sup> NLS, MS 21176, ff.5-11.

<sup>73</sup> My thanks to Aonghas MacCoinnich for passing on this reference. NRS, RD1/53, ff.16r-17r.

15s. for an unspecified quantity of wool; in July 1577 £295 16s. 4d. for 104 stone seven pounds weight of white and black wool, and in 1580 £257 for 117 stone.<sup>74</sup>

In addition to land-based produce, the catch from Marischal's fishing communities along the coast could also be traded. Illustration of the early modern reliance on fish as a staple food can be found in the surviving accounts for Lord Keith's lodgings in Edinburgh for 1615. William ate fish almost every day for lunch and supper, always accompanied by bread and ale, usually with wine, occasionally accompanied by veal, beef, chicken, broth, soup or other foodstuffs.<sup>75</sup> Fishing was a profitable business and a prized export commodity, and Peterhead was especially noted for its abundance of good fish.<sup>76</sup> With the acquisition of the estates of the Abbey of Deer also came the productive freshwater fishing on the River Ugie, for which Marischal built a salmon house in 1585.<sup>77</sup> In 1592 the earldom contained three salmon fishing rights, four white fishing rights and five further undesignated fishing rights.<sup>78</sup> Marischal's new harbours would ensure that grain and fish could be easily transported onwards from his estates and waters.

Overland trade networks and infrastructure were also a concern of the earl, although evidence for this is much more fragmentary due to the smaller scale of the efforts. Between Marischal's town of Stonehaven and Aberdeen was the Cowie Mounth, two causeways traversing stony and mossy ground without which the route to Aberdeen would have been impassable during the winter. Maintenance of these was met partly by the Town Council of Aberdeen, and partly by the leading landowners in the Mearns, coordinated by Marischal as sheriff. In September 1612 Aberdeen paid for a 'calcimaker' to meet Marischal at Cowie to mend these causeways.<sup>79</sup> Elsewhere we find Marischal improving

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<sup>74</sup> ATCR, XXVIII, 557-558; XXIX, 223-224.

<sup>75</sup> NLS, MS 21176, ff.40-55.

<sup>76</sup> Robertson, *Collections*, 419.

<sup>77</sup> Brown, *Noble Society*, 57, *RMS*, 1580-1593, 445-446, no.1309; C. McKean, *Banff & Buchan* (Edinburgh: RIAS, 1990), 149.

<sup>78</sup> *RMS*, 1580-1593, 742-748, nos.2174, 2175.

<sup>79</sup> Macfarlane, *Geographical Coll.*, iii, 238; *Spalding Misc.*, v, 89.

the infrastructure of his estates. Within the writs of Fetteresso is an entry for ‘a contratt for biging a brig over the burne of Lepy 1601’.<sup>80</sup> The bridge of Lepy connected Marischal’s estates of Garvock to the settlement of Fordoun and the interior of the Mearns. Likewise, a contract survives which indicated how Marischal maintained a ferry ‘for transporting of hors & men especiallie of my lords awen carriages’ at Woodend of Culparso in the barony of Strachan in the Mearns.<sup>81</sup> These small pieces of useful infrastructure work carried out by the earl were presumably only the tip of the iceberg. Marischal was part of the groundswell in noble estate improvement; in this same era the Campbells of Glenorchy, for example, were active in building flood defences, bridges, planting trees, developing salt panning and founding towns and markets.<sup>82</sup> There is some slight evidence for a focus beyond Marischal’s own lordship. In 1587 parliament appointed Marischal, along with the Earls Huntly, Erroll, and various lairds and commissioners from Aberdeen, to oversee and organise repair works to the Bridge of Don.<sup>83</sup> This effort was again important for the overland route to the earl’s possessions in Buchan.

Marischal’s extensive lands in the Mearns could be serviced by the new harbour of Stonehaven, those in Buchan by Peterhead and those around Kintore by Aberdeen. From these ports, goods could be moved around the country and the North Sea, depending on the destination market. The towns of Peterhead and Stonehaven can therefore be seen as interfaces facilitating linkages between larger urban communities, in this case Aberdeen and Edinburgh, and Marischal’s rural hinterlands. This was the founding aim of most European small towns in this period, an aim which went hand in hand with the expansion of internal trading activity in Scotland.<sup>84</sup> The harbours would greatly enhance the earl’s revenues and this is probably the major reason behind their creation.

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<sup>80</sup> NLS, MS 21183, f.51v.

<sup>81</sup> NLS, MS 21178, f.13r.

<sup>82</sup> MacGregor, ‘A Political History of the MacGregors’, 257-265.

<sup>83</sup> *RPS*, 1587/7/151.

<sup>84</sup> Clark, *Small Towns*, 4-6; Whyte, ‘Scottish Burghs of Barony’, 14.

The specific maritime objectives of Peterhead and Stonehaven, as well as the consent and support of the royal burghs of Aberdeen and Edinburgh, meant that they had a good chance of surviving, especially when so many other towns were founded in this period.<sup>85</sup> The help and blessing of Aberdeen, as illustrated by the money, expertise and equipment given to Stonehaven, were particularly important. Even if there is no surviving evidence that Peterhead was helped in the same way, the most important thing is that it was not opposed. Aberdeen was consistently hostile to Philorth's new port of Fraserburgh: in 1573, 1574, 1605 and 1616 it raised complaints that Fraserburgh was usurping its ancient privileges. Aberdeen formally opposed the ratification of the charter of erection and brought various actions concerning wine, wax, silks, spices and staple goods.<sup>86</sup> Aberdeen pursued no actions whatsoever against Peterhead or Stonehaven after Marischal had created them as burghs of barony in the same way. Unlike Fraser, Marischal had a healthy relationship with Aberdeen and the unopposed creation of two ports might be part of the reason that Marischal contributed so much to Marischal College. Underlining this is the fact that at the same time as Aberdeen sent commissioners to Marischal regarding the selection of a new principal in 1615, it also sent commissioners to retrieve the tools lent for the building of the harbour of Stonehaven.<sup>87</sup>

In light of the scale of this estate improvement, it is worth considering the wealth of the earldom. The Earls Marischal were considered to be the richest earls Scotland, and William Keith the third Earl Marischal left George £31,338 4d. of moveable assets in his testament (animals, crops, goods and belongings), £14,439 17s. 10d. of owed debts, and only £1113 13s. 4d. worth of debts. Keith Brown asserts that was four times the average for that decade. Brown estimated the earl's average yearly income to be around £180,000

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<sup>85</sup> Clark, *Small Towns*, 4-7.

<sup>86</sup> ATCR, XXVIII, 176, 367; XLII, 485-6, 495, 574-575, 692-693; XLVII, 449, 466-467.

<sup>87</sup> ATCR, XLVII, 166.

per annum at this time, roughly £22,500 in English pounds, which compares very favourably with the average English noble income of just £3020.<sup>88</sup>

George seems to have been slightly more inclined to debt than his predecessor.<sup>89</sup> For example he repeatedly borrowed money secured on his estates of Keith Marischal: £8000 in 1589, £4666 13s. 4d. in 1590, and the same sum again in 1592.<sup>90</sup> Tracing only those debts mentioned in the Privy Council, we often find George charged with owing money to various parties, amounting to £12,272.<sup>91</sup> These cases do not appear to have been taken any further, the debts were presumably paid after prompting. None of this suggests that Marischal was overburdened with debt and unable to pay. Indebtedness was an accepted part of noble life, and all these cases indicate simply that he had forgotten to pay; there are notes elsewhere of Marischal being owed money by various parties.<sup>92</sup> In February 1593 Marischal used the £10,666 13s. 4d. he was owed for a shipment of 24 chalders of victual which had arrived in Edinburgh to pay off five outstanding debts in one go.<sup>93</sup> Likewise, the £27,380 13s. for the grain shipments between 1608 to the start of 1611 were used to pay off various debts, obligations and contracts, amounting to £27,180 13s., leaving a £200 surplus.<sup>94</sup>

The anonymous 1699 genealogist of the Keiths remarked that the earl's 1589 mission to Denmark had 'made a vast diminution in his opulent fortune, his charges having been very great, and to this day remaining a debt on the crown'.<sup>95</sup> Later in the seventeenth century Patrick Gordon of Ruthven linked the decline of the Keiths Earl Marischal to George's acquisition of the Abbey of Deer, a morality tale whereby seizing former church

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<sup>88</sup> The income derived from Marischal trading in Leith alone, discussed above, converts to £2260 sterling. K. Brown, 'Aristocratic Finances', 46-87; NRS, CC8/8/11; Rogers *Estimate*, 8.

<sup>89</sup> NRS, CC8/8/11.

<sup>90</sup> It is not clear what this money was for, although it may have been for building works on that property. NRS, RD1/33, ff.8r-10v; RD1/36, ff.110v-112r; RD1/47, ff.127r-128r.

<sup>91</sup> *RPCS*, vii, 395, 436; *RPCS*, viii, 49, 333, 411, 548. NRS, PS1/85, ff.205v-206r.

<sup>92</sup> NRS, PS1/75, ff.163r-163v; Brown, *Noble Society*, 108-109.

<sup>93</sup> NRS, RD1/47, f.188.

<sup>94</sup> NLS, MS 21176, ff.5-11.

<sup>95</sup> Buchan, *Noble Family of Keith*, 53.

property led to a curse on the family's fortunes.<sup>96</sup> Despite these two later assertions, there is little contemporary evidence to suggest that their prosperity had particularly lessened in Earl George's time; after all, he had £30,666 13s. 4d. to hand in coin alone when he died in 1623.<sup>97</sup>

Although the Caithness lands were sold in 1612, Marischal added the barony of Benholm to the earldom, which consisted of eight prosperous settlements, a mill and the castle.<sup>98</sup> He had also been active in the 1590s acquiring lands around Kintore.<sup>99</sup> Marischal's heir William continued adding to the earldom and it was not until George's grandson William, the sixth earl, that there was a decline in the earldom's fortunes, partially through the disastrous civil wars, but also through his poor management.<sup>100</sup> Landownership dominated Scottish political life and Marischal was part of a general trend for the acquisition and increasing economic exploitation of landed assets.<sup>101</sup> Overall, George was successful in having carefully managed and promoted the economic development of his earldom throughout his lifetime. He left it greater than he found it.

### Conclusion

Considering Marischal's great wealth, it is perhaps too easy to compare him unfavourably with the two Frasers of Philorth. The Frasers were first to build harbours, acquiring burgh status for their town, and to found a university, and were notably more ambitious and generous, especially if we consider Marischal's somewhat frugal attitude towards his feuars. Marischal might be considered an opportunist, who sought to emulate the Frasers' pioneering work. However, direct comparison is unfair. The Frasers concentrated their efforts into one self-contained unit; Marischal was operating along a

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<sup>96</sup> Gordon, *A Short Abridgement of Britane's Distemper, from the yeare of God MDCXXIX to MDCXLIX*, ed. J. Dunn (Aberdeen: Spalding Club, 1844).

<sup>97</sup> See table at the back of chapter seven.

<sup>98</sup> NRS, GD4/123.

<sup>99</sup> AUSP, MS3064/1/1/11, 15, 16, 19, 28.

<sup>100</sup> *Scots Peerage*, vi, 54-57.

<sup>101</sup> Callander, *Pattern of Landownership*, 33.

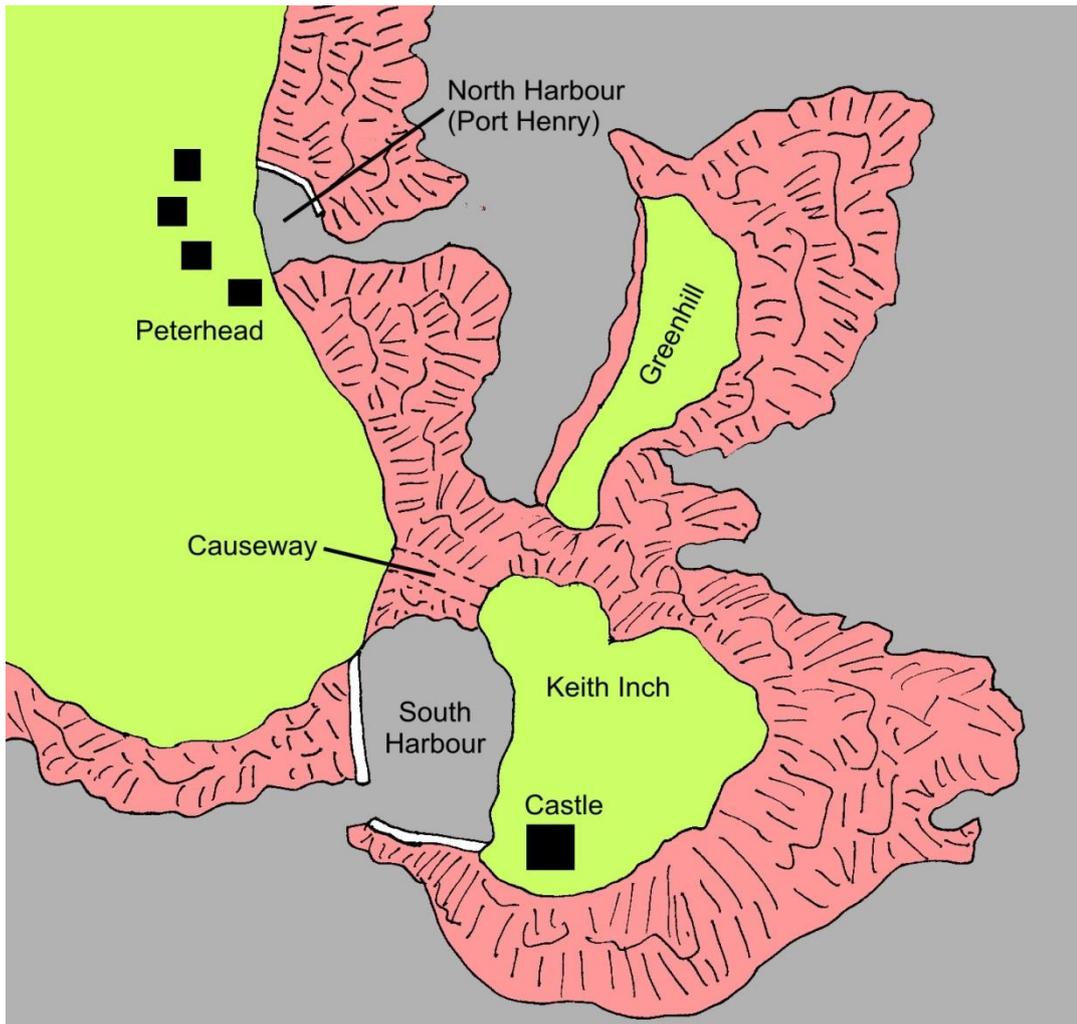
broad stretch of the east coast. In the long term Fraserburgh was crippled by inadequate funding, and the expense of the town, port and university broke Fraser financially in 1613.<sup>102</sup> This indicates that Marischal's apparent frugality was perhaps an expression of caution and good business sense. Where Marischal compares favourably to Fraser is that all his efforts succeeded and were not subsequently hindered through their lord's financial downfall.

Overall, the themes evident in Marischal's harbour and town development may be traced back to the subjects seeded in the young boy's awareness in the geographical matters of Andre Theuet's *Cosmographie Universelle* and in the duties, responsible uses of wealth and service to the community of Cicero's *De Officiis*. However, Marischal's efforts seem primarily to have been estate improvements to benefit the earldom financially. The harbours were built to shift the earl's produce onwards, not necessarily as benevolent enterprises to help sailors and shipping on the east coast. Like any good traditional noble, Marischal was looking after the interests of his earldom. If his efforts benefited the wider civic community, this was perhaps a positive and welcome consequence rather than the driving intention. Even the major project which the earl is known for, Marischal College in Aberdeen, which reaped no financial benefit for the earldom, was still part of a wider initiative to foster good relations with Aberdeen. This college can, however, be seen as the earl's major contribution to state improvement and the stoic ideal, and will be explored next.

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<sup>102</sup> I. Malley, *The University of Fraserburgh* (Shephed: IMPC, 1988), 22; Oram, Martin, McKean, Neighbour and Cathcart, *Historic Fraserburgh*, 35-38.

Figure 14: The Islands and Harbours of Peterhead



## **CHAPTER 10**

Marischal College

On 2 April 1593, a month into his lieutenancy of the north, George Keith fourth Earl Marischal signed the foundation charter of what would become Marischal College. A little over a year later (20 September 1594) this document, having been ratified, was handed to the first principal, Robert Howie, completing the process.<sup>1</sup> The creation of the college has been relatively well discussed, at least compared to the rest of Marischal's life. First, in 1895 Robert Sangster Rait simply interpreted the foundation as a direct response to the failure of King's College in Old Aberdeen to adopt its *nova fundatio* 'new foundation', a series of teaching and administrative reforms inspired by Andrew Melville's successful re-establishment of Glasgow in 1577. This would have rejected Bishop Elphinstone's foundation of 1495 and turned it into a liberal arts college on the Genevan model.<sup>2</sup> In 1948, G.D Henderson took a much closer look at the foundation itself and considered Marischal's actions within the context of his cultural, religious and Aberdonian interests. Henderson argued that the failed reforms of King's were only a small motivational factor alongside many others, and stressed the central role of the Aberdeen ministers, Peter Blackburn, David Cunningham and Robert Howie, in the project.<sup>3</sup> In 1990, David Stevenson looked at the college's establishment from the perspective of the history of King's College and the earl's role in efforts to reform the older institution. He concluded that the college was not a response to the failure to reform King's, but rather the result of other factors, such as the building of Keith influence in the north east and the ambitions of the burgh of New Aberdeen.<sup>4</sup> Ten years after Stevenson, Shona Vance studied the mortifications and endowments made to Marischal College and the Aberdeen Grammar School from 1593 to 1660 and explored the reasons for the initial foundation. While acknowledging the territorial ambitions of Marischal, she argued that the earl founded the college as a direct response to the failures of King's to reform, rehabilitating Rait. The new

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<sup>1</sup> *FMC*, i, 60-80; *ATCR*, XXXV, 405.

<sup>2</sup> Rait, *Universities of Aberdeen*, 249.

<sup>3</sup> Henderson, *Founding of Marischal College*.

<sup>4</sup> Stevenson, *King's College, Aberdeen*.

college was however too ambitious for its foundation and suffered as a result, being saved by a number of benefactors who stepped forward to help in Marischal's absence.<sup>5</sup> In 2002, providing an overview of and contrast between the foundations and subsequent histories of King's and Marischal Colleges, David Ditchburn concluded, like Vance, that the college was a reaction to the failure of King's to reform, not in terms of religion, but in terms of Melvillian organisation. However Ditchburn also cited the very important role that vanity and 'the quest for prestige' played in the creation of the college, with respect to both the earl and Town Council.<sup>6</sup> Most recently, in 2007, Steven Reid has argued that the earl only had an initial and limited involvement in the institution, as the college was primarily secured as a 'toun college' through the efforts of the burgh's council and ministry.<sup>7</sup>

Those involved in the foundation, the possible motivations behind it, and the early years of the college have thus all been well explored, but without consensus. How Marischal came to be involved in the first place and the nature of his relationship to the college thereafter requires further discussion. Where previous studies of the founding of Marischal College can be criticised is through considering Marischal simply as a founder of a university and not, first and foremost, as a nobleman. It is within this context, of Scottish lordship and patronage, that the foundation and subsequent history of Marischal College makes the most sense. Reid's argument is the most relevant to understanding the college, as it properly redresses the lack of consideration of the foundation from the burgh's perspective, not just Marischal's. The college was a joint venture. Where Reid goes too far, it will be suggested, is in marginalising the active role of Marischal. This chapter will argue that Marischal was co-partner in the creation of the college, but in doing so he assumed the character of sole founder, as befitted his noble status: this shaped his

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<sup>5</sup> S. Vance, 'Mortifications (Bursaries and Endowments) for Education in Aberdeen, 1593-1660 and their Implementation in the Seventeenth Century' (University of Aberdeen PhD Thesis, 2000).

<sup>6</sup> D. Ditchburn, 'Educating the Elite: Aberdeen and its Universities' in Dennison, Ditchburn and Lynch, eds, *Aberdeen before 1800: A New History* (East Linton: Tuckwell, 2002), 327-346.

<sup>7</sup> Reid, 'Aberdeen's 'Toun College'', 173-195.

subsequent relationship with the college. This was analogous to the fruitful commercial partnership Marischal had with Aberdeen, explored in chapter nine.

Marischal College was founded during a peak in European university foundation and re-foundation; between 1551 and 1600, 47 were created, compared to 26 between 1501 and 1550, and 24 between 1601 and 1650. This was intimately related to an ongoing educational arms race between Catholic and Protestant communities, and also to the more high minded ideals of civic humanism. Higher education establishments had three purposes: the advancement of knowledge, the advancement of virtue and the training of young men for careers in government or church - or for the nobility, as godly magistrates.<sup>8</sup>

At the Reformation, Scotland had three universities: Glasgow, Aberdeen (consisting of King's College) and St Andrews (consisting of the colleges of St Salvator, St Leonard and St Mary). Reformers took these institutions over and purged them. These were joined by the new foundations of Edinburgh in 1582 and the short-lived Fraserburgh in 1592, the year before Marischal College was founded. Marischal was not intended as a second college with King's for the University of Aberdeen, but rather its own separate institution. At the Reformation, however, the *First Book of Discipline* had stipulated that Aberdeen should have a second college to accompany King's, both within the one University of Aberdeen.<sup>9</sup> What follows is partly the story of how this two-college, one university plan, conceived in 1561, eventually became the 1593 two-college, two universities settlement.

There are tantalising hints of an interest in education existing in the Keith Earls Marischal before George. William the third earl helped revise the *First Book of Discipline*, which had gone into considerable detail about university reform. He also witnessed the new foundation of the University of Glasgow in 1577 – although he may merely have

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<sup>8</sup> W. Frijhoff, 'Patterns' in, H. De Ridder-Symoens, ed., *A History of the Universities in Europe* (Cambridge: CUP, 1996), ii, 71.

<sup>9</sup> *I<sup>st</sup> BOD*, 144.

happened to be at court on the same day the document was brought to the attention of the council.<sup>10</sup> William was at least interested enough to have sent young George and his brother on an unusually long tour of the continent and the colleges of Europe, including Geneva and the house of Beza. George kept up his intellectual pursuits: within the family papers is a handwritten philosophical tract by Justus Lipsius, entitled *Epistola qua respondet cuidam viro Principi, deliberanti, Bellumne, an pax, an potius Iuduciae expediant Regi Hispaniarum, cum Gallo, Angla, Batavis* ‘a letter which responds to a certain princely man deliberating on whether war, peace or better treaties should be undertaken by the king of Spain with France, England and the Netherlands’ dated 1595.<sup>11</sup> Marischal commissioned Aberdeen poet Thomas Cargill to translate the ancient Greek poet Hesiod into Scots. As Cargill died in 1602, this was at least 16 years before George Chapman’s English edition.<sup>12</sup> An inventory of accounts from the 1610s makes mention of Marischal’s book buying among various expenses for jewellery and weaponry. This includes, for the earl, a ‘buik callit mercurius gallobelgicus’ - a semi-annual printed Latin periodical (another copy is mentioned on 3 December 1612); ‘ane littill buik of all sorts of prognostications’; and a book ‘callit florus compend’, (Roman author Publius Annus Florus) for his son James. These show an active interest in the past, the present and foreseeing the future, all representing aspects of European academic culture.<sup>13</sup>

In terms of the burgh of New Aberdeen, George the fourth Earl had been building up his presence there for some time before 1593. From the available evidence his grandfather William had little to do with the town as an institution, the only indicator of any relationship being when the burgh sent its valuables to Dunnottar for safekeeping in

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<sup>10</sup> J. Durkan and J. Kirk, *The University of Glasgow 1451-1577* (Glasgow: Glasgow University Press, 1977), 438.

<sup>11</sup> NLS, MS 21174, ff.7-8.

<sup>12</sup> Cargill’s work is now sadly lost. W. Keith-Leask, ed., *Musa Latina Aberdonensis* (Aberdeen: New Spalding Club, 1910), iii, 27-30; G. Chapman, *The Georgicks of Hesiod* (London: 1618).

<sup>13</sup> NLS, MS 21176, ff. 29r, 36r.

1572.<sup>14</sup> In 1585 George bought two adjoining and derelict tenements on the south side of the Castlegate, directly opposite the Tolbooth, and the Town Council granted him permission for building works to create what would become one of the most impressive buildings in the town.<sup>15</sup> That this house directly faced the Tolbooth is indicative of the relationship Marischal was forming with the burgh.

At the same time the earl was buying up other assets in the town. In 1583 the Town Council had acquired the properties of the former Black and White Friars for the support of the hospital and grammar school, paying the former feuar, William Leslie, £666 13s. 4d. However, this plan came to nought and in March 1586 the council returned the properties to William, who in April 1587 then transferred all his rights over the properties to Marischal for £8,000.<sup>16</sup> This represents a considerable investment on the part of the earl. Why Marischal acquired these properties is not known. As these would eventually make up the core of the foundation of Marischal College, it raises the question of how long the new college idea had been in gestation and whether Marischal had acquired these with the purpose of founding a college, or simply as a property investment.

John Henderson, writing in 1907, suggested that Marischal purchased the two friaries in order to exhume the bones of his ancestors from the Blackfriars Church, so that he could rebury them in his new burial aisle in Dunnottar Parish Kirk.<sup>17</sup> Certainly, in 1519 a deceased John Keith was to be buried among his ancestors in the Blackfriars, and Principal Howie's rental of the college in 1598 mentions: 'payed of old to the Blak freres for the q[ui]lk the house of Marschal had ther b[u]rial plaice in the Blak freres'.<sup>18</sup> Although this is a very attractive hypothesis it has to be regarded as speculation. In any

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<sup>14</sup> ATCR, XXVII, 679.

<sup>15</sup> ATCR, XXXI, 736-738.

<sup>16</sup> Anderson, ed., *Charters and other Writs Illustrating the History of the Royal Burgh of Aberdeen* (Aberdeen: Spalding Club, 1890), 71-77; *FMC*, i, 31-32.

<sup>17</sup> Henderson, *Aberdeenshire Epitaphs and Inscriptions*, 222.

<sup>18</sup> Anderson, *Aberdeen Friars: Red Black White Grey* (Aberdeen: Aberdeen University Press, 1909), 73; *FMC*, i, 99.

event, there is little indication in 1587 that a college was being planned. A document registered under the Privy Seal relating to King's on 11 March 1587 still referred to it as 'the New College of Abirdene', suggesting that there was no hint of this situation changing.<sup>19</sup> Marischal's build-up of power was probably part of his power struggle with the Earl of Huntly, who in July 1587 had acquired the properties of the Greyfriars (holding them until 1589). In the same year Huntly had also managed to secure the dependency of the new provost Gilbert Menzies, through his intervention in his appointment to that office.<sup>20</sup>

Before George's return to Scotland, Robert Keith the Commendator of Deer had sat on a parliamentary commission to King's College in 1578, alongside David Cunningham, Bishop of Aberdeen, George Hay, minister of Ruthven, and several others, to inspect the doctrine of the staff there.<sup>21</sup> Cunningham would later be instrumental in the foundation of the college. Following his kinsman's lead, Marischal was appointed by the crown on 30 November 1582 to visit King's, alongside Deer and Hay. Peter Blackburn, formally a colleague of Andrew Melville at the University of Glasgow, and now minister of New Aberdeen, was also in attendance.<sup>22</sup> This commission was to complement the General Assembly's own visitation, which had been appointed in October 1582 and, save for Marischal and Deer, included the same personnel, with the addition of Archibald Douglas, the Laird of Glenbervie.<sup>23</sup>

The commissions, acting together, took place in March 1583.<sup>24</sup> In the General Assembly of the following April, Marischal, Deer and the ministers submitted their recommendations for the 'new erectione', which Andrew Melville, James Lawson and

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<sup>19</sup> NRS, PS1/55.

<sup>20</sup> Anderson, *Aberdeen Friars*, 108; A. White, 'The Menzies Era: Sixteenth-century Politics' in *Aberdeen Before 1800*, 235.

<sup>21</sup> *RPS*, 1578/7/5.

<sup>22</sup> *RSS*, viii, 389.

<sup>23</sup> *BUK*, ii, 594.

<sup>24</sup> *RSS*, viii, 389.

Nicolas Dalgiesh were to consider and revise before remitting to Marischal, who would then take them to the king for ratification.<sup>25</sup> Here we see Marischal acting as the interface between the Kirk and the court, representing the Kirk's commissioners as well as the king's, a role he would later repeat during the foundation of Marischal College.

The proposals from the commission were that King's should adopt a *nova fundatio*, along Melvillian lines. However Marischal's presentation of these recommendations to the king failed. James reacted with hostility to the attempt to reform Kings, perhaps because it was linked to the General Assembly which had supported the Ruthven Raid.<sup>26</sup> On 5 August 1584 the king did ratify the commission, but not its findings, pretending its objective had been a simple financial audit.<sup>27</sup> The failure of this commission has often been taken as a primary motive for Marischal's own foundation. This also allows for the possibility that his property acquisitions of 1587 may have been made with a new college in view. However, these can also be seen as entirely circumstantial to the foundation.

Marischal would later return to King's, having been appointed on 25 April 1593 to another visitation commission by the General Assembly.<sup>28</sup> By this time Marischal had founded the new college in New Aberdeen. Why then did Marischal found his own college? It is very unlikely to be for as simple a reason as the failure of King's to reform itself, though there is certainly evidence that King's was in need of reform. Catholicism may have even struggled on there, as is perhaps evident on the recumbent grave slab in King's College chapel of Sub-principal Peter Udny who died in 1601. This tombstone proudly declares that he endeavoured to teach the 'wounds of Christ', suggestive of the Catholic

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<sup>25</sup> *BUK*, ii, 624.

<sup>26</sup> Stevenson, *Kings College*, 32-34.

<sup>27</sup> *Ibid.*, 32-34; *RSS*, viii, 389.

<sup>28</sup> *BUK*, iii, 811.

*Arma Christi*, the cult of the passion and the Mass of the five wounds.<sup>29</sup> Yet it does not follow that a new college was the only solution.

David Stevenson rightly observed that there is no implication that King's was thought to be beyond saving; otherwise Marischal would not have been on the 1593 commission, and the Principal of King's would not have been given the right to examine the nominees for the principalship of Marischal College (although this was not exercised).<sup>30</sup> Elements of the *nova fundatio* at King's were certainly put in effect. Although Bishop Forbes formally rejected the *nova fundatio* in 1617, in 1619 there were complaints that aspects of it were still being adhered to. This shows that some reforms had been implemented, presumably in the 1580s, regardless of Marischal's failure to have James ratify the changes in 1584.<sup>31</sup> To interpret the foundation of Marischal College simply as the result of King's failure to reform is to over simplify the history of both institutions.

Vance asserts that as the Melvillian foundation charter for Marischal College was so close to the abortive *nova fundatio* of King's, it can be taken as evidence that the earl wished to see the failed reform of the latter institution redressed through the creation of the former. Vance highlights a passage from the charter to support this, a statement that education in the north east was considered deficient. However, this was a stock element in such charters and is similar to one in Elphinstone's charter for King's College, where the north east is portrayed as ignorant and barbarous, an assertion which Ditchburn points out is 'hardly credible'.<sup>32</sup> Its inclusion was simply part of the rhetoric of justification. In addition, that Marischal College's foundation charter was based on King's *nova fundatio*, which was in turn based on the *nova erectio* of Glasgow, may simply be a consequence of Peter Blackburn and David Cunningham being involved in all three institutions: it was how

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<sup>29</sup> Anderson, *Officers and Graduates*, 40; Bryce and Roberts, 'Post Reformation Catholic Houses', 363-372.

<sup>30</sup> Stevenson, *Kings College*, 36.

<sup>31</sup> M. Lilley, 'The Visitations to Aberdeen's Colleges in 1619: Scotland's Universities and the Nature of Concern about Truth and Heresy', *History of Universities* 16.1 (2000), 22.

<sup>32</sup> Vance, *Mortifications*, 21-23, 34-35; Ditchburn, 'Educating the Elite', 328.

they thought best to structure a college.<sup>33</sup> By 1593 Marischal had had nothing to do with King's for almost a decade, as far as is known, and it is doubtful that the alleged failure of his commission a decade before was still a fresh wound which he needed to assuage.

How far King's in Old Aberdeen might manage to reform itself was not a major concern for Marischal or for the Town Council of New Aberdeen, the other major partner in the Marischal College project in 1593. New Aberdeen was a proud, independently minded, thriving port and communications hub, separate from the old ecclesiastical town. As Steven Reid has argued, Marischal often receives too much credit in the foundation; the Town Council of New Aberdeen was just as significant in partnership with him. This council would have had little interest in the minutiae of the 1580s visitation at Kings and even less in any residual Catholicism there (a fair proportion of the council being Catholics themselves), but rather a consciousness that it did not fall under their jurisdiction; the matter was about control. Unlike Glasgow, where the mercantile Town Council could gradually increase its influence over time, to hold the older institution to some form of account, New Aberdeen held no jurisdiction over King's.<sup>34</sup> In this respect, and contrary to Henderson, even if King's had reformed to the letter, Marischal College would still have happened regardless, through the same forces which saw the creation of Edinburgh, as Reid has argued, being a 'toun college'.<sup>35</sup>

Marischal College was the result of a long gestation period, but with a relatively quick turnaround once set in motion in 1592. At the Reformation the *First Book of Discipline* had stipulated that Aberdeen should have a second college to accompany King's, both within the one University of Aberdeen. The notion of plurality of education in the area had thus been around for some time.<sup>36</sup> However the reformed Kirk did not have the

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<sup>33</sup> Henderson, *The Founding of Marischal College*, 56-60.

<sup>34</sup> S. Reid, *Humanism and Calvinism: Andrew Melville and the Universities of Scotland 1560-1625* (Farnham: Ashgate, 2011), 226-231.

<sup>35</sup> Henderson, *Founding of Marischal College*, 24; Reid, 'Aberdeen's 'Toun College', 173.

<sup>36</sup> *1<sup>st</sup> BOD*, 144.

resources to realise its blueprint, it is likely that the idea of a second Aberdeen college remained entirely academic for some time. It may have resurfaced with the ministers Blackburn and Cunningham, and perhaps even Marischal, during the 1580s visitation to King's. However, the significance of that commission was not the failure of King's to reform or otherwise, but the establishment of a relationship between these three men. There was no pressing need for a second college.

The most important element for the foundation of the college was the council and earl being spurred into action by the 1592 foundation of the college of Fraserburgh. As seen with Marischal's harbour developments, Aberdeen had an almost paranoid animosity towards Fraserburgh's perceived usurpation of its trading rights, especially since it had been made a burgh of barony. New Aberdeen simply could not allow this interloper to have any advantage over them, and a college of its own was something which New Aberdeen lacked. A shocked reaction to Fraserburgh explains why New Aberdeen did not attempt something along Glasgow's more measured example of gradual and incremental build-up of influence in the old university; Glasgow Town Council did not have any comparable rival, and had the luxury of time.

Through Marischal's commissions to King's for the General Assembly and his building up of a landed empire within the burgh of New Aberdeen, he had become the council and ministers' convenient point of contact with the court, and the obvious choice to help them get their own college founded as soon as possible. Marischal was presumably also spurred on by the Fraserburgh development. Just as he was anxious that Huntly should not increase his power in the localities over which the Keiths had influence, he could not accept another noble increasing his influence, in whatever sphere, in or near his locality. If Fraser of Philorth was to have a college, then Marischal needed one too, not through petty personal rivalry, but through the imperative of maintaining his place in the hierarchy as a matter of precedence. Of course it is essential to allow for Marischal's plurality of motive

alongside lordship – religious, civic, and educative motives also played a role, but in this case lordship was the important trigger for action.

It is important here to reflect on Marischal's relationship with New Aberdeen, and consider why Marischal College was founded there. Marischal might have established it in one of his own towns, Peterhead or Stonehaven, and directly emulate Philorth with Fraserburgh. Partially this was due to simple practicality. Marischal was donating a large number of Aberdeen properties to the project, to have the college sited there made logistical sense, with the added benefit that the Grey Friars was pre-existing and could be easily converted. The pooling of resources and expertise was also important. Marischal contributed the most to the financing of the project, namely the properties of the Black and White Friars, which were far more valuable than the Grey Friars. Out of Principal Howie's rental of 1598, about half the victual and £110 13s. out of a total of £147 30s. 10d. can be identified as deriving from former properties of the Black and White Friars, while the rest cannot all be positively identified with the Grey Friars. Gilbert Gray's rental of 1606, of the Black and White Friars' properties alone, valued Marischal's donation at 241 bolls and 2 furlots of victual and £72 18s. 14d. in cash – a substantial amount for the support of the college.<sup>37</sup> Marischal's donation would become even more valuable in 1617 when a cache of 57 previously unknown writs detailing properties belonging to the Blackfriars was discovered, having been smuggled away in 1559.<sup>38</sup> The Grey Friary was useful in augmenting this, being the most centrally located and the best maintained of the three friaries at the time of the foundation.<sup>39</sup> In addition, the Town Council would provide important administrative assistance and support for the new college, in a way in which Peterhead and Stonehaven certainly could not. Such support was ultimately something Fraserburgh could not provide for its college, and was an important factor in its eventual fate.

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<sup>37</sup> Matching the properties listed in Anderson, *Aberdeen Friars*, with those in *FMC*, i, 92-108.

<sup>38</sup> Anderson, *Aberdeen Friars*, 115.

<sup>39</sup> *FMC*, i, 62.

That Marischal College and King's College would later become rivals was in part caused by the vagueness of the foundation charter of the former, which suggests it was rushed in nature, even if it had antecedents in Glasgow and King's. The shortfalls in the erection charter itself, which Henderson asserts was disorderly and disproportionate, were recognised by Principal Howie very quickly after the foundation, as will be discussed below. This is perhaps evidence for a rushed and half-baked idea, or as Henderson puts it a 'not very fully thought out but not very deeply hostile [to King's] effort to expand and improve the local facilities for higher instruction'.<sup>40</sup> Shona Vance makes the point that Marischal did not exploit the foundation in a manner which would have better served his interests. He might have dictated that poor bursars would serve his household or landed possessions, a feature of German noble patronage of higher education, but he did not.<sup>41</sup> This might again show a lack of attention on the part of Marischal, but alternatively indicates the importance of the alliance of earl and council, as a joint venture, supported by the ministers, in the college's creation. The Town Council, having successfully countered the influence of the Earl of Huntly in its affairs, was also perhaps keen to ensure that Marischal did not become too powerful an influence within the burgh.<sup>42</sup> Likewise, it may also have courted Marischal as a counter-balance to the possible interventions of the local ministry. The creation of Edinburgh's college a decade before had been confused by court and Kirk politics, and tensions between the council and ministry.<sup>43</sup> The relationship of partners involved in the creation of Marischal College is exemplified by the early seal of the university, which was presumably devised not long after the or just before it (figure 15). This was simply the arms of the Earl Marischal quartered with the castle tower of

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<sup>40</sup> Henderson, *The Founding of Marischal College*, 25, 29, 63; *FMC*, i, 77.

<sup>41</sup> Vance, 'Mortifications', 18-20.

<sup>42</sup> Brown, 'Burghs, Lords and Feuds in Jacobean Scotland', 106.

<sup>43</sup> M. Lynch, 'The Origins of Edinburgh's Toun College, A Revision Article', *IR* 33 (1982), 3-14.

Aberdeen, the product of the marriage, as it were, between the two parties, with Marischal as the heraldic superior.<sup>44</sup>

### **The Foundation**

A month into his Lieutenancy of the North, Marischal signed the foundation charter of the new college.<sup>45</sup> Two and a half weeks later, on 21 April 1593, at the time when Marischal was asking the king to be excused from the lieutenancy, the earl was in Aberdeen for the formal handing over of the lands of the Black and White Friars to the college. At 11am in the company of the council, they walked round the various properties to symbolically hand over clods of earth.<sup>46</sup> The General Assembly inspected the foundation charter and approved it on the 26<sup>th</sup>, which was the same day it appointed Marischal to make a visitation of King's College.<sup>47</sup> Relations between Marischal and the General Assembly had deteriorated at this time. It was probably because of the heavy criticism Marischal was receiving from the Kirk in regard to his leniency towards Catholics in his lieutenancy, and the long term criticism for the family's seizure of the Abbey of Deer, that the earl had the Scots translation of a Greco-Roman motto, 'Thay haif said, Quhat say thay, Lat thame say,' carved on his new building and around his new town of Peterhead. This defiantly asserted that while 'they' criticised him, he was still doing good work for the Kirk and realm nonetheless.<sup>48</sup>

The foundation charter starts with a preamble in the name of the Earl Marischal, stating that he founds the college for the good of the church and commonweal, moved by the example of others who had sought that path before him, while reflecting on the deficiency of educational provision in the north of Scotland and the ignorance in which the people lived, to their own hurt as well as the country's. The second section deals with the

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<sup>44</sup> This can be seen on a number of the old book bindings of the University Library.

<sup>45</sup> *FMC*, i, 60-80.

<sup>46</sup> *Ibid.*, 82-84.

<sup>47</sup> *Ibid.*, 84; *BUK*, iii, 799.

<sup>48</sup> J. Algeo, 'They Haif Said. Quhat Say They? Lat Thame Say' *American Speech* 50 (1975), 164-165.

staff – a principal and three regents, all residential, and each to specialise in a year’s teaching, rather than progressing with students through their education. The appointment of staff was to be a set process whereby when a vacancy arose Marischal would present a candidate to the position, who would then be examined and approved by a majority of a committee consisting of the Chancellor of the College (the Earl Marischal), the rector, the Dean of Faculty, the principal of King’s (who refused to accept the role), the minister of New Aberdeen and the ministers of Fetteresso and Deer. In the choice of principal, the regents would act as one body. In the choice of regents, the principal would have a vote. It is worth noting that the parishes of Fetteresso and Deer were both under the patronage of the Earl Marischal, ensuring that the earl would have a strong position in any vote. Provision was made for six poor bursars and the usual administrative provisions followed for cook, steward, discipline and so forth.<sup>49</sup>

In June 1593 a dispute arose within the body of the Town Council with regard to the properties of the Grey Friars. These had been secured by the Town Council as early as 1567 when they had been intended to be used to support a hospital for the burgh. This did not come to pass and the site was leased out, until it was earmarked for the new college in 1592.<sup>50</sup> Some members of the council wanted to retain the Grey Friars and give it directly to the new college, whereas the earl wanted to be given the properties so that he could then give them to the college. A majority of the council supported the earl.<sup>51</sup> Exactly what was going on here has perplexed historians, as what difference did this serve when the outcome would be the same? The explanation is straightforward, but fundamental to our understanding of the earl’s role.

By giving the Grey Friars to the college Marischal would ensure that he had complete superiority over the patronage of the college as founder: it would be his college.

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<sup>49</sup> *FMC*, i, 39-77.

<sup>50</sup> Anderson, *Charters of Aberdeen*, 68-70.

<sup>51</sup> *ATCR*, XXXIV, 829, 964; *FMC*, i, 85-87.

This ran deeper than being a matter of credit, as Reid has suggested.<sup>52</sup> Marischal would not share superiority with the Town Council; he was a nobleman and would not lower himself to an equal footing with common burgesses. It was also essential for Marischal to have complete control of the institution so that he might best preserve and safeguard its interests against outside interference. This was his responsibility as a good lord. For the burgesses who supported Marischal's position, although the Town Council was really the donor of the Grey Friars and its assets, and was an equal partner in the enterprise, passing these to the earl would have been seen as an essential sacrifice to secure the foundation of the college. By making him the sole founder it was in effect rewarding both Marischal's generous donation of the properties of the Black and White Friars and his essential role in securing the recognition of the foundation from the king, parliament and the General Assembly. Although the college was initially a joint venture between Marischal and town, through this act he had appropriated it to himself. However, although Marischal was now set up as sole founder, this was more about satisfying his honour as proprietor than control. As will be seen this had little effect during the early years of the institution. As Reid suggests, the Town Council was the real power in the new college. Marischal was happy to delegate authority, since he had established that it was his to delegate.

The project then moved with some pace. On 18 June 1593 the Town Council of New Aberdeen began to remove the tenants from the Grey Friars, possibly to allow conversion of the buildings to begin.<sup>53</sup> At the Parliament of July that year Sir William Keith of Delny secured the ratification of the college for the earl, and financial aid for the separate but linked Peterhead project.<sup>54</sup> The council commissioned Thomas Cargill, the

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<sup>52</sup> Reid, 'Aberdeen's 'Toun College', 182-183.

<sup>53</sup> ATCR, XXXIV, 831; *FMC*, i, 85.

<sup>54</sup> *RPS*, 1593/4/12, 14, 18, 19, 65, 67, 68; *FMC*, i, 84-85.

master of the grammar school, ‘to caus to print certane verse in Latin, in commendatione of my Lord Merscheall for ereking the new college in Aberdeen’.<sup>55</sup>

Now, however, the project stalled. Unfortunately the documents relating to the following episode are patchy and are largely derived from the accounts of the Town Council.<sup>56</sup> It seems that the council grew frustrated that Marischal had not handed back the foundation documents. Bishop Cunningham raised a legal action against the earl to have them delivered, but Marischal had the action suspended. On 17 December 1593 the council paid Alexander King to go to Edinburgh to nullify the suspension. On 21 December the council sent Cunningham, Blackburn and the clerk Thomas Mollinsoun to Edinburgh ‘anent the mater of the exhibitoun [delivery of documents] of the execution of the new college’, indicating that King had failed.<sup>57</sup> Rather oddly, sometime before 3 January, the council paid Robert Gareauch to seek out Bishop Cunningham at Marischal’s request ‘anent the summonding of the bischop for the erection of the new college’, which suggests that there was some confusion between the bishop and Marischal over who had the documents.<sup>58</sup> Around the beginning of February the council paid a boy to go to Dunnottar ‘in the mater of the college’.<sup>59</sup> The dispute concerned the registering of the foundation charter in the books of the Court of Session. Although the college had been legally recognised, registering the charter would mean that there was an independent copy which would serve as a definitive reference, should any dispute arise concerning its contents.

The last legal action we hear in this matter is on 12 February 1594, when the Town Council paid William Oliphant, its procurator, to ‘persew the actioun of registratioun of the erectioun of the new college aganis the Erll Merschall’.<sup>60</sup> The record then falls silent for ten months, but either Oliphant, or someone else delivering a later unrecorded and forceful

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<sup>55</sup> *Spalding Misc.*, v, 117.

<sup>56</sup> *Ibid.*, 56-57.

<sup>57</sup> *Ibid.*, 56-57.

<sup>58</sup> *Ibid.*, 56-57.

<sup>59</sup> *Ibid.*, 56-57.

<sup>60</sup> *Ibid.*, 56-57.

prompt, did the trick. Finally, on 20 September 1594, Mollinsone was ordered to deliver to the new principal, Robert Howie, the erection and foundation sealed and signed by Marischal, which Mollinsoun had retrieved from the clerks of session in Edinburgh. This completed the process of the foundation.<sup>61</sup> The whole affair seems quite bizarre. Marischal was either dragging his feet or was preoccupied with the affairs of court and delayed handing this over to the college, having been in Edinburgh throughout most of the winter.<sup>62</sup> Steven Reid suggests that Marischal became less interested in the project as his feud with the Earl of Huntly lessened.<sup>63</sup> This might have been the case, although Huntly was already a diminishing threat when Marischal took up the lieutenancy some months before. Lack of enthusiasm can still explain his inaction, as it is likely that Marischal was simply preoccupied by what he saw as more important matters, such as his lieutenancy, his position at court and the increasingly turbulent political scene. This event indicates how the college and the Town Council were relatively low on the earl's priorities. However it was not just the earl who was slow to organise simple administration; it took the council eleven years to get round to registering the charter in its own registers.<sup>64</sup>

### **Subsequent Relationship**

Marischal's role in the college for the next few years is difficult to detect. Shona Vance has highlighted the severe financial difficulties the college initially faced, showing that although Marischal had laid the foundation of a basic arts college, he had failed to provide the funding required to support it. The properties that Marischal had handed over were a composite patchwork, for which the collection of rents was demanding and time-consuming.<sup>65</sup> Presumably this had not been a problem for Marischal with his own armed retinue of rent enforcers, but one he had not considered for the college. An undated

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<sup>61</sup> ATCR, XXXV, 405.

<sup>62</sup> *RPCS*, v, 103, 129-130; *RPS*, 1593/10/2; *RMS*, 1593-1608, 39, 55, nos.104, 158.

<sup>63</sup> Reid, 'Aberdeen's 'Toun College' 183.

<sup>64</sup> ATCR, XLI, 1024-1032.

<sup>65</sup> Vance, *Mortifications*, 35-37.

document, probably written by Principal Howie and made before 1598, details a number of shortfalls in the foundation, of which one was solely the fault of Marischal. The author complains that:

thair is mony thingis givin to the Colledge for ane pairt of thair rentall qlk nether wee gett nor ar able to gett sic as the chapleines of Bervie and Cowy and the hail blak freiris rent.<sup>66</sup>

The rent of the Black Friars was secured by 1598, but in 1606 Gilbert Gray complained ‘for the friers lands of Bervie and Cowie mortified to us be my Lord, we gett nothing therof For neither have wee rentall therof nor evidents to persew’.<sup>67</sup> Marischal never delivered the writs of these properties. When his son William succeeded as earl in 1623 he confirmed his father’s foundation but specifically exempted the donation of Bervie and Cowie.<sup>68</sup> Was this the earl’s revenge for the Town Council having been so quarrelsome in 1593? It may simply have been the earl’s absent mindedness, a factor which may lie behind the issue of registering the foundation. He had more important business to attend to, and having made a handsome donation he could leave the college and Town Council to get on with it. His donations were substantial. No data is available for Bervie, but the third of the chaplainry of Cowie was worth eight bolls of barley a year in 1601, meaning the remainder promised to the college was 16 bolls.<sup>69</sup> In 1598 the college was able to obtain a total of 30 bolls of barley and 14 bolls of malt; a further 16 would have been very useful. However by 1606 Gilbert Gray had reorganised the college’s finances and managed to realise the potential of the Black and White Friars, and so was receiving a total of 241 bolls of victual a year, purely from Marischal’s donations. By this time the beir from the chaplainry of Cowie would have been much less crucial.<sup>70</sup> Marischal had given a generous

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<sup>66</sup> *FMC*, i, 77.

<sup>67</sup> *FMC*, i, 101.

<sup>68</sup> *Ibid.*, 194.

<sup>69</sup> NRS, PS1/72, f.57r.

<sup>70</sup> *FMC*, i, 92-108.

donation to the institution and the problem of the college's subsequent lack of funds was not his to solve. However Shona Vance asserts that this might have actually helped the college, as other generous benefactors stepped forward and sought to address the perceived shortfall.<sup>71</sup>

The frustrations Marischal caused the town, the ministers and the college during the foundation process did not irreparably harm their relationship in the long term. On 13 April 1599 the Town Council paid for a gallon of wine and six boxes of food to celebrate the welcoming of the new Countess Marischal to Aberdeen.<sup>72</sup> In 1611 the relationship was good enough for Marischal to invite the council of Aberdeen, as one body, to be the godparents of his new born child.<sup>73</sup> However, the earl continued to be somewhat unreliable. On 30 August 1609 the Town Council promised to give the college £100 to repair a house in the Greyfriars to serve as a common library which would house 'ye librarie of buikis promesit to be gevin' by Marischal. However, only five years later was the money given (as well as additional money after completion, for a party), but now to house books donated by Duncan Liddel.<sup>74</sup> The most likely explanation is that Marischal forgot to send his books and his promise was quietly forgotten by the college, exactly why is unclear though.

The college managed to get by via the same mechanisms through which it was founded. Just as Blackburn and Cunningham's association with Marischal allowed for his involvement, their connections were also fundamental in getting the foundation through its first difficult years. They attracted the first principals whose contacts in turn attracted the benefactions which would overcome the shortfalls in the foundation. The first principal, Robert Howie, had a long acquaintance with Blackburn, and before taking up his post had served as a minister in Aberdeen for two years after a distinguished university career on

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<sup>71</sup> Vance, *Mortifications* 74.

<sup>72</sup> *Spalding Misc.*, v, 71.

<sup>73</sup> Lord Forbes would do likewise in 1616. *Spalding Misc.*, v, 86, 96.

<sup>74</sup> ATCR, XLIV, 50; XLVI, 649; *Spalding Misc.*, v, 139.

the continent. Howie was the first scholar to edit George Buchanan's *De Sphaera*, and had taught at noble-patronised institutions similar to Marischal College, such as the Count of Nassau's High School of Herborn.<sup>75</sup> Gilbert Gray replaced Howie in 1598 when he gave up the principalship to become minister of Dundee. Gray had studied at Heidelberg and had strong family connections with the Town Council of Aberdeen.<sup>76</sup> Steven Reid has highlighted how important Gray was in using his burgh connections to improve the financial situation of the college.<sup>77</sup> It was under Gray especially that benefactions flowed into the college, from Patrick Jack, John Johnston, Duncan Liddel, James Cargill and Patrick Copland. Liddel had formally taught Gilbert Gray; Cargill and Copland had both studied in the college under Howie and their gifts suggest they now sought to give back to their *alma mater*.<sup>78</sup>

In 1613 Duncan Liddel died. At Liddel's request the college held a funeral service in the continental fashion, with an oration composed by principal Gilbert Gray and dedicated to the Earl Marischal and his heir William, 'Maecenatibus et patronis suis munificentissimis' (Macenas and our most munificent patrons). Gray closed the oration by directly addressing the earl, praising him for founding the college and furnishing it to such an extent that other great men, namely Liddel, had followed his example. The college now flourished under the earl's protection and patronage.<sup>79</sup> This suggests a good relationship between college and founder, despite any previous difficulties and shortfalls.

The case of Duncan Liddel suggests that even if Marischal had forgotten to donate a library's worth of books, the college was going from strength to strength. Although Marischal had endeavoured to make sure that he was the sole founder of the college, he did

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<sup>75</sup> Henderson, *The Founding of Marischal College*, 61; J. Cameron, 'Some Aberdeen Students on the Continent in the late sixteenth and seventeenth centuries' in P. Dukes, ed., *The Universities of Aberdeen and Europe: The First Three Centuries* (Aberdeen: AUP, 1995), 59-61.

<sup>76</sup> *FMC*, ii, 27.

<sup>77</sup> Reid, 'Aberdeen's 'Toun College', 185.

<sup>78</sup> *FMC*, i, 109-178; S. Vance, 'A man for all Regions – Patrick Copland and Education in the Stuart World' in A. Macinnes and A. Williamson, eds, *Shaping the Stuart World 1603-1714* (Leiden: Brill, 2006), 57.

<sup>79</sup> Gray, *Oratio Funebris in Memoriam cl. viri Duncani Liddellii*.

not seek to exploit this position, and the Town Council remained the power within the college. However Steven Reid goes too far in suggesting that Marischal's wishes and opinions were taken as secondary to the council's. He suggests that although the council would consult with the earl, if they did not agree then they would have the last word.<sup>80</sup> It is quite right that in his bequests to found a Chair of Divinity, Patrick Copland was keen to provide checks to the earl's power within the college. In the first mortification in 1616 he stipulated that the annual rents were solely to be administered by the council. In the 1622 mortification he formalised a statement he had made in 1615, that if the Earls Marischal were to appoint anyone to the divinity chair without the consent of the council, then his endowment should be taken away from the college.<sup>81</sup> Evidently Copland feared that the earl as founder and patron might abuse his position and disregard the interests of the Town Council and college. But Copland's legacies indicate that Marischal's wishes should have no effect *only* if they were without the consent of the Town Council, which still recognised Marischal's rights of patronage and presentation as outlined in the foundation charter. Contrary to Reid's assertion that Marischal's wishes were secondary to the council's, they were in fact equal.<sup>82</sup>

The Town Council did not override Marischal at any point; rather we find evidence for negotiation and cooperation between the two. Marischal helped this process by not heavy-handedly interfering with the internal affairs of the college. Marischal was open to advice, and like any good lord he heeded counsel from his subordinates. Marischal took a largely hands-off approach to the college, leaving the Town Council and the staff the freedom to proceed as they thought best, while other patrons, such as Liddel and Copland, stepped forward to fill financial shortfalls. It would be wrong to be too critical of the earl for this. As seen in his appointment of ministers, Marischal had different priorities. The

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<sup>80</sup> Reid, 'Aberdeen's 'Toun College', 192-193; *FMC*, i, 161-169.

<sup>81</sup> In 1615 he indicated that it was to go to the ministers of the town, in 1622 to the hospital. *FMC*, i, 161, 163, 169.

<sup>82</sup> *FMC*, i, 161, 163, 169; Reid, 'Aberdeen's 'Toun College'', 192-193.

college ultimately flourished in large part because the earl was so remote. Marischal's absence encouraged other individuals to become invested in the college and to see it as their 'toun college' rather than as exclusively Marischal's.

### **External Interference**

The appointment of the principal after the death of Gilbert Gray in 1615 again demonstrates Marischal's place within the college hierarchy. Despite Patrick Copland suggesting to the Town Council, during the process of his bequests to the college, that Charles Ferme or Patrick Forbes of Corse would be suitable for the vacant position, the council gave commission to two men to ask the earl's opinion. Marischal accordingly favoured either Patrick Sands or Alexander Home, who had been suggested to him by the commissioners. Of the two the council preferred Sands, and they asked to see on what terms he would accept the post. By February he was prepared to take the position.<sup>83</sup> Interestingly, the Town Council had no power over appointments in the foundation charter, but here we see them central to the administration and selection of who the earl would present to the vacant office. Patrick Sands was a good candidate for the position. Along with the other candidate, Alexander Home, and the former principal Robert Howie, Sands was closely associated with Adam King and the Edinburgh circle who were at the forefront of European advances in astronomy and mathematics. Hence he was very well placed to capitalise on the bequests left by Liddel to turn Marischal College into a cutting-edge astronomical and mathematical institute.<sup>84</sup> This, however, was not to be.

On 5 May 1616 King James intervened, writing a letter to Marischal recommending Andrew Aitie for the position, having been lobbied by Aitie's friends at court. Marischal was in no position to refuse. The letter is interesting in that the king does

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<sup>83</sup> *FMC*, i, 167, 168, 169; *ATCR*, XLVII, 166. 200, 247-248.

<sup>84</sup> Sands became the Principal of Edinburgh in 1620. D. McOmish, 'A Community of Scholarship: Scientific Discourse in Early Modern Scotland' in D. McOmish and S. Reid, eds, *Neo-Latin Literature and the Republic of Letters in Early Modern Scotland* (Brill, Forthcoming).

not dictate Aidie's appointment, but presents him for the consideration of the earl, recognising his place as patron of the college, and allowing him to maintain his honour in what amounted to royal intervention in college affairs.<sup>85</sup> Aidie had studied in Aberdeen and had property in the burgh, which is perhaps why he was eager for the principalship.<sup>86</sup> Aidie was a brilliant scholar, with exceptional experience of teaching on the continent. However he was a specialist in theology and philosophy, rather than astronomy and mathematics, foiling the ambitions for the college represented by Sands and Home.<sup>87</sup> More importantly he was not Marischal or the Town Council's preferred choice, as he had bypassed the proper channels of patronage.

Despite this, Marischal still considered the institution to be wholly his, as is neatly highlighted in 1619. Patrick Forbes, the newly appointed Bishop of Aberdeen, organised a royal commission to look into the teaching and administration of the two Aberdeen colleges. When the commissioners arrived at the gates of Marischal College on the morning of 16 September 1619 they knocked without answer for some time. Eventually the porter thrust his head from a window to say that he was locked in and the keys had been taken away by the rector Dr Strachan, Gilbert Keith (Marischal's illegitimate son) and William Ogston, the professor of moral philosophy.<sup>88</sup> The commissioners read their royal warrant and summoned Principal Aidie. Aidie said he was happy for the commission to go ahead as long as they would protect him from any recriminations from Marischal, who had written to Aidie and the college staff to say that the commissioners should not be given access to his college. The commissioners then found Strachan in Aberdeen and demanded

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<sup>85</sup> AUSC, MS 3430; Cameron, 'Aberdeen Students', 68-69.

<sup>86</sup> *FMC*, i, 95.

<sup>87</sup> Cameron, 'Aberdeen Students', 68-69.

<sup>88</sup> Strachan does not appear in the list of College Deans and Rectors. *FMC*, ii.

he open the college gates, to which he refused, saying that he had been commanded by the earl otherwise and would not open the college without his consent.<sup>89</sup>

Much of Marischal's relationship to the college is highlighted in the following letter sent to him that day by the former principal Howie, who was part of the commission. It is worth quoting in full:

My Lord,

The Bishop of Aberdein alleadgis that hee had your L[ordship's] advyse, consent and approbation of your L[ordship's] colledge heir, Hee protestis that without your L[ordship's] advyse, hee wold never attempted to visited your L[ordship's] colledge. Least thingis may be misconstrued, (as if your L[ordship] wer negligent and cairles of your oun work) your L[ordship] may signifie unto him, and the rest of the Commissionaris our willingnes to sie all thingis well ordered in your L[ordship's] College and that be the Bishop of Aberdeinis concurrencence, and the magistreitis of that toun (whose good advyse glaidlee you will heare) your L[ordship] will sie (if for the praesent your L[ordship] be not willing to give way to this visitation) all thingis putt in good order in your L[ordship's] oun work. I have bein bold as your L[ordship's] oun, and first servant, in that work, to motion this, to your L[ordship]; qlk your L be your oun letter wilbe able fullie to perform your L[ordship's] oratour

Robert Houye D[octo]r]

Aberdein 16 Sept 1619.<sup>90</sup>

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<sup>89</sup> C. Innes, *Fasti Aberdonenses Selections from the Records of the University and King's College of Aberdeen 1495-1854* (Aberdeen: Spalding Club, 1854), 278-279.

<sup>90</sup> AUCS, MS 3064, f.13.

The college is referred to explicitly as Marischal's five times, indicating that the conception was that it was ultimately his institution. Bishop Forbes recognised this and thought that he had Marischal's consent for the visitation. However the confusion apparent in Howie's response may also be indicative of Marischal's inattentiveness to the college – the bishop had already asked Marischal's permission, which he thought had been granted.

Mark Lilley suggests that the root of the confusion in this visitation lay with the vagueness of Marischal College's foundation in regards to its relationship with King's College and thus Bishop Forbes perhaps thought that he had the right to bypass Marischal.<sup>91</sup> This letter demonstrates otherwise - Forbes knew the state of affairs and the confusion simply arose, it seems, from Marischal's carelessness. However, as will be seen, this episode may also have been used as a trap by Marischal, to regain his honour and correct the royal interference of 1616 with the appointment of Ailie in what he saw as his lordship. On 21 September the commissioners wrote to Marischal to persuade him to give way. These letters were to be delivered by Ailie, who came back later in the day to say that the Countess Marischal had turned him away from the earl's house on the Castlegate and had returned the letters, saying that the earl was not present.<sup>92</sup>

What has gone unnoticed by historians is how Patrick Forbes' royal commission never actually visited Marischal College.<sup>93</sup> Eventually the individuals who comprised the commission were allowed entry into the college, but not under the royal warrant. Marischal, Forbes later stated in a letter to King James, 'taking it somewhat hardly that any besyds him selfe, or by any other power, shuld medle with that bussines' (which was probably also his response to Ailie's appointment in 1616), therefore formed his own visitation. Marischal 'indicted a Visitatioun, choosed his own associats, [and] at the point of sitting down

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<sup>91</sup> Lilley, 'Visitations to Aberdeen's Colleges in 1619' 26; J. Maitment, ed., *Analecta Scotica: Collections Illustrative of the Civil, Ecclesiastical and Literary History of Scotland*, Second Series (Edinburgh, 1837), 337-338.

<sup>92</sup> Innes, *Fasti Aberdonenses*, 279-280.

<sup>93</sup> An error made by Stevenson, for example. Stevenson, *Kings College Aberdeen*, 69, 76.

intreated my presence and assistance' says Forbes. Patrick Forbes was, in his own words, 'but a spectator'. Although no report survives, Marischal took the opportunity to remove Ailie from the principalship for 'so odious miscarriage in matters of his calling', a circumstance which Ailie was extremely bitter about in subsequent years.<sup>94</sup> Marischal had turned the royal commission against itself, as in instrument of settling a score emanating from the crown. Just as Marischal is often given too great a role in the foundation, his role in the events of 1619 has been neglected. The king's letter recommending Ailie was presented in terms had allowed the earl to at least outwardly maintain his honour, but Forbes' visitation was a more direct affront to his position and honour in the way that it was conducted. It was not the running of the college which mattered to him; it was the failure to recognise his position as superior of it and that applied equally in 1616 and 1619. Although an excellent academic, Ailie had not been either Marischal's or the Town Council's choice of candidate and it is unsurprising that he was ousted when the opportunity arose, echoing Marischal's removal of Thomas Bisset as minister of Peterhead.<sup>95</sup>

Marischal's preferred choice for the next principal was Andrew Ramsay, a minister of Edinburgh, who 'altogidder refuissit'.<sup>96</sup> There were several connections between Marischal and Ramsay. He was the son of a laird of the Mearns who had studied at Marischal College before teaching at Saumur, returning to Scotland in 1606. It is possible that at Saumur he had encountered Lord Keith, who studied there in 1601. Ramsay had been minister of Fordoun and constant moderator of the Presbytery of the Mearns, with which Marischal was familiar through his patronage of two parishes there, before becoming a minister in Edinburgh. Ramsay perhaps did not see the principalship of the college as good for him, as in Edinburgh he was well placed to advance an Episcopal

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<sup>94</sup> D. Laing, ed., *Original Letters Relating to the Ecclesiastical Affairs of Scotland*, (Edinburgh: Bannatyne Club, 1851), ii, 633-635; Cameron, 'Aberdeen Students', 69-70.

<sup>95</sup> See chapter eight.

<sup>96</sup> *FMC*, i, 186-187.

career.<sup>97</sup> Marischal's inventory of writs records that discussions followed the receipt of this letter, 'a letter of ye toun of Aberdeen anent ye provissioune of ye Colledge thair of a new princpall seing Mr Androw Ramsay s[t]aiyis away 1620'.<sup>98</sup> William Forbes, one of the regents of the college, held the principalship for a few years before Patrick Dun was appointed in 1621 by Marischal with the advice of the Town Council. Dun had been associated with Blackburn and had studied medicine under Duncan Liddel during his time on the continent, and secured an appointment as regent in Marischal College in 1608.<sup>99</sup> He was also Marischal's personal physician, which may have helped his advancement.<sup>100</sup> This was Marischal's last appointment at the college, and in all the cases looked at we see Marischal acting jointly with the Town Council to select candidates.

### **The Earl's Memorial**

The final piece of evidence of an ultimately healthy relationship between the college and its founder comes when the old earl died in 1623. Separately from the earl's main funeral, the college held a service in memory of its founder, consisting of a long funeral oration by William Ogston, followed by poems by the college staff, but also by the tutors of the grammar school, and the minister of Kingedward, William Guild. Although we might expect other dynamics to be at play in this service, such as the college fostering its own identity, seeking to legitimise its existence, and encouraging the patronage of the new Earl Marischal, the oration and poetry bespeaks a sense of genuine feeling and fondness for the founder.<sup>101</sup>

With this service in mind, we can return to the motivations of the foundation, especially having explored the subsequent history of the college and its relation with its founder. Shona Vance suggests that Marischal may have been motivated to found the

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<sup>97</sup> V. Wells, 'Ramsay, Andrew (1574–1659)', *ODNB*.

<sup>98</sup> NLS, MS 21183, f.59v.

<sup>99</sup> *FMC*, i, 186–187; Cameron, 'Aberdeen Students' 70; *ATCR*, L, 48.

<sup>100</sup> Ogston, *Oratio Funebris*, 18.

<sup>101</sup> *Ibid.*

college by the notion that he should legitimise his lordship not only through inheritance of rights, but also inheritance of virtue. This may fit with the Ciceronian notions explored in the previous chapter.<sup>102</sup> However, on top of this idea of high virtue there was probably a degree of human frailty. David Ditchburn highlights the importance of vanity and the ‘quest for prestige’ on Marischal’s part as well as that of the Town Council.<sup>103</sup> However, Marischal’s motivations might have been more nuanced than this. The new college would bring both Marischal and council grandeur and enhance their status for years to come. Vance asserts the possibility that the later mortifications to the college, like Copland’s, may have been considered as a means of securing community memory after death.<sup>104</sup> This could apply just as much to Marischal’s foundation in the first place. A key piece of evidence comes from the fact that the funeral oration for Duncan Liddel was specifically requested in his will as a reward for having made his bequests; an explicit concern for commemoration.<sup>105</sup> The college served both Marischal and Liddel in the same way; as a memorial. The college may be seen as a collegiate church for a Protestant age.

Before the Reformation, noblemen and wealthy benefactors would found abbeys, friaries and collegiate chapels for the benefit of their immortal souls after death. After the Reformation this class of benefactors had to find new routes to immortality, and to satisfy ingrained academic or noble habits. This problem was compounded in Marischal’s case as his ancestors’ traditional burial place in the Black Friars Church of Aberdeen had ceased to exist, causing him to build a burial aisle in Dunnottar Parish Kirk.<sup>106</sup> This was acceptable as a repository for the remains of his ancestors, but he lacked a public space for familial commemoration, which the Black Friars provided. It can be suggested therefore that Marischal sought to have complete patronage of the college, and Liddel left bequests to the

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<sup>102</sup> Vance, *Mortifications*, 112.

<sup>103</sup> Ditchburn, ‘Educating the Elite’, 330-331.

<sup>104</sup> Vance, *Mortifications*, 98.

<sup>105</sup> *FMC*, i, 131-137.

<sup>106</sup> *Ibid.*, 99.

college for the benefit of their immortal fame. In the foundation charter of the college Marischal stressed the links with his ancestry:

this our resolution has no other motive than our desire to follow the example and in the footsteps of others whose highest aim was to benefit the Church, the Country and the Commonweal as much as possible, and of many of our ancestors who zealously pursued the same course.

In return for the various donated properties, all Marischal asked in return was ‘pious prayers’, which has an undertone of medieval piety about it.<sup>107</sup> Marischal’s pre-Reformation predecessors had partially conceived of their universities as memorials and collegiate chapels, Bishop Elphinstone being buried directly in front of the high altar in King’s College Chapel, and Bishop Kennedy being buried in St Salvator’s in St Andrews. It is likely that this notion continued in Calvinist Scotland, especially given the Kirk’s inability to fulfil its desire to remove all pomp, superstition and vanity from funerals and memorialisation.<sup>108</sup>

The name of the college can be seen as an indicator of the process by which the college started as a town project and subsequently became a memorial for Marischal. Contrary to James Gordon’s assertion in 1661 that ‘this colledge, which at first the Earle Marshall, after his awne name, called the Marshall Colledge,’ the foundation charter variably called the institution a *gymnasium*, *academia*, *collegium* and *universitas*, but no name other than these.<sup>109</sup> Thereafter it is usually referred to as either the ‘New College’ of Aberdeen or the ‘College of the burgh of New Aberdeen’. It is first referred to as Marischal College in the funeral oration to the fourth Earl Marischal in 1623: ‘Academia

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<sup>107</sup> *FMC*, i, 61-62.

<sup>108</sup> A. Spicer, ‘“Defyle not Christ’s Kirk with your Carrion”: Burial and the development of burial aisles in post-Reformation Scotland’ in B. Gordon, B. and Marshall, eds, *The Place of Death* (Cambridge: CUP, 2000), 149-169.

<sup>109</sup> J. Gordon, *Abredoniae Utriusque Descriptio: A description of both towns of Aberdeen* (Edinburgh: Spalding Club, 1842), 12; *FMC*, i, 39.

Marischallana', or 'Marischallanum'.<sup>110</sup> There is no trace of this name again until 5 July 1641 when the will of Sir Thomas Crombie describes it as 'the colledge of new Aberdeen callit Marshalls colledge'.<sup>111</sup> From 1641 the name appears regularly as 'Marshalls College' or 'the College Marshall' until settling upon Marischal College at the end of the seventeenth century.<sup>112</sup> The surviving documentation may be unrepresentative of what the college was popularly called, but institutionally it is interesting that it is first referred to as Marischal College in the 1623 oration, and that Gilbert Gray's oration to Duncan Liddel nine years before (which also addressed Marischal) referred to it simply as the College of New Aberdeen. This would suggest a shift in how the college viewed itself in relation to the man increasingly seen as its sole founder.<sup>113</sup> By the time James Gordon was writing in 1661 Marischal's symbolic takeover of the college was complete and the joint venture was forgotten.

### Conclusion

Marischal was just one of the three parties which founded the college, besides the town and the ministers, and his role in the creation of the college was principally as a donor of a large quantity of property and as a lobbyist to king and court. The Town Council also provided property, but more importantly was instrumental in the running and support of the college after its creation. The three ministers Blackburn, Howie and Bishop Cunningham were essential for the administration of the foundation. It was during the process of foundation that Marischal appropriated the project to himself, asserting himself as sole patron and founder. After the college's creation Marischal was largely a detached presence, seldom becoming involved with the administration, apart from the appointment of the principal. He continued to be the college's lobbyist (even if this role was rarely

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<sup>110</sup> Ogston, *Oratio Funebris*.

<sup>111</sup> *FMC*, i, 250.

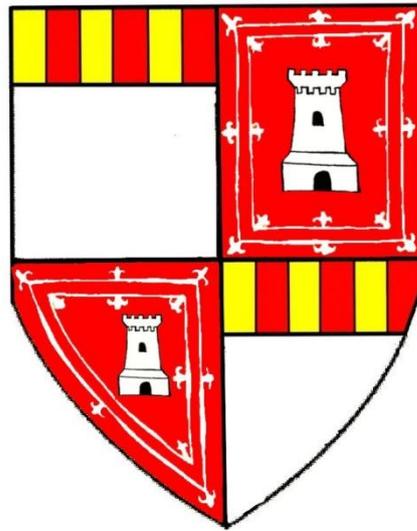
<sup>112</sup> *Ibid.*, 341.

<sup>113</sup> Gray, *Oratio Funebris*.

called upon) and its protector, and as such was deeply concerned with Bishop Forbes' attempted intervention in 1619.

Marischal had an overriding obsession with retaining complete possession of the college but little interest in actually running it, and he was happy to delegate all the day to day administration. This control was not for its own sake, but served a specific purpose, indicated by the funeral oration's portrayal of him as patron and protector. It was essential for Marischal to have ultimate control of the institution so that he might best preserve and safeguard its interests against outside interference. This was his responsibility as a good lord. As a good lord he also knew to leave the institution to its own devices and let it manage its own internal affairs, without meddling. This can be seen in Marischal's appointment of new principals, where he readily accepted and took the advice of the Town Council and college. That Marischal did not do more for the college was because he felt that it was not his position to do so, his lordship was that of benevolent detachment. The foundation and operation of Marischal College in relation to its founder is a clear and successful example of interaction and interface between academic and noble societies. Overall Marischal's relationship with the college should be seen chiefly as another expression of his conceptualisation of good lordship.

Figure 15: The early arms of Marischal College



## CONCLUSION

In the funeral oration devoted to the earl by William Ogston there is a detailed, if idealised description of the earl's death. We are told that Marischal, though often ill, felt himself to be dying, and took himself to his chamber and bed in Dunnottar Castle, where his ancestors had all also died. He summoned 'physicians of the body and soul' including principal of Marischal College and doctor of medicine, Patrick Dun. Either sitting up or lying down, he recited various articles of faith. He died at five in the morning of 9 April 1623.<sup>1</sup> On Wednesday 25 June 1623 his body was processed from Dunnottar Castle to the parish church, in a similar fashion to that recorded in the template 'Huntly Funeral Roll', and his body was taken into the family vault to join his ancestors.<sup>2</sup> A separate service was held in Marischal College on 30 June, where Ogston gave his funeral oration.<sup>3</sup> King James later recalled the deceased Marischal and 'the memorie of that man, who had to our honour and contentment served us at home and abroade in greatest charges'.<sup>4</sup>

This thesis has closely examined the career of George Keith, fourth Earl Marischal through the reign of James VI, from political, religious and regional perspectives. Its findings and their implications do not overturn our overall understanding of the Scottish nobility, as broadly delineated in the works of Jenny Wormald and Keith Brown, but add greater definition and detail to the picture. Marischal stands as a counter-example of long-term, stable, moderate, Protestant lordship against the more roguish figures explored in depth to date, in the form of the notorious and rebellious Earls of Huntly, Bothwell and two Earls of Orkney.

Marischal's highly active political career from 1580 to 1595, explored in chapters two to four, saw the earl navigate various difficult political landscapes, in three phases.

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<sup>1</sup> Ogston, *Oratio Funebris*, 17-18; Kerr-Peterson, 'A Classic Send-Off'.

<sup>2</sup> Court of the Lord Lyon, 'Funerals', vol.36, 36; F. Grant, *Index to Genealogies, Birth briefs and Funeral Escutcheons Recorded in the Lyon Office* (Edinburgh, SRS, 1908), 37; C. Burnett, *The Officers of Arms and Heraldic Art Under King James the Sixth and First 1567-1625* (University of Edinburgh PhD Thesis, 1992), i, 38.

<sup>3</sup> Ogston, *Oratio Funebris*.

<sup>4</sup> *RPCS*, xiii, 491.

Emerging from the storm surrounding the Lennox, Ruthven and Arran regimes, the first phase saw Marischal pitted against the Earl of Huntly. Although Marischal could not hope to match his rival in sheer force or political influence, the Keiths managed to resist the Gordons, as Marischal had just enough command in the localities and just enough influence at court to defend his interests. Despite Marischal's oblique approach to dealing with this threat, by building up his influence in the north east and in Aberdeen (also demonstrated in chapters nine and ten) as well as making efforts to foster the Kirk against his Catholic rival, the limits of his power became clear. These limits became sharply evident in the second phase, when Marischal came into conflict with Chancellor John Maitland of Thirlestane, and was completely outmanoeuvred and briefly imprisoned. In the courtly arena Marischal had no chance against the embattled chancellor, as he lacked influence, position or any meaningful power there. Fortunately for the earl, he was quickly restored. The third phase was a return to the rivalry with Huntly. This time Huntly employed various means to destabilise his rival, exploiting the discontent in Marischal's brother and wife, which wrong-footed the earl at crucial moments. However, these threats were successfully contained and Marischal managed to maintain the cohesion of the kingroup. In the end all Marischal had to do was to hold out and wait: Huntly went too far in his feud with Moray and in fostering the forces of the Counter Reformation. He was eventually outmanoeuvred and forced into exile through an alliance of interests. Eventually the equilibrium of power in the north east was restored.

What do these episodes show us about the impact of James VI's personal reign on loyal royal supporters? If there is any form of detectable general crisis for the Scottish nobility in this period, then it is most clearly found during the Arran government of 1584: at no other time was Marischal or any other noble opposed to the ruling faction in such danger for their lives or possessions. The early part of James' reign, which was dominated by Lennox and Arran, set up a number of fundamental power imbalances which took years

to properly resolve. This resulted in a number of political crises and was the root of Marischal's feud with Huntly. Yet Marischal endured these political storms while Bothwell was outlawed, Huntly was rebuked and Maitland fell from favour. In terms of the external exercise of his lordship, Marischal was cautious, being slow to enter into factional disputes or controversy, yet he was consistently intransigent if his interests or honour were directly threatened. Hence he was uncompromising when it came to accepting Huntly's Lieutenancy of the North or Erroll's usurpation of the keys of Parliament. On a smaller scale this was also seen in the defences of the mosses on the borders of his estates or his superiority over Marischal College. Otherwise Marischal's position in government and his relations with the king, explored in chapter five, indicate that the earl was unambitious in national affairs and high politics. He sought no special place beside the king or in government, did as he was commanded and usually conformed to policy.

The Jacobean transformation in government is not in doubt, but its impact, in Marischal's case, is questionable. The idea of the promotion of 'new men' in government, for example, was seen by Maurice Lee as the brainchild of James and Maitland to undermine the power of the over mighty nobility.<sup>5</sup> However, in Marischal's case, his courtier kinsman Sir William Keith of Delny, a 'new man' favoured by James, was an extension to his noble power rather than a threat to it. This was a deliberate strategy of delegating power rather than surrendering it. What Lee did not consider is that the old nobility themselves may have been a driving force behind some governmental changes, seeking in certain cases to entrust power to reliable subordinates. The impact upon the old nobility of the changes in the nature of legal and governmental structure was likewise slight: Marischal rarely interacted with central government, save when forced to through necessity, or at the express wish of King James, which limited the effect any reforms might have had on him. Marischal's reluctance to do more may have also prompted some of the

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<sup>5</sup> M. Lee, *Great Britain's Solomon: James VI and I in His Three Kingdoms* (London: Illinois UP, 1990), 70.

governmental reforms and the need for the new men, as the traditional nobility retreated from the tedious administration of the kingdom.

What impact did the Union of the Crowns have on Marischal? He was certainly indifferent to court politics after 1603, but this had been the case since 1595. Throughout his life Marischal's politics arose from reaction: to Arran, to Huntly, to Maitland, to closer union. He was not proactive in pressing his interests in the political sphere, as some of his peers were; he seemed only interested in defending them there when necessary. His reactive nature is perhaps why he is so conspicuous in the contemporary record, but absent from the histories – he vigorously responded to events, but seldom led or drove them. He thus passively defied James during the proposed Union negotiations of 1604 and does not seem to have embraced notions of Britishness. For the new political world in London he adapted to changing circumstances, using the Erskines as intermediaries or sending expeditions of kinsmen south. Yet this can be seen as continuity in his activities rather than change: as with the use of Sir William Keith of Delny during James' personal rule in Scotland, Marischal was happy to delegate. The earldom was a corporate body consisting of many people with Marischal at the head: after all, he had lairds, captains and bailies managing the many estates across the large earldom; he had lawyers in Edinburgh helping him pursue his disputes; and he had factors managing economic concerns. The court was simply another locality in which he could trust others, especially his son, to represent the earldom. The Union of the Crowns thus had only a limited impact in his lifetime.

Marischal's undertakings in the localities were explored in detail in the second half of the thesis. An exploration of Marischal's disputes in chapter six indicated that he readily resorted to the law and only occasionally to violence, fitting with the general trend of decline in the system of bloodfeud. However, an apparent increase in the number of disputes and feuds with his near neighbours in the 1610s and 1620s seems to indicate a possible heightening of tensions among landed society, perhaps mirroring the growing

importance of land. This was underlined in chapter nine, which explored Marischal's economic diversification and the creation of towns and harbours. George inherited and then bequeathed a rich earldom, one with an increasingly maritime perspective. This economic sphere is where we find Marischal at his most proactive. This was partly to rationalise the large earldom he had inherited and partly to cushion himself from difficult economic times. This was done in the context of the growing and wider trend of noble estate improvement, as also expressed by the Campbells of Glenorchy. If there was a general economic crisis at the time, Marischal shielded himself from it through successful adaptation.

Chapters two to four also explored Marischal's relationship to the national Kirk and chapter eight grappled with Marischal's dealings with the Kirk within his lordship. The earl was sometimes keen to foster the national Kirk, but eventually found it to be incompatible with his aims, and thus turned his back on it. What Marischal in particular reveals about the Protestant nobility, especially when compared to Catholic nobility such as Huntly, is that their interaction with either the Kirk or the Counter Reformation was on a limited and essentially self-serving basis. Both Marischal and Huntly were largely inactive in helping the cause of either religion's struggle against the other's theology. Being considered a godly Protestant did not mean active support for the reformed Kirk.

Conversely, within the earldom, Marischal proactively presented well-qualified ministers, although he was motivated to support client families more through lordly patronage than godly reformation, promoting clerical dynasties, client families and kinsmen. As with the defence of the earldom from external threats, the earl could be just as intransigent if he felt his position and honour were being usurped: hence his long and protracted battle with the Presbytery of Deer over the presentation of a minister to Peterhead. In terms of the long-term impact of the Reformation on the Protestant nobility, beyond the inward conviction of faith and the outward practice of the new religion, there

was not a huge change, especially in terms of their interaction with the parishes. As such, the earl stuck to his secular world and let the church men keep to their spiritual jurisdiction.

Was Marischal part of a 'conservative North East'? The ministers he presented appear to be no different to ministers in the rest of the country. They were active in their parochial responsibilities, contributing to wider synods and the General Assembly, but they did not constitute a coherent group articulating a particular viewpoint. Marischal's patronage was no different in principle from the Earl of Bothwell's in the south or Erskine of Dun's in Angus. Nor was Marischal part of a political 'conservative North East' or any coherent bloc of north eastern nobles. Marischal had enemies in the north, such as Huntly before 1595 and Erroll after 1598, but also allies and friends, such as Lord Forbes or the third Earl of Moray. In fact, from the sheer number of disputes that Marischal had with his various neighbours and which they all had with each other (seen throughout chapters one to four, and chapter six), it is senseless to consider this herd of cats as any form of coherent political or religious grouping. Instead, in sympathies, policies, religion and connections, Marischal's closest ally was the southern-focused Earl of Mar. In terms of Marischal's conduct in the religious and political spheres the notion of a conservative North East is not supported in this case.

Finally, chapter ten detailed George's foundation of Marischal College in Aberdeen. This was an expression of civic virtue to improve the commonweal of Scotland, a means to foster a good relationship with Aberdeen and the Kirk, and a rushed reaction to the efforts of Fraser of Philorth to found a university in Fraserburgh. It was also about mortality, the need for the earl to secure a public memorial. This chapter also revealed that Marischal College, like the baronies and the court, was another part of the earldom, and Marischal its lord. This example confirmed some of the themes in the previous chapters, namely that Marischal was an overall good, if sometimes distant, master. He rigorously defended the college and his position as superior against any slight from external interference, but left

the college and Town Council of Aberdeen to their own devices otherwise. Marischal College is what Earl George is most remembered for, but it was relatively low in his own order of priorities.

All these themes are interrelated. The tailing off of Marischal's political activities after 1595 indicate his cautious approach to the storms of James' reign and the threats posed by Arran, Huntly and Maitland. Yet this reactive defence, especially against Huntly, led to a proactive advance in his local religious, political and economic activities along the north east coast. Marischal College, Peterhead and Stonehaven were all positive consequences of this struggle. Marischal's example shows that long term stable lordship was concerned, first and foremost, with fostering the development of the earldom and managing its internal matters as a priority, then dealing with external threats as they arose. Putting political ambition first was a thing for aspiring courtiers who had little to lose; among the established nobility it usually led to ruin, as in the cases of the executed Regent Morton, the murdered Earl of Moray, the disgraced Earl of Bothwell and the temporarily exiled Earls of Huntly and Erroll.

Jenny Wormald suggests that in many ways the nobility of sixteenth and seventeenth century Scotland was much the same as in the fifteenth century, as it was primarily concerned with acquiring wealth and land.<sup>6</sup> There seems to be long term continuity in the exercise of Marischal's lordship with those of his predecessors. Through the writing of his family history and perhaps the family mentality surrounding the hereditary office of marischal, Earl George was deeply aware of the foundations of his family's prosperity.<sup>7</sup> Given that his family's success was partially founded upon loyalty to the crown, Marischal faithfully served James VI. He was not shy of standing opposed to royal agents in the form of Arran or Maitland, or occasionally royal policy, especially the jurisdiction of the Earl of Huntly as lieutenant. However, disobedience rarely ventured into

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<sup>6</sup> Wormald, 'Taming the Magnates?', 270-280.

<sup>7</sup> Kerr-Peterson, 'A Classic Send-Off'.

full factional opposition, and this was a pillar of Marischal's political policy, as it had been for his predecessors.<sup>8</sup>

Barry Robertson's study of Huntly's later career found that by 1625 the Gordons were struggling to retain the level of influence they had previously enjoyed. Minor factors had contributed, such as Marischal's growing influence in Aberdeen, to the diminution of their power, but most importantly, growing governmental centralisation meant that Huntly's client network became greatly diminished.<sup>9</sup> Marischal, who had a much smaller kin network, and who drew his power principally from landholding, was, with the help of estate improvement, insulated from these changes. Marischal's power was landed and increasingly economic, based on the exploitation of land and resources, rather than people and force. Marischal was most proactive in the localities, in consolidating the earldom, securing advantageous marriages for his kin, setting up his heir and securing new lands and spheres of influence. This, besides loyalty to the crown, was the foundation of his power and prosperity, and had been the Keiths' formula for success for generations. Despite the family problems of his final years, Marischal appears to have enjoyed old age and a retirement of sorts, gradually relinquishing duties, powers and responsibilities to his heirs. This is more than can be said for most of the Stewart monarchs.

In exasperation, the minister James Melville criticised the nobility of Scotland in 1584, declaring that they preferred to live as:

privat men, thinking it aneuch to keiepe that quhilk thair fathers hes left tham, and tak thair pastyme or pleasure; or to conqueis mair to thair childring, or to be redoubted of thair nibours.<sup>10</sup>

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<sup>8</sup> *Scots Peerage*, vi, 25-55.

<sup>9</sup> Robertson, *Lordship and Power*, 26, 32, 61.

<sup>10</sup> *JMAD*, 191.

These observations seem to apply to Marischal. However, Melville's additional criticisms, that they were inactive in the affairs of justice, government, and the church, do not apply.<sup>11</sup> At times Marischal served the General Assembly, he presented capable ministers, took seriously his legal responsibilities, occasionally advised the king and sat on the Privy Council; he founded towns, harbours and a university. Marischal was active in all these spheres, fulfilling the aspirations for classical civic virtue and approaching the ideals of the godly magistrate.<sup>12</sup> The trouble for Melville and the ministers was that men like Marischal were not active enough and still sought to balance their eternal salvation with their other set of core principles and ideals, those of a traditional Scottish nobleman. Nobility was, and always had been, as much about negotiation and compromise, necessary for the effective exercise of power, as it was about the absolute exercise of that power. This is a theme running through each facet of Marischal's life.

The findings of this thesis reinforce and expand the central arguments of Jenny Wormald and Keith Brown: in the period under consideration, continuities in noble power were greater than the changes. While certain families were ruined, noble society adapted and survived. That is not to say that Scotland did not change greatly over this period. The governmental and administrative reforms outlined by Maurice Lee and Julian Goodare certainly did happen; the Reformation fundamentally changed the religious life of Scotland and the Scottish economy was changing with the expansion and development of trade. Yet Marischal's example shows us that the governmental reforms had only a limited impact on his lordship. In religion, Marischal's relationship to the new Kirk came to closely resemble that which his predecessors had with the old Catholic Church. Economically, Marischal proactively managed and extended the assets of the earldom. Although Scotland changed a great deal in this period - religiously, governmentally and economically - the case of George Keith, fourth Earl Marischal, reveals that the basic principles of long term and

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<sup>11</sup> Ibid.

<sup>12</sup> Williamson, 'A Patriot Nobility?', 1-6.

stable lordship remained, for the most part, essentially and successfully the same as their medieval predecessors.

## APPENDIX

## Principle Kin Branches of the Keiths

Only those branches which can be linked to the main line of the earls and their connections are included here, this is in no way an exhaustive survey of all the Keiths in Scotland.

‘Mr’ is included to denote contemporary usage of possessing a degree. Siblings after the male heir are not necessarily placed in birth order. Note that some children of the Keiths before the 2<sup>nd</sup> Earl Marischal are omitted.

m. = Married, d.= died, b.=born, c.=circa. legit = legitimated

## Numbering the Earls Marischal

There is some confusion about exactly how many Earls Marischals there have been. The 1699 genealogist of the Keiths, then Alexander Nisbett’s 1722 *System of Heraldry* counted three William Earls Marischal before George - noting William the first earl in 1455, then William, the second earl, known as ‘Harken and Take Heed’, then his grandson, William, the third earl, called ‘William of the Tower’.<sup>1</sup>

The *Scots Peerage* refined the list, adding an additional earl, establishing that William the first Earl Marischal succeeded in 1431 and died 1463; William the second Earl Marischal, his son, died 1483; then William the third Earl Marischal (‘Harken and Take Heed’), his son, died 1527; then William the fourth Earl (‘William of the Tower’) his grandson died in 1581.<sup>2</sup> In the old series the second and third Earls Marischal had been combined, hence the confusion.

Thomas Innes, however, revised this list in 1927, establishing that the actual first Earl Marischal was the son of the man previously thought to be the first. The man who was the real first earl had succeeded earlier than previously thought in 1446, being made earl in 1458, so the second earl was William ‘Harken and Take Heed’.<sup>3</sup> Thus George is the fourth Earl Marischal.

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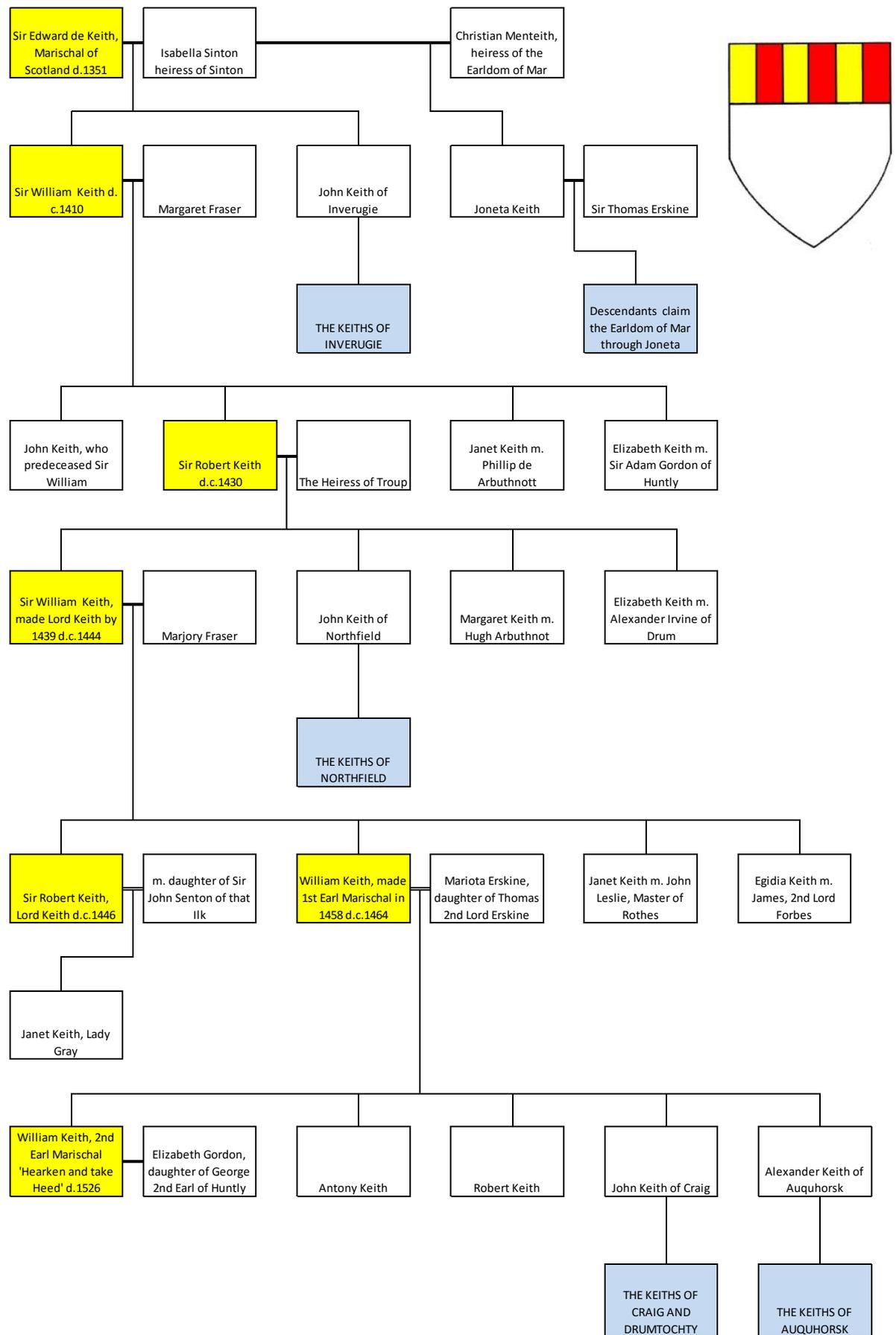
<sup>1</sup> NLS, MS 21187, ff.16-30; Nisbett, *System of Heraldry*, Appendix, 6-8.

<sup>2</sup> *Scots Peerage*, vi, 39-43.

<sup>3</sup> It should be noted that the *ODNB* uses the new numbering for the early earls, but has the old numbering for the later earls. T. Innes ‘The First Earl Marischal’ *SHR* 24 (1927), 280-297.

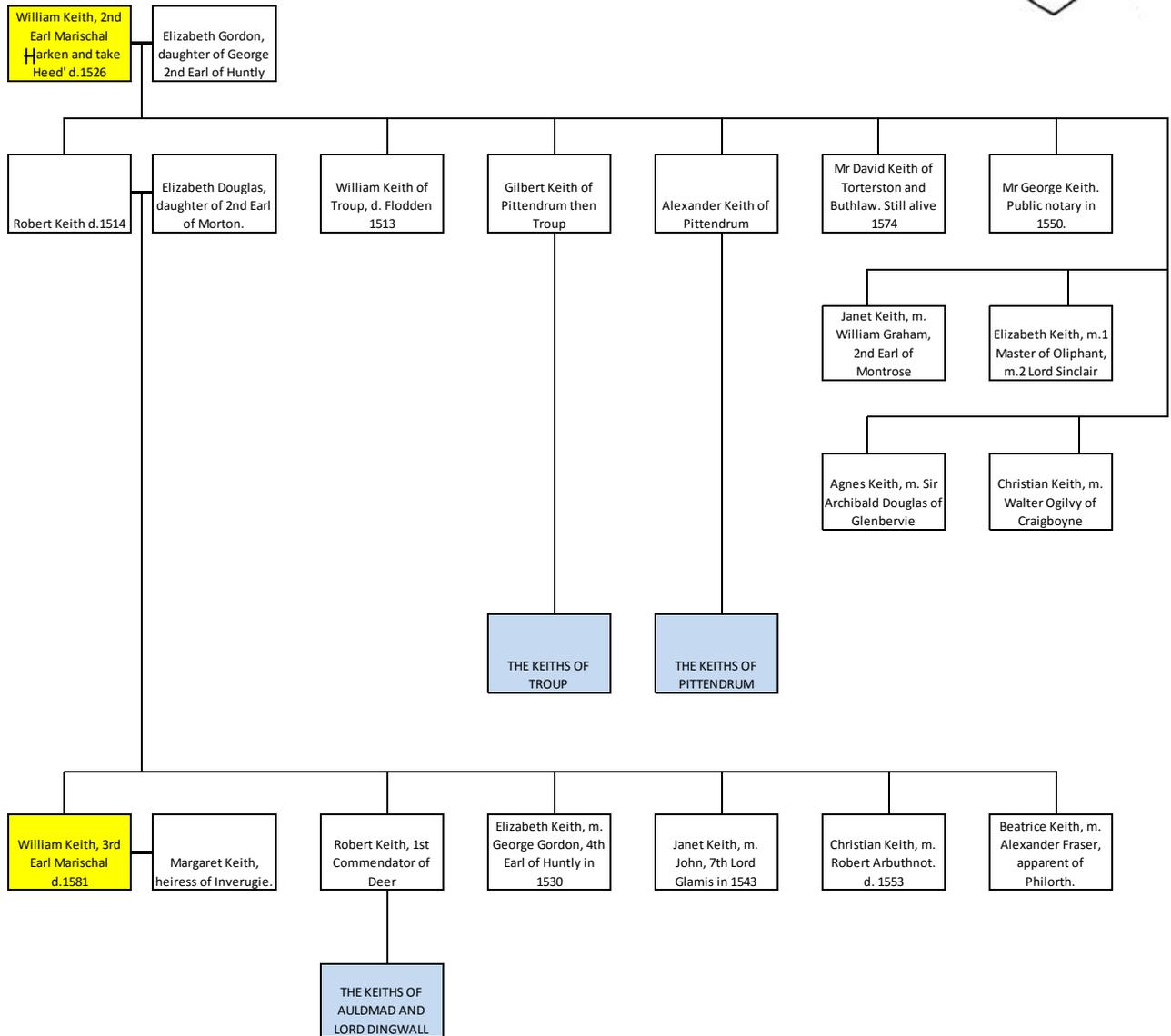
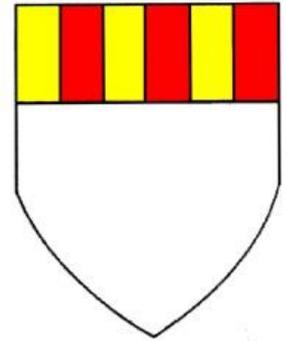
Table	
1	Main Line from Sir Edward de Keith to the second Earl Marischal
2	Main Line from the second to the third Earl Marischal
3	Main Line from the third to the fourth Earl Marischal
4	Children of the fourth Earl Marischal
5	Keiths of Inverugie
6	Keiths of Ludquharn, part 1
7	Offspring of Archibald Keith, Minister of Crimond
8	Keiths of Ludquharn, part 2
9	Keiths of Ravenscraig
10	Keiths of Northfield
11	Keiths of Craig and Drumtochty, part 1, with the Keiths of Canterland and Duffus
12	Keiths of Craig and Drumtochty, part 2
13	Keiths of Auquhorsk (Afforsk) and Kynnaldie
14	Keiths of Troup
15	Keiths of Pittendrum
16	Descendants of Robert Keith, first Commendator of Deer

**Table 1: The Main Line from Sir Edward de Keith to the second Earl Marischal.**<sup>4</sup>



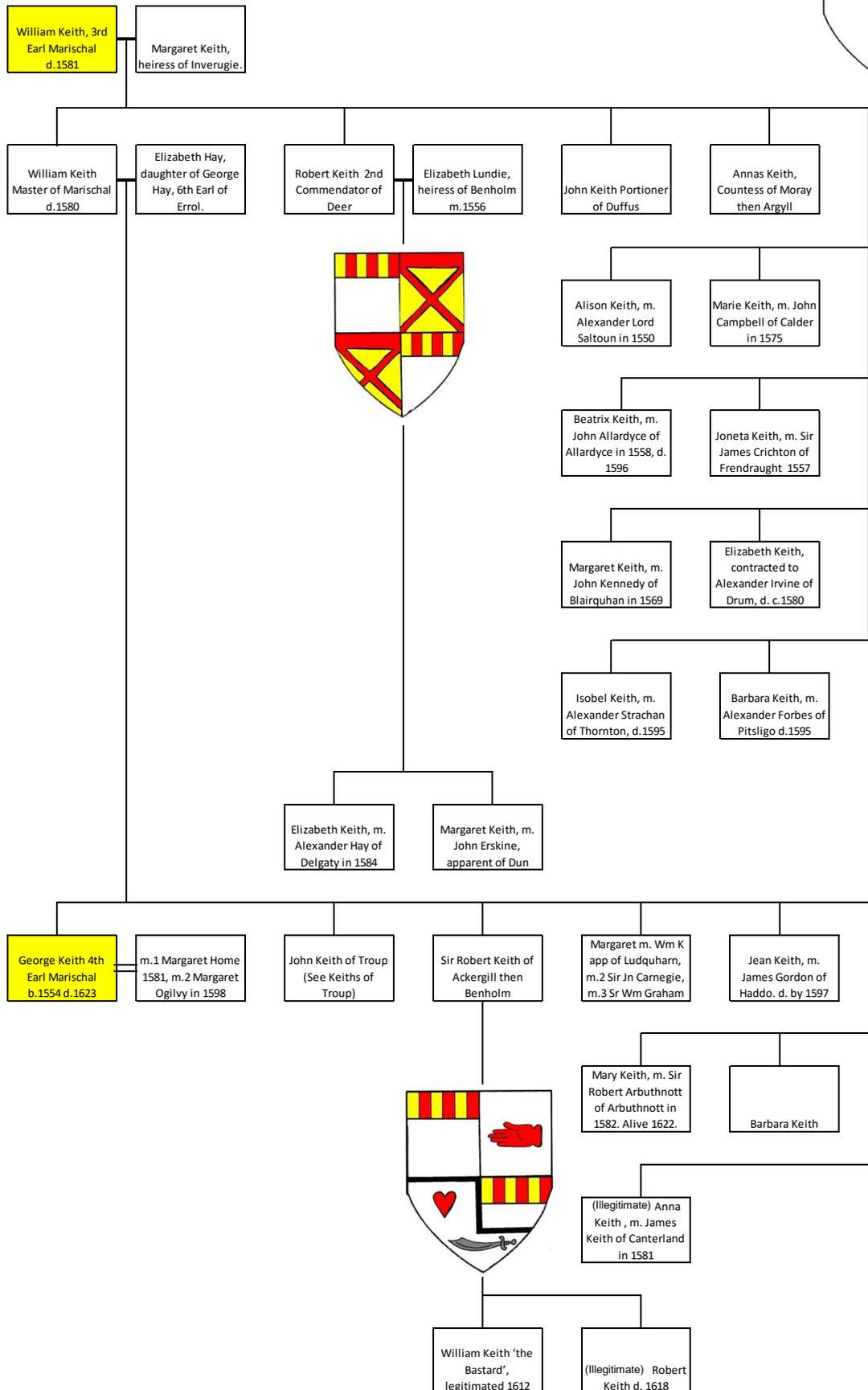
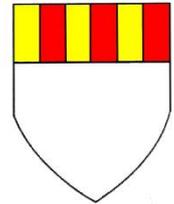
<sup>4</sup> *Scots Peerage*, vi, 33-41; Innes, 'The First Earl Marischal', 281; Macfarlane, *Genealogical Collections*, ii, 213, 471-2.

**Table 2:** The Main Line from the second to the third Earl Marischal.<sup>5</sup>



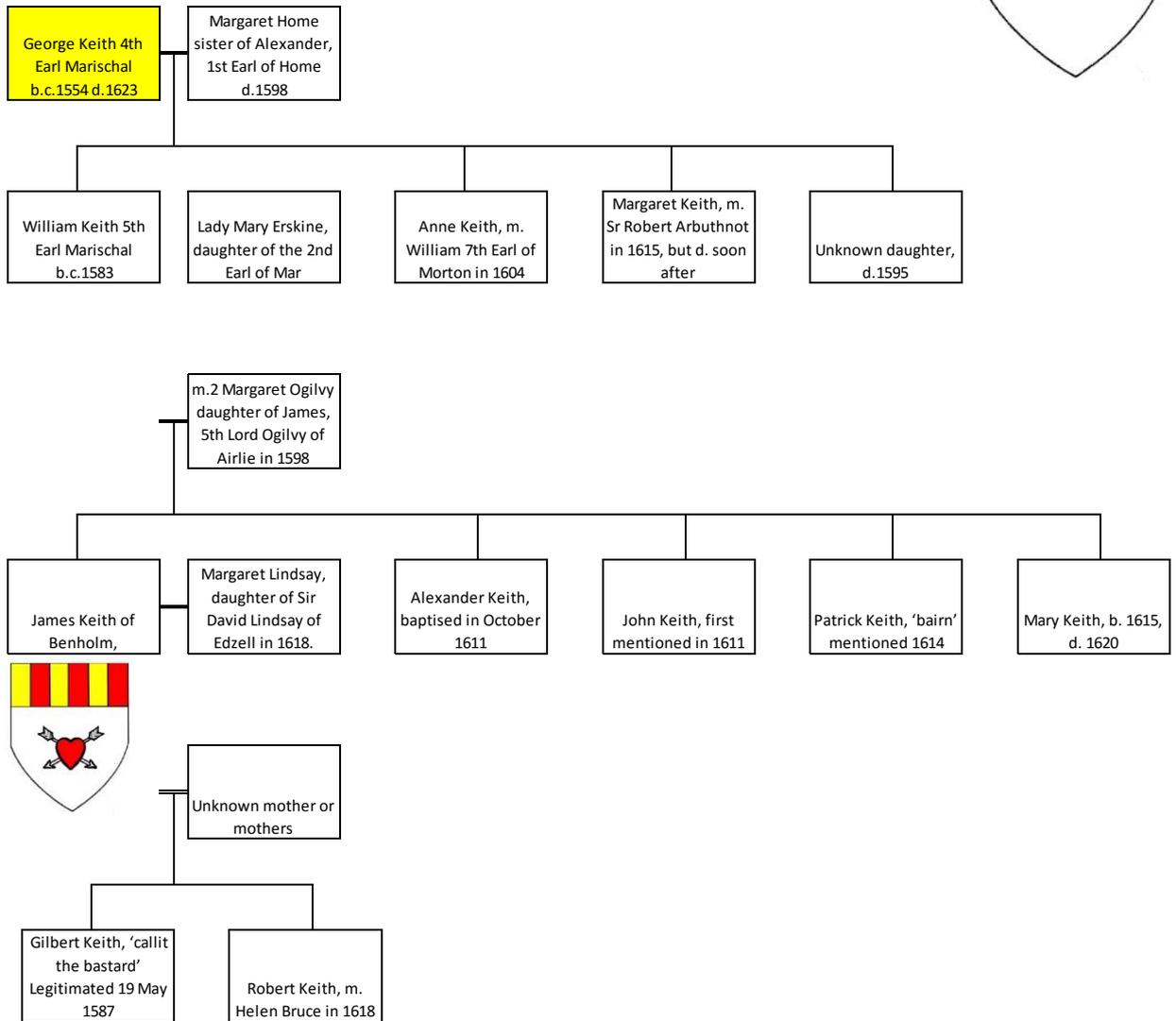
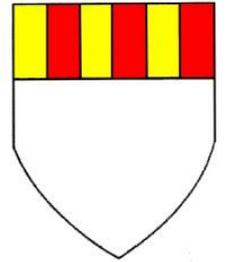
<sup>5</sup> *Scots Peerage*, vi, 41-45; Innes, 'The First Earl Marischal', 281; *RMS*, 1546-1580, 118, 576, nos. 516, 2191; *RSS*, i, 566, no.3846; *RD1/20*, f.400; *PS1/94*, ff.28v-29r.

**Table 3: The Main Line from the third to the fourth Earl Marischal.<sup>6</sup>**



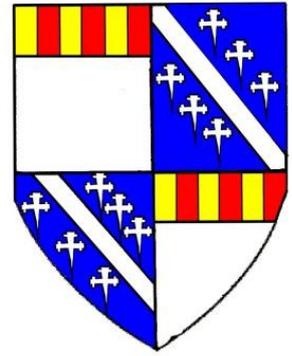
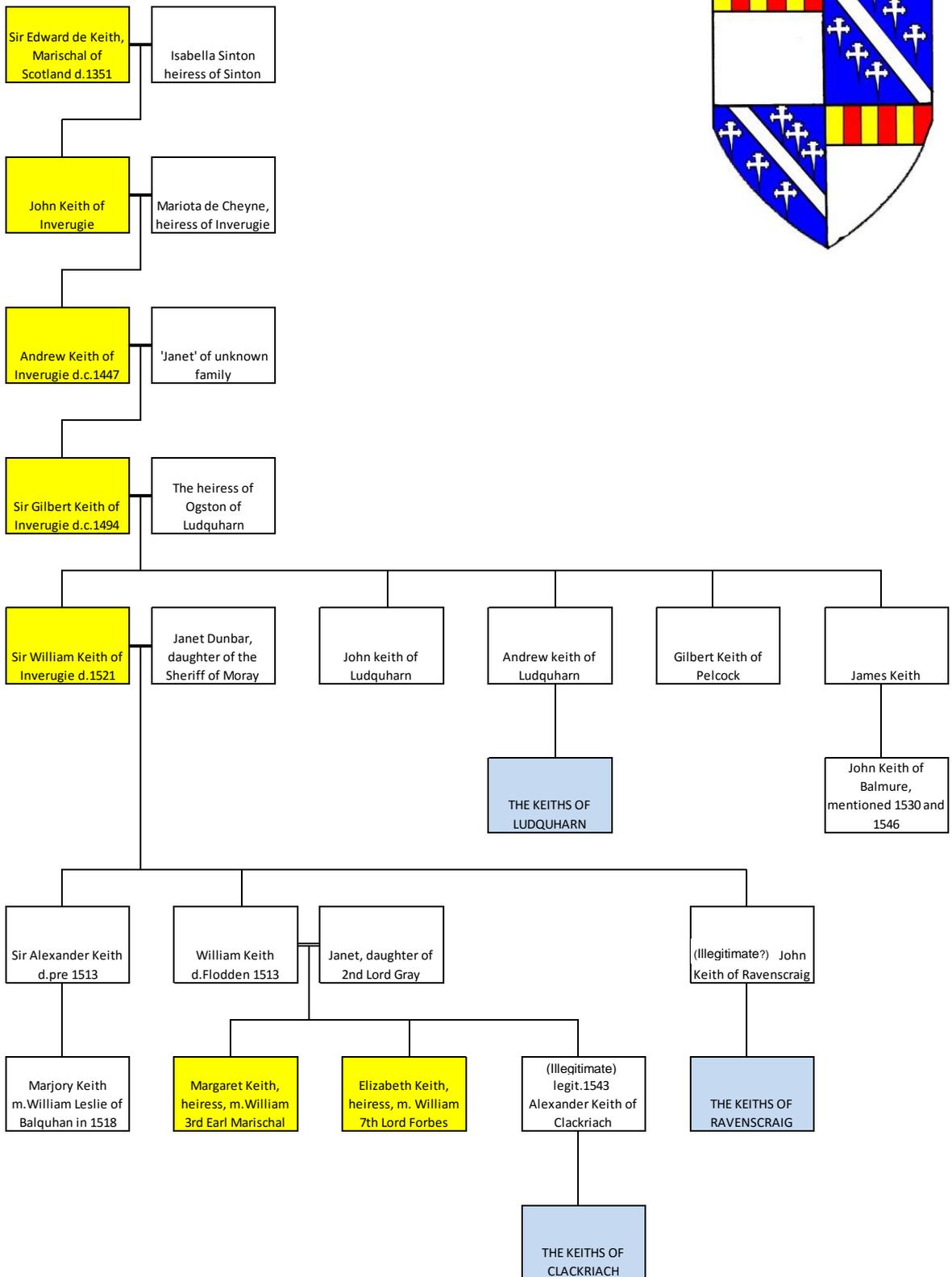
<sup>6</sup> *Scots Peerage*, vi, 49-50; NRS, CH2/146/1/8-9; CC20/4/7; RD1/16, ff.473r-475r; PS1/71, 124r; PS1/73, ff.122v-123r; PS1/80, ff.106r, 228v; *RPCS*, vi, 360; viii, 138; ix, 177; *ATCR*, XLII, 859; *Aberdeen Kirk Selections* 51, 53; *Spalding Misc.*, v, 81; *RMS*, 1580-1593, 101, no.313; 1609-1620, 283, 287, nos.757, 766; *Strath-Maxwell, St Nicolas Churchyard*, 32, 34; *Aberdeenshire Court Bk.*, ii, 74; NLS, MS 21183, f.51v.

**Table 4: Children of the fourth Earl Marischal<sup>7</sup>**



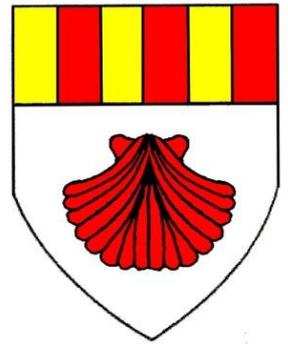
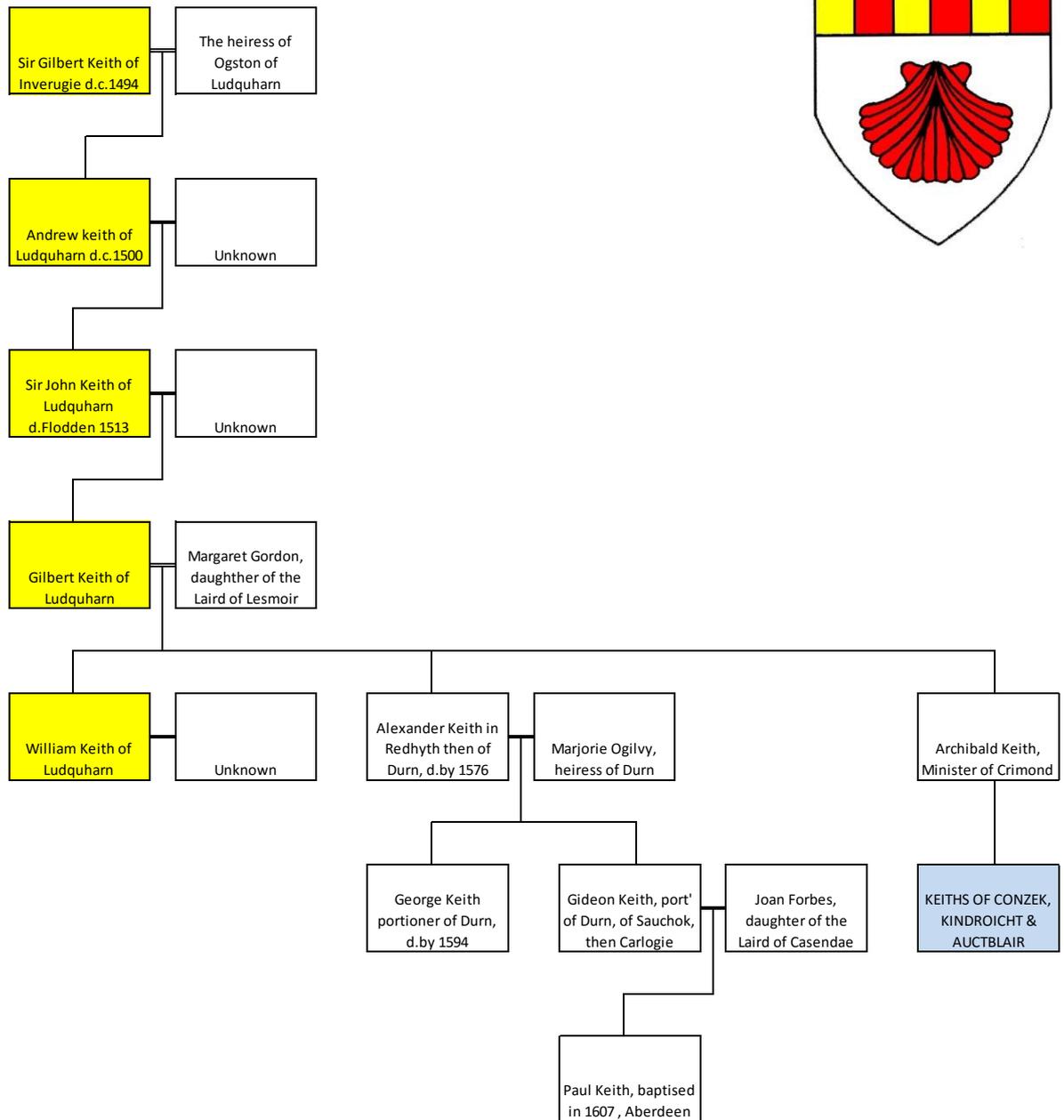
<sup>7</sup> *Scots Peerage*, i, 302; vi, 50-54; NRS, GD150/495; PS1/55, f.64v; PS1/85, ff.901v-902r; RD1/19, ff.180r-182r; RD1/387, f.424; Memorial in Dunnottar Parish Kirk; Memorial in Benholm Parish Kirk; NLS, MS 21176, f.36v; MS 21183, f.54v.

**Table 5: Keiths of Inverugie**<sup>8</sup>



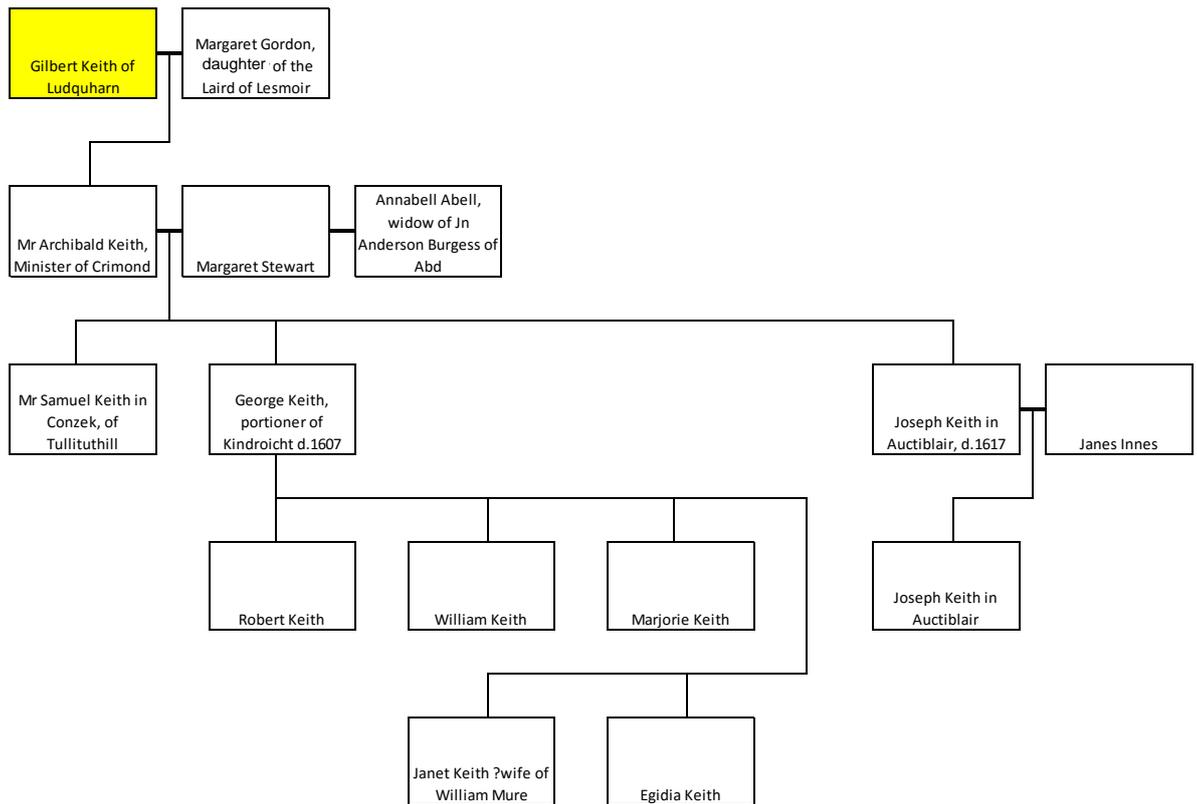
<sup>8</sup> *Scots Peerage*, vi., 34-35; *Baronage of Scotland*, 73; *RPCS*, i, 46; *RSS*, ii, 98, 129-130, nos. 774, 1008; iii, 37, no. 257; Macfarlane, *Genealogical Coll*, ii, 9; Buchan, *Noble Family of Keith*, 40.

**Table 5:** Keiths of Ludquharn, part 1<sup>9</sup>



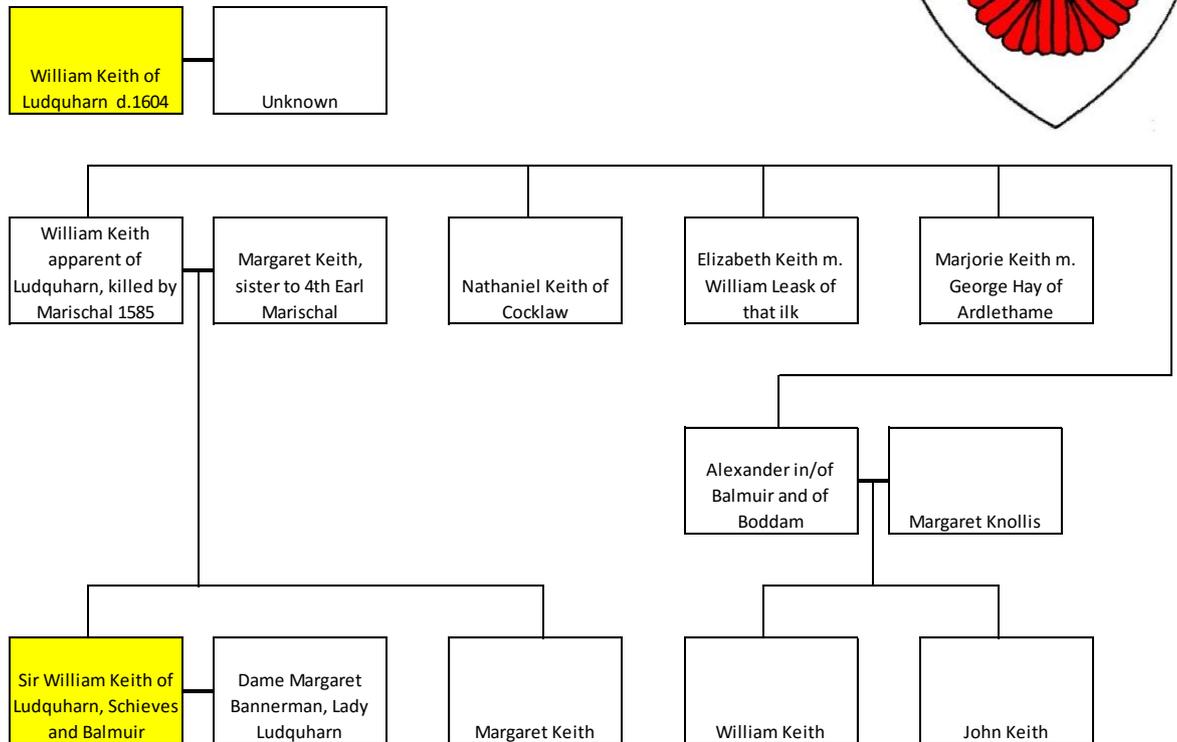
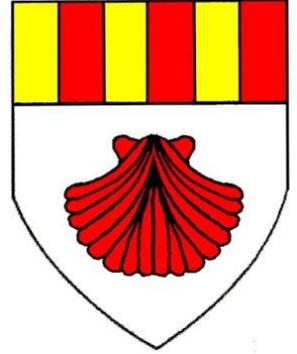
<sup>9</sup> *Baronage of Scotland*, 74; *RSS*, v part 1, 296, no.1124; *ATCR*, XXIX, 73-74; XXXIX, 339-340; *Genealogical Collections*, i, 248; *NRS*, CC8/8/5; PS1/54, f.74v; PS1/67, f.45v; PS1/79, ff.152v-153r; RD1/8, ff.272r-273v RD1/11, f.481; RD1/16, ff.392r-394r; *RPCS*, iv, 569; *RMS*, 1593-1608, 56, no.161; *Aberdeenshire Court Bk.*, i, 382.

**Table 6:** Offspring of Archibald Keith, Minister of Crimond<sup>10</sup>



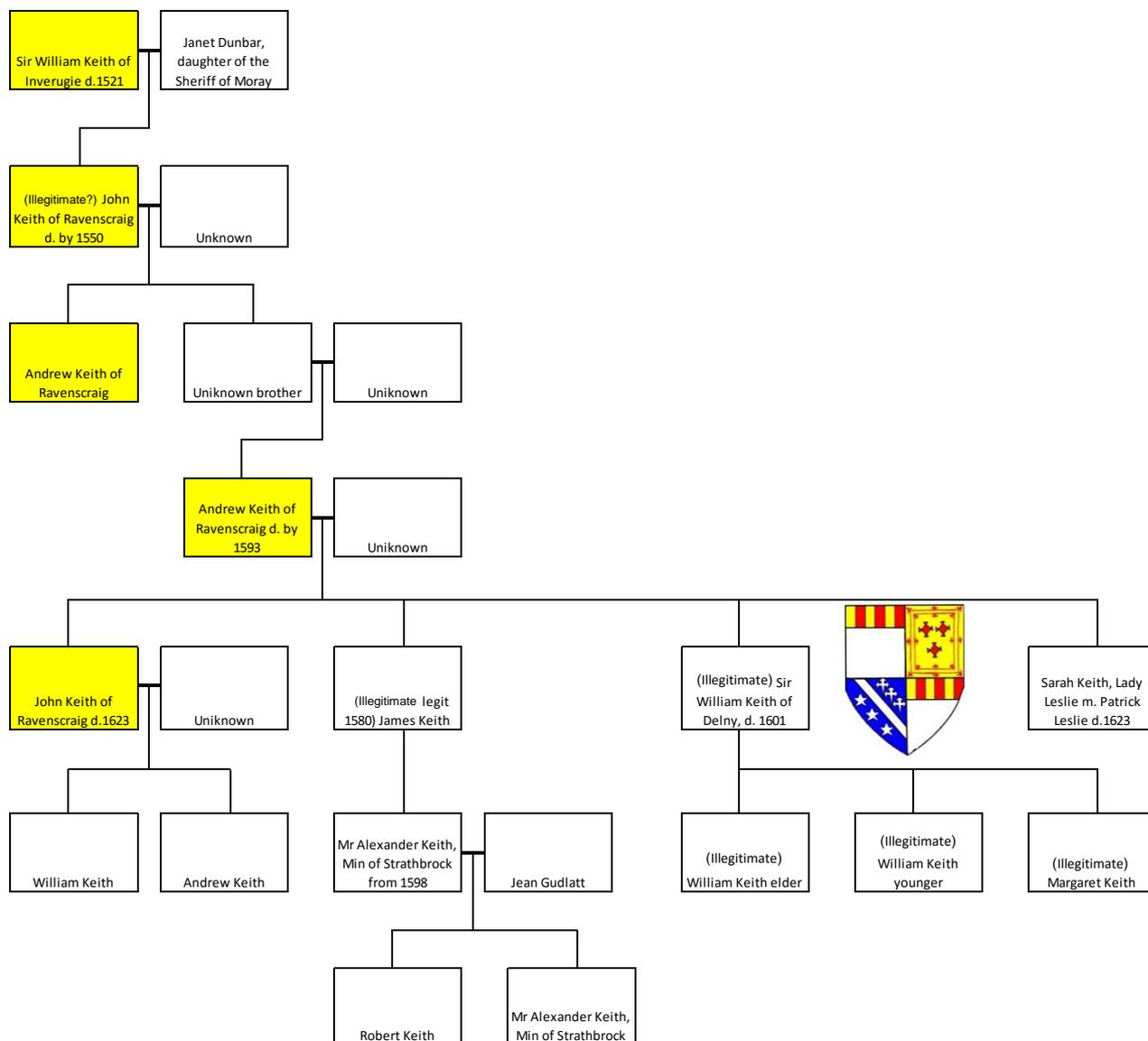
<sup>10</sup> *FES*, vi, 212; *RMS*, 1608-1620, 9, no.20; *RSS*, vi, 191, 397, no. 1030,2113; *RPCS*, iv, 118-119; viii, 477; ix, 152; x, 794; *NRS*, PS1/64, f.57r ; PS1/68, f.118v; PS1/75, ff.163r-v ; RD1/29, f.67; RD1/42, f.42; *Aberdeenshire Court Bk.*, i, 197; ii, 57, 67, 87, 113, 173; Pitcairn, *Trials*, i, 381-385; *ATCR*, XXXVIII, 203.

**Table 7:** Keiths of Ludquharn, part 2.<sup>11</sup>



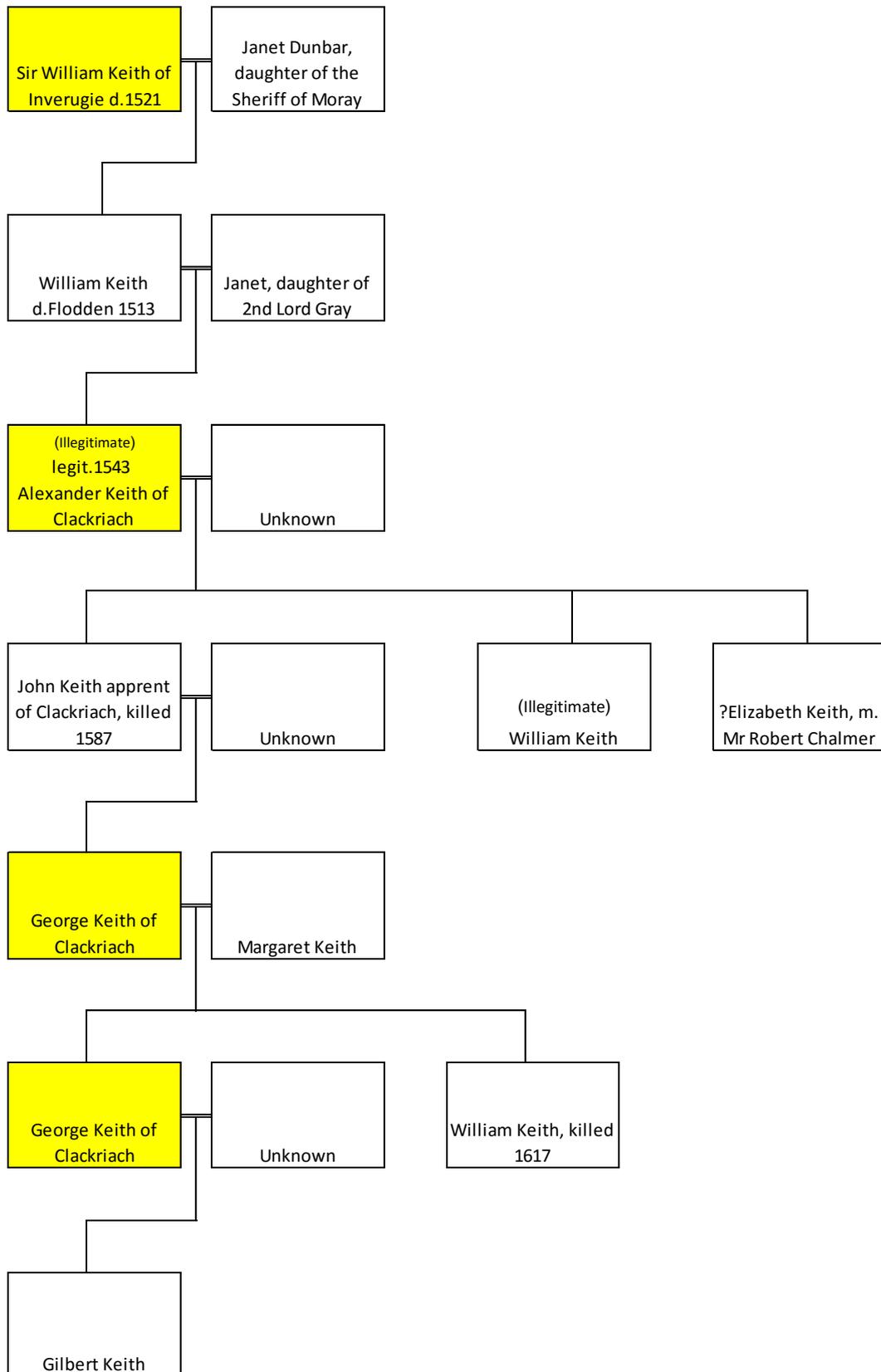
<sup>11</sup> *Baronage of Scotland*, 74; PS1/56, f.108v ; PS1/57, f.172v; PS1/85, ff.131v-132r ; *Aberdeenshire Court Bk.*, ii, 10, 55, 57, 240; *RMS*, 1580-1593, 262, no.834; 1593-1608, 98, 449, nos.287 1282; *RPCS*, x, 794; xi, 225, 369, 378; xii, 184, 749; Pitcairn, *Trials*, iii, 418-428, 540.

**Table 8: Keiths of Ravenscraig<sup>12</sup>**



<sup>12</sup> *RSS*, i, 507, no.3362; vi, 469, no.2556; vii, 148, 411, nos.1022, 2520; *RMS*, 1546-1580, 117, no.510; 1580-1593, 21, 406, 568, 742-745, nos.67 1218, 1658, 2175; 1593-1608, 8-9, 334, 600, no.25, 1014, 1653; 1608-1620, 278, 612, nos.746, 1684; 1620-1633, 187, no.548; Pitcairn, *Trials*, i, \*236; *Aberdeenshire Court Bk.*, i, 128; ii, 49; *RPCS*, ii, 400; v, 623; vi, 264, 627, 819; NRS, GD30/1992; PS1/52, f.9r; PS1/55, f.76v; PS1/60, f.84r; PS1/66, f.116v; PS1/71, f.145r; PS1/78, f.34v; PS1/87, f.212r; RD1/37, ff.69r-72v; *FES*, i, 377-233; Smart, *Students of St Andrews 1579-1747*, 306; Strath-Maxwell, *St Nicolas Churchyard*, 47.

**Table 9:** Keiths of Clackriach<sup>13</sup>



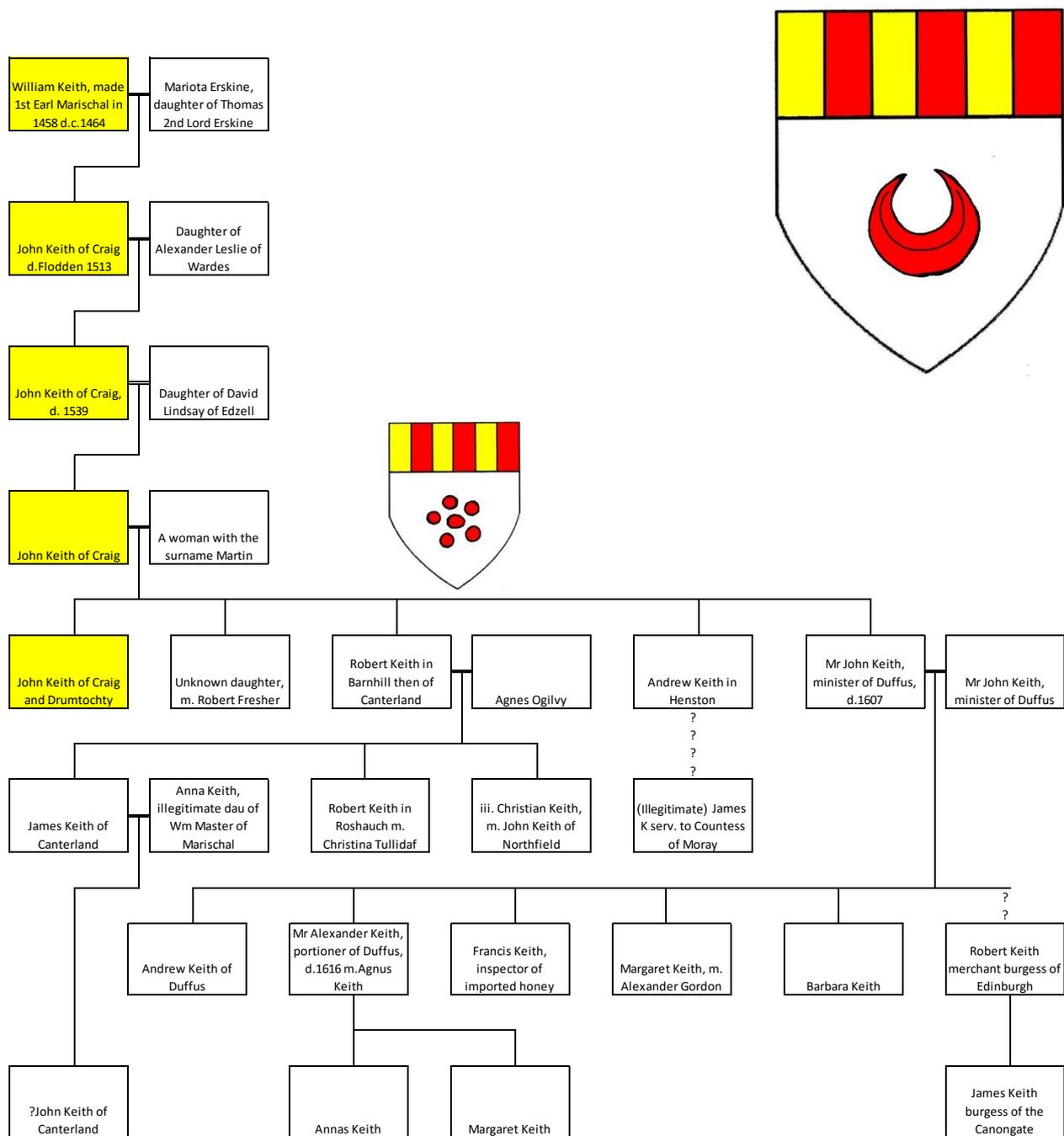
<sup>13</sup> *RSS*, iii, 37, no.257; vii, 130, no.896; *Aberdeenshire-Banff Illustrations*, iv, 553; *RMS*, 1546-1580, 255, 656, nos.1145, 2441; 1620-1633, 440, no.1277; *NRS*, PS1/51, f.74r; PS1/53, f.38r; PS1/78, f.194v; PS1/85, ff.293r-v; *ATCR*, XXIV, 426; XXV 625; *RPCS*, iv, 238; viii, 332, 704; x, 587; xi, 212; *Aberdeenshire Court Bk.*, ii, 193.

**Table 10: Keiths of Northfield<sup>14</sup>**



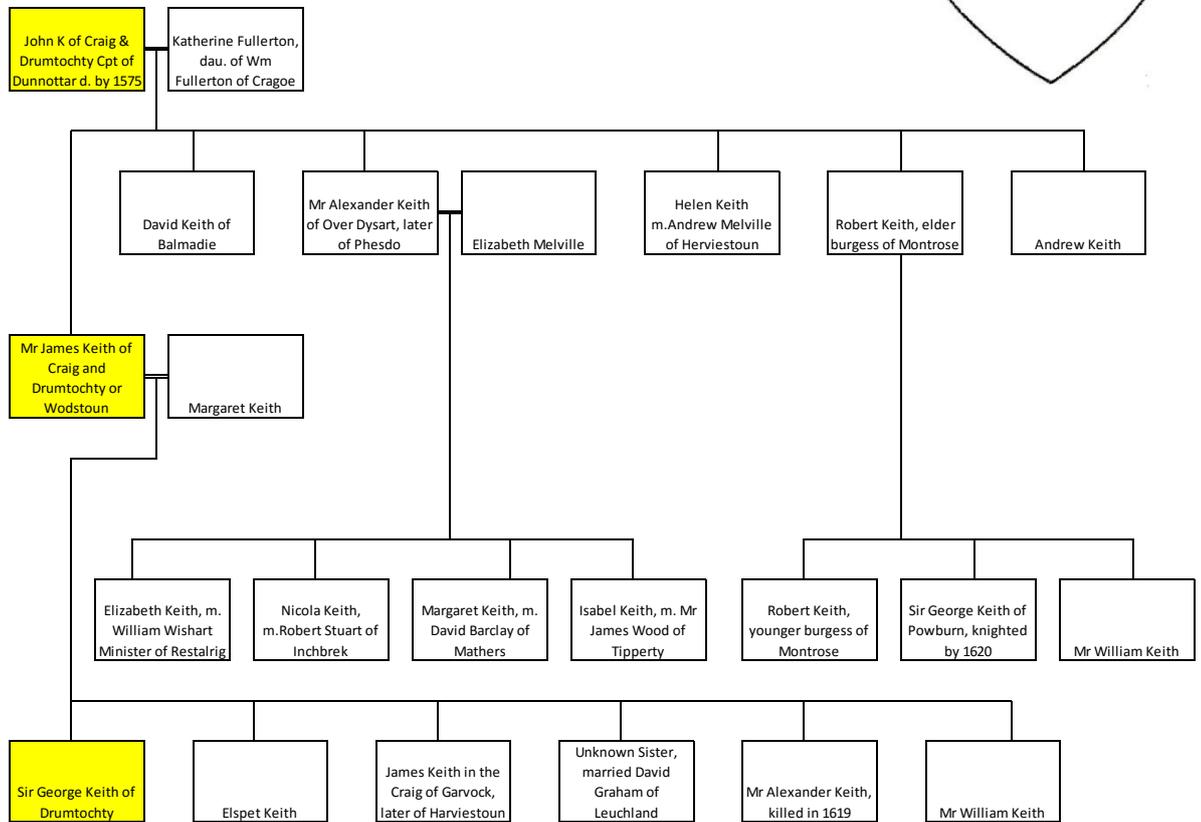
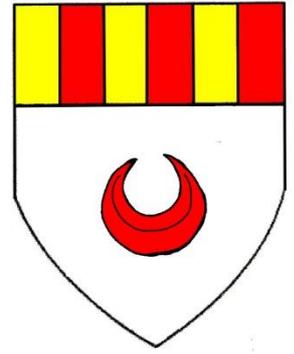
<sup>14</sup> *Scots Peerage*, vi, 38-39; Pitcairn, *Trials*, i, \*148; *RPCS*, viii, 291; ix, 177; PS1/80 f.106r; NRAS 217/Box15/615; *RMS*, 1608-1620, 78, no.212.

**Table 11:** Keiths of Craig and Drumtochty, part 1, with the Keiths of Canterland and Duffus.<sup>15</sup>



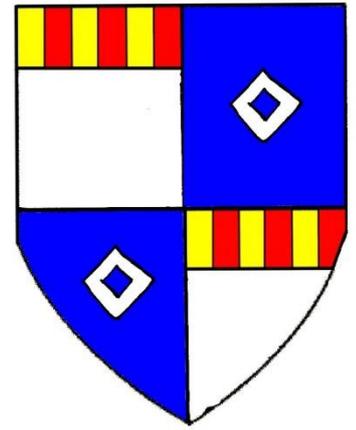
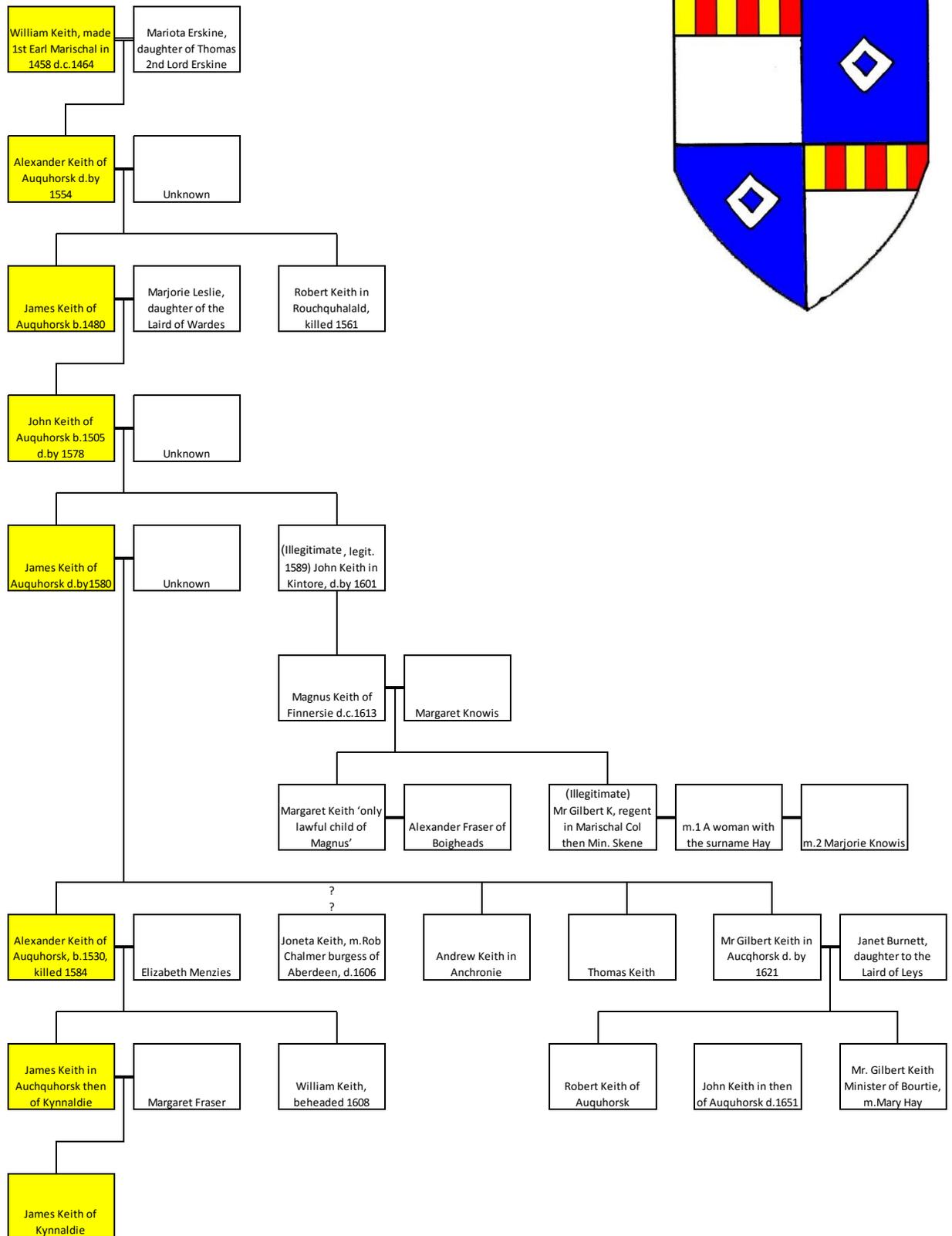
<sup>15</sup> *The Scots Peerage*, vi, 50; *Baronage of Scotland*, 443; *RSS*, iv, 214, no.1347; v part 1, 21, no.94; vii, 339, no.2071 *RMS*, 1546-1580, 259, 487, 681, nos.1162, 1900, 2528; 1580-1593, 101, 701, nos.313, 2068; 1593-1608, 600, 635, 666, nos.1653, 1747, 1833; *NRAS* 217/Box 15/257, 577, 641, 740; *NRS*, PS1/64, f.162r; PS1/71, ff.112r, 145r; PS1/75, f.47r; PS1/77, ff.8r, 107r; PS1/92, f.56r-v; RD1/41, Part 1, ff.127v-128v; *RPCS*, v, 631; vi, 383, 678, 788; vii, 580, 679, 746; viii, 840; xii, 100, 211-212; xiii, 98, 100, 133, 278, 825; Dilworth, 'Deer abbey's contribution' 223; Smart, *Alphabetical Register*, 306; Memorial on the Old Kirk of Duffus; *Melrose Papers*, ii, 475, 481-482.

**Table 12: Keiths of Craig and Drumtochty, part 2.**<sup>16</sup>



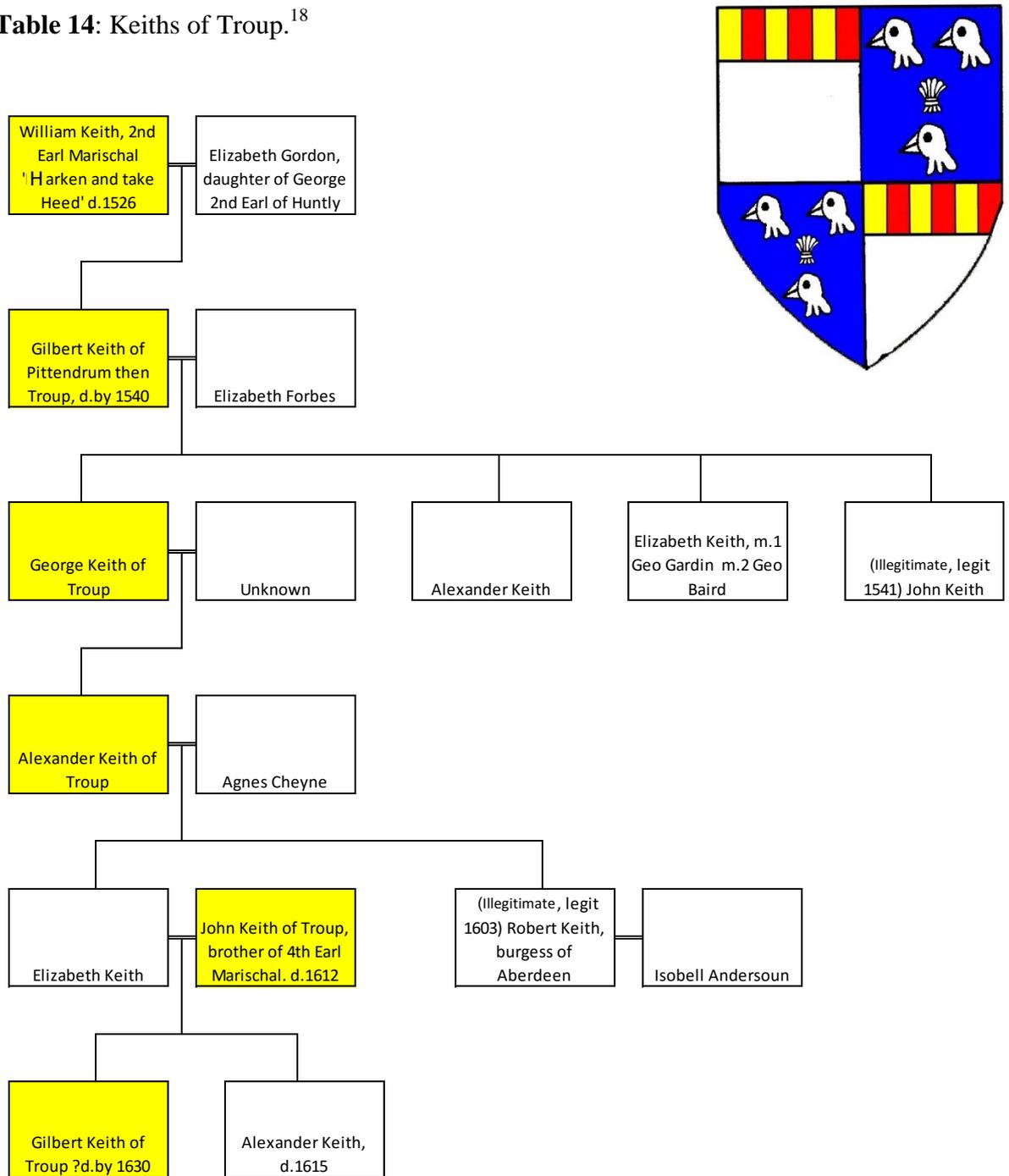
<sup>16</sup> *Baronage of Scotland*, 444; *RSS*, vii, 9, no.47; *NRS*, CC3/3/4; CC8/8/5; DG45/16/2166; GD49/356, 360, 362; GD70/57, 72; PS1/53, f.15v; PS1/57, ff.16v, 169r; PS1/77, f.110r; PS1/81, f.214v; PS1/84, 161r; PS1/87, ff.137r-v; PS1/92, f.92r; PS1/94, f.39r-v; RD1/8, ff.361v-363v; *RPCS*, vi, 381, 704; vii, 405, 576, 578, 580; viii, 184, 198, 704; ix, 439; x, 350, 367, 375, 539; xii, 374, 718; xiii, 348, 432, 833; *RMS*, 1546-1580, 295, no.1323; 1580-1593, 163, 559, 677, no.535, 1633, 1999; 1593-1608, 744, no.2045; 1608-1620, 289, 669, 704, no.769, 1852,1941; 1620-1633, 60, 103, 233, 364, 444, 557, 727, nos.185, 305, 678, 1027, 1293, 1671, 2146; Smart, *Alphabetical Register*, 306-307; NLS, MS 21183, f.58r; *FES*, i, 161-162; Burke, *Genealogical and Heraldic Dictionary*, 1452; Strath-Maxwell, *St Nicolas Churchyard*, 12; Pitcairn, *Trials*, iii, 437. 483.

**Table 13: Keiths of Auquhorsk (now Afforsk) and Kynnaldie.**<sup>17</sup>



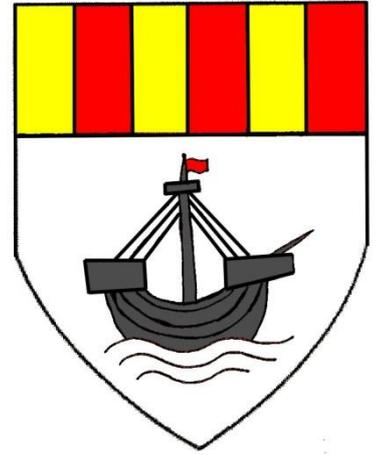
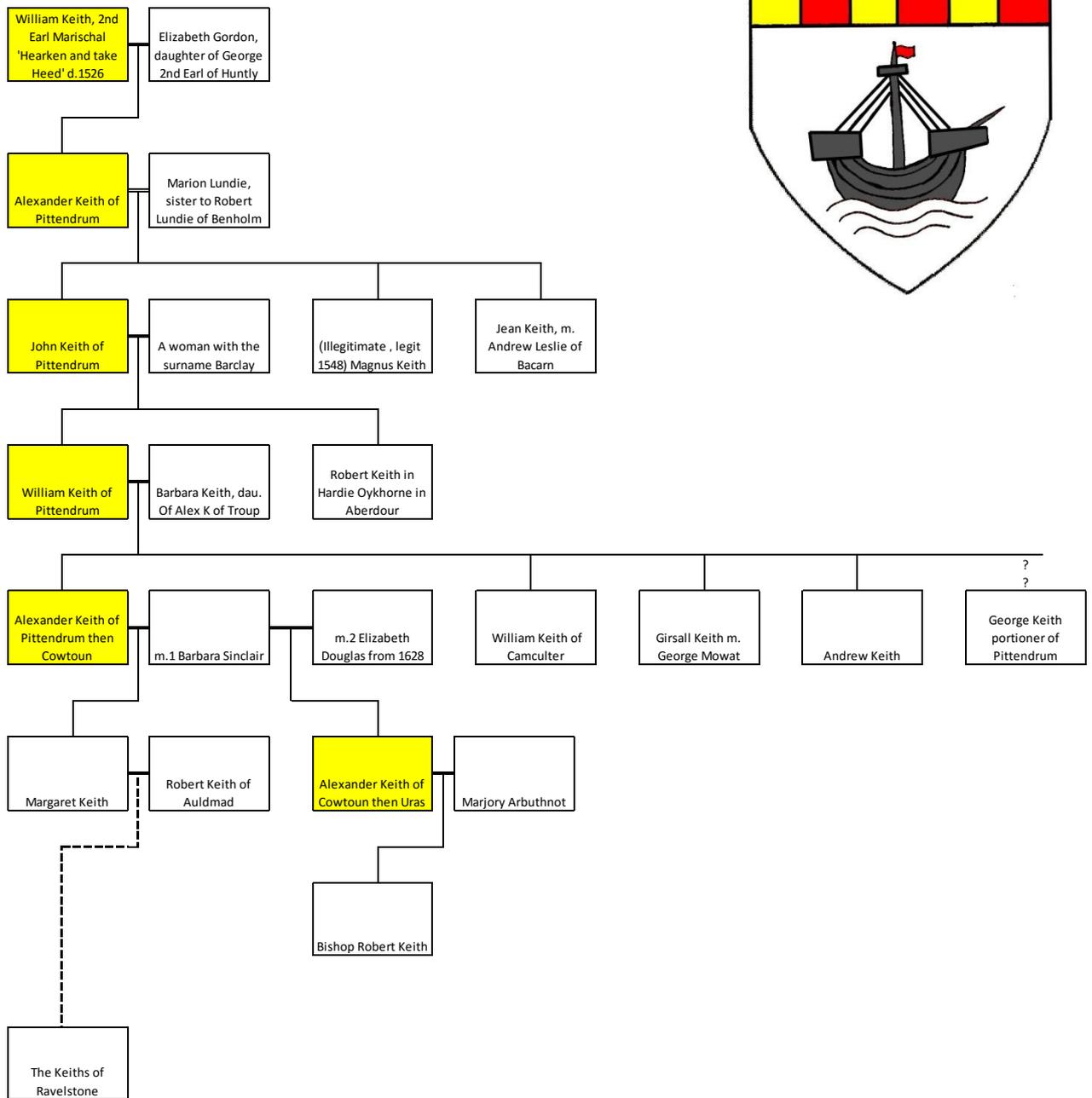
<sup>17</sup> RSS, iv, 481 no.2781; v part 1 241 no.958; v part 2, 93 no.2762; RMS, 1546-1580, 212, 630-635, nos.948, 2360; 1580-1593, 56, 742-745, nos.175, 2175; 1593-1608 623, no.1720; Henderson, *Aberdeenshire Epitaphs*, 14; *Genealogical Collections*, ii, 24; ATCR, XXXII, 108; XXXIV, 174-175; XXXVI, 123; IXL 129, 337, 704; XL, 176-177, 921; XLII 849; NRS, GD1/25/10; PS1/60, f.59v; PS1/75, f.38r; RD1/24, f.333r-v; *Sheriff Court of Aberdeen*, i, 125, 310, 346; ii, 62, 76, 108, 193, 321, 373, 386-387; FES, vi, 74; *Hist MSS Report: Alloa House*, 10; RPCS, iv, 321; xii, 581.

**Table 14: Keiths of Troup.**<sup>18</sup>



<sup>18</sup> *RSS*, i, 566, no.3846; ii, 495, 618, nos.3349, 4088; iv, 150, no.897; *ATCR*, XXII, 10; XXXVI, 468-469; XXXVII, 79; *RMS*, 1546-1580, 52, 119, nos.212, 521; 1608-1620, 9, 283-284 nos.21, 757-758; 1620-1633, 526, no.1576; *NRS*, PS1/74, f.26r; RD1/16, ff.473r-475r; *RPCS*, v, 47; *Aberdeenshire Court Bk.*, ii, 159; Strath-Maxwell, *St Nicolas Churchyard*, 30.

**Table 15: Keiths of Pittendrum**<sup>19</sup>



The Keiths of Ravelstone and Bishop Robert Keith are included here to settle their eighteenth century dispute, whereby Alexander Keith of Ravelstone claimed to be the heir of the Earl Marischal through William Keith of Camculter. He appears to have descended instead from the Keiths of Auldmad.

<sup>19</sup> *Baronage of Scotland*, 589-590; Keith, *History of the Affairs*, i, lxxxi; *RPCS*, i, 46; ii, 400; *RSS*, iii, 461, no.2905; *RMS*, 1546-1580, 33, no.135; 1608-1620, 378, no.1032; Macfarlane, *Genealogical Coll.*, ii, 37; *Aberdeenshire Court Bk.*, ii, 16, 87, 110; *NRS*, CH2/89/1/41; RD1/47, f.59.



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