

ORIGINS AND BACKGROUND  
OF THE LAW  
OF  
SUCCESSION TO ARMS AND DIGNITIES  
IN SCOTLAND.

by

IAIN MONCREIFFE,

Advocate.

1958.



## TABLE OF CONTENTS.

<u>INTRODUCTION:</u>		Pages:
Chapter 1.	THE LEGAL PROBLEM ...	5 - 9.
	Notes ...	10 -13.
 <u>PART ONE: HEIRS BEFORE SCOTS LAW.</u>		
Chapter 2.	SUCCESSION AMONG THE PICTS ...	16 -25.
	Notes ...	26 -65.
Chapter 3.	SUCCESSION AMONG THE GAELS ...	67 -98.
	Notes ...	99-144.
Chapter 4.	SUCCESSION AMONG THE CYMRY ...	146-159.
	Notes ...	160-178.
Chapter 5.	THE BEORNICIAN SUCCESSION ...	180-183.
	Notes ...	184-186.
Chapter 6.	SUCCESSION AMONG THE NORTHMEN ...	188-198.
	Notes...	199-221.
 <u>PART TWO: HEIRS BY SCOTS LAW.</u>		
Chapter 7.	SUCCESSION TO THE THRONE ...	224-248.
	Notes ...	249-282.
Chapter 8.	THE HEIRS AT LAW TO EARLDOMS ...	284-294.
	Notes ...	295-309.
Chapter 9.	THE HEIRS AT LAW TO BARONIES ...	311-316.
	Notes ...	317-334.
Chapter 10.	THE HEIRS AT LAW TO PEERAGES ...	336-342.
	Notes ...	343-365.
Chapter 11.	THE HEIRS AT LAW TO ARMS ...	367-385.
	Notes ...	386-415.
 <u>APPENDICES.</u>		
Appendix A	THE SINGLE HEIR ...	418-427.
	Notes ...	428-447.
Appendix B	COARBS & THE SUCCESSION TO THE CROWN BEARING ...	449-493.
	Notes ...	494-538.

INTRODUCTION.

CHAPTER I

THE LEGAL PROBLEM.

THE LEGAL PROBLEM.

Any royal officer of arms who becomes a qualified lawyer will find that he is called upon to undertake a great deal of legal work in connection with disputed questions of succession to arms or dignities, yet no single guide can be found that will demonstrate the original simple and fundamental principles to lead him through the historical complexities of the law and practice of succession to such incorporeal heritage in Scotland. The need for such a guide will be readily apparent to any legal historian who studies the fundamental assumptions made by the Lords of Session in the case of Maclean of Ardgour v. Maclean<sup>(1)</sup>.

One of the most remarkable of the assumptions made during this case, was that of the late Lord Justice Clerk Aitchison<sup>(2)</sup>: "Looked at historically, there can be, I think, no controversy that ensigns armorial had their origin in feudalism as a military system. ... Arms in the accepted sense were introduced into Scotland at a date not earlier than the middle of the 12th, or the beginning of the 13th century... In these early times of turbulence and strife, the inheritance of arms would fall naturally to the heir male. The same was true of land held on feudal tenure. Originally, the feudal law excluded females from the succession. It was only as the law developed and the military character of feudalism came gradually to be modified, until finally it disappeared, that the right of the nearer female to inherit in preference to the remoter male came to be established and the descent was recognised as being to the heir general". This can only be taken to mean that, in the Lord Justice Clerk's considered opinion, it was a self-evident fact that in Scotland "at a date not earlier than the middle of the twelfth century" - and apparently for some time afterwards, since "the military character of feudalism" was not seriously modified until the disarming acts of the eighteenth century - "the feudal law excluded females from the succession" to land and arms. On the basis of such fundamental assumptions, the Court of Session proceeded to deliver opinions that led the zealous editor of the rubric to write that they had held that "... in general there might be a presumption in favour of the right of the heir male to succeed" to

Arms, of which the destination is not otherwise recorded.

Lord Justice Clerk Aitchison's assumptions follow a long tradition. In the Cassillis peerage case of 1762 <sup>(3)</sup>, Lord Chief Justice Mansfield said: "It appears that the feudal system was very early introduced into Scotland. It brought with it earldoms and other territorial dignities ... They most certainly descended to the issue-male ... they were certainly masculine fiefs. ... Many things concur to prove that lands descended to the heirs-male of the body of the person to whom the fee was originally granted. The presumption of law follows properly the nature of the fee. Every fee was presumed to be held by military tenure, unless ... some other tenure was shown. It was therefore presumed that the lands descended to heirs-male". On the basis of these assumptions, Lord Mansfield <sup>(4)</sup> was of the opinion that there ought to be a presumption in favour of the right of the heir male to succeed to peerages, of which the destination is not otherwise recorded: "As in the present case there is no proof of a limitation of the title ..., I am of the opinion it ought to descend to the heir male". Just as Lord Aitchison held Arms to be male fiefs ab initio on the analogy of feudal land tenure in Scotland, so did Lord Mansfield hold dignities to be male fiefs ab initio on the same analogy.

Although this doctrine of the original right of the heir male to succeed to heritage in Scotland owed a great deal to eighteenth century propaganda on behalf of Simon, 11th Lord Lovat <sup>(5)</sup>, it already shows signs of appearing in the works of Sir Thomas Craig of Riccarton (1538-1608), whose Jus Feudale <sup>(6)</sup> was first published in 1655: "All proper feus are of the masculine class, because in the typical feu women are excluded, males alone being admitted" <sup>(7)</sup> ... "In the general Feudal Law, the term 'heirs' in general includes male heirs only" <sup>(8)</sup>: although in fact Craig makes it clear that he is referring to Lombard law (which he regards as "the general feudal law") and not to Scots Law, which he admits to be different though he speculates mistakenly about the reason. We thus have the high authority of Lord Justice Clerk Aitchison and Lord Chief Justice Mansfield (as well as some misleading speculations by Sir Thomas Craig)

besides other writers and judges, for the proposition that it is self-evident that the original heirs to land held on a feudal tenure in mediaeval Scotland were undoubtedly heirs male, that the same is true of Arms and dignities, and that a presumption in favour of heirs male may therefore continue in cases of doubt.

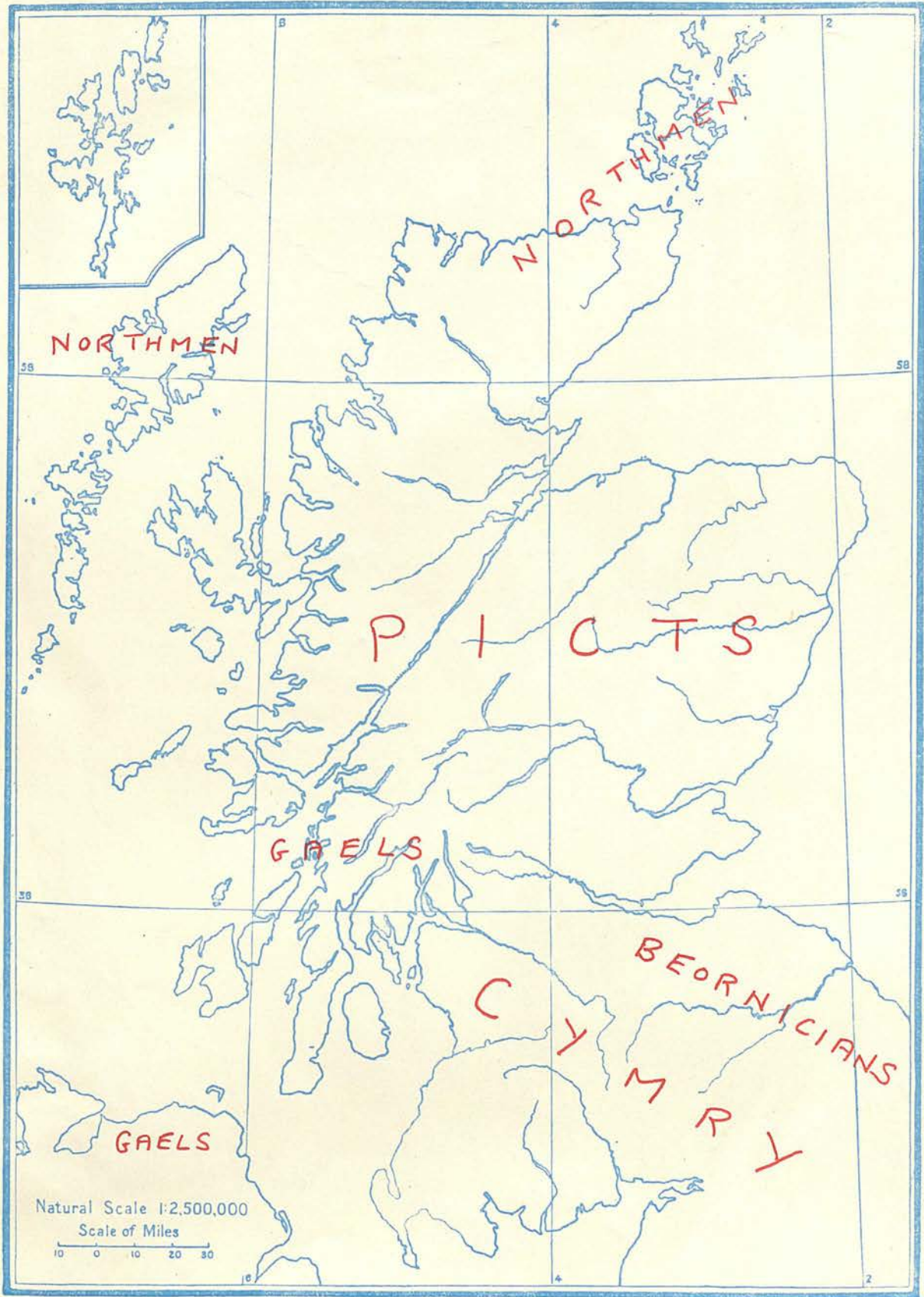
The busy Courts may perhaps be rather apt to think such historical guesswork based on "judicial knowledge" sufficient to dispose of cases of disputed succession to Arms or dignities, because they sometimes seem to consider the patrimonial (by which they mean financial) consequences so insignificant that these cases border on waste of judicial time. Yet man cannot live by bread alone, and indeed the State itself finds honours more effective rewards to bestow than money. Disputes about Arms or dignities are usually of great emotional significance to the unfortunate litigants, who often spend considerable sums of money that they can ill afford in attempts to establish what they believe to be their ancestral rights. It therefore seems worth while to go behind these learned opinions, to lay aside for a moment these judges' crystal ball, and to examine the actual facts of succession in the formative period of Scottish history.

These facts will be set out as briefly as possible in the chapters below<sup>(9)</sup>, but they undoubtedly demonstrate that the fundamental law of succession to heritage in Scotland has remained constant since Scotland first became a united realm during the course of the twelfth century. By this fundamental law, the heir at law to lands, to Arms and to dignities, is and always has been the heir general. As Lord Marchmont observed in the Cassillis peerage case<sup>(10)</sup>: "certainly our succession was always lineal and always female, and where there was an heir-male, he was no heir of law, but an heir of provision". Apparent changes in practice through the centuries will be found to have been in principle no more than such methods of exception, by special provision, from this fundamental law.

It is therefore proposed to examine the historical background whence our laws of succession emerged, in order to shew (a) that Arms and

dignities, as incorporeal heritage, have always been subject in Scots Law to the same general law of succession as an eldest heir-portioner's praecipuum or as a caput baroniae, with certain exceptions; (b) that these exceptions, which are very numerous but always specially provided, are the result of special circumstances such as the growth of surnames, and the association of particular surnames with particular Arms and dignities; (c) that unless otherwise tailzied, dignities should therefore descend like land to the nearest heir general, while Arms (unless differenced by quartering) descend to the nearest heir general bearing the surname, once the territorial connection of the inheritance has been severed; but (d) that although Arms and dignities were feudally associated with a territorial function<sup>(11)</sup>, their origins may perhaps be traced from a pre-feudal background of ancient ritual, itself originally derived from the sacral royalty of pagan times<sup>(12)</sup>.

Since a number of different peoples (Picts, Gaels, Cymry, Beornicians, and Northmen) went to the making up of what became feudal Scotland, it is necessary first of all to examine their separate succession laws, since it is for consideration how much their laws may have gone towards the formation of those governing the united realm; and, moreover, local customs long continued to modify the general Scots Law. The attached map illustrates the approximate distribution of these peoples.



NOTES TO THE CHAPTER ON THE LEGAL PROBLEM.

(1) 1941 S.C. 613. By the end of this prolonged case, all the Court was asked to decide was who should be rightful owner of the Arms matriculated by the late Maclean of Ardgour, a cadet of Duart, and this the Court determined in favour of the nearest heir general bearing his surname (his eldest daughter, who had inherited his barony of Ardgour). As the Lord Justice Clerk observed (at p. 638): "The petitioner does not now seek in this process to be declared, or designed, chieftainess of the Macleans of Ardgour. The only issue now left is the issue of arms and supporters in relation to the heraldic law of succession". Maclean of Ardgour is not, and has never claimed to be, the chief of the Maclean clan and Name, and neither Maclean of Duart himself, nor anybody else claiming to be Chief of the Macleans or of any other clan, was a party to this case. Yet their lordships could not resist devoting a great deal of their time to obiter dicta about "chiefship of a clan". The editor of the rubric was even more irrelevantly officious, writing that the Court had held "that neither chiefship of a whole clan ... was a legal status justiciable in a court of law", when what the Lord Justice Clerk had actually observed was that "neither chiefship of a clan ..., subject to one exception as regards the right to supporters in arms, is any longer a status known to the law" - and even this was obiter, since chiefship of a clan was not capable of being in dispute in this case. As regards such armorial rights, as Lord Aitchison observed, chiefship is undoubtedly justiciable in a court of law (Lyon Court).

(2) ibid. p. 682. The writer is anxious to stress that Lords Aitchison and Mansfield and other judges and writers cited, were all skilled lawyers and able judges, but that in highly technical matters of early succession or modern heraldic and nobiliary law even the best judges are liable to be led astray if they draw on what they believe to be common knowledge: since the popular conceptions about these matters, though emotionally deep-rooted, are usually far wide of the historic and legal truth.

(3) James Maidment, "Reports of Claims proferred to the House of Lords" (1882), p. 31 et seq.

(4) The Earl of Mansfield was of course a Scotsman by birth. He was a younger son of the 5th Viscount of Stormont and brother of the titular Earl of Dunbar, the Jacobite Secretary of State in exile. All the same, he was bred to the English bar, became Lord Chief Justice of England, and had no fundamental knowledge or understanding of Scots legal history.

(5) Simon Fraser, the "Old Fox" whose devious intrigues to secure the Lovat fief as heir male of Mac Shimidh included the abduction and forced marriage of the Dowager Lady Lovat, would probably not have been able to establish Lovat as a male-line peerage but for the political manoeuvres of his day (c. 1667-1747). A decree of the Court of Session in favour of the heiress as suo jure Lady Lovat was only reversed in favour of Simon (then a Hanoverian) after her husband had been "out" in the 1715 Rising.

(6) Although Sir Thomas Craig was called to the Scots bar in 1563, he had received his legal training abroad at the University of Paris, and Lord Marchmont (Cassillis Peerage Case 1764) pointed out that Craig had "been educated with Cujacius, the greatest civilian that ever existed, but that his notions were all derived from the feudal law of Lombardy". Sir Thomas thus first studied feudal law in its Salic form, instead of in its Norman form, and when he found that the feudal law of his own country differed from that of Lombardy, he made various speculations (which are readily disproved by our greater knowledge of actual cases of succession in early feudal Scotland) in an attempt to reconcile the differences which he admitted at 1. 10. 6.: "the custom of Scotland is by no means conform to general principle in this matter; for according to that custom the presumption is that a feu descends alike to females as to males, unless there is an express provision in favour of the heirs male of the grantee".

(7) Craig, Jus Feudale, 1. 10. 6., Lord President Clyde's trans. (1934), i. p. 147.

(8) Ibid., 2. 14. 2., at ii. p. 668.

(9) For the sake of simplicity in reference, and in the emphasising of particular points, each chapter has been made as self-contained as possible. This has, however, necessitated a certain amount of repetition.

No attempt has been made to standardise the spelling throughout, and indeed on the contrary, such names as Duff or Dubh have been deliberately spelt on each occasion according to the effect required. The same applies to the transliteration of such names as Ua Firghil into O'Freel, and to the translation of such names as Alasdair and François into Alexander and Francis.

(10) Maidment, op. cit., p. 29. The Earl of Marchmont, although undoubtedly right, was over-ruled in this case by the historical theorising of the Earls of Mansfield and Hardwicke. Lord Hardwicke, who knew neither Scots law nor Scots history, did not hesitate to lay down that "Peerages in early times were ... certainly masculine fiefs. This founds a presumption in favour of the descent of the heir-male". It had been established before his Committee that at least seventeen Scots peerages, of which no creation charter survived, had in fact passed to women, yet Lord Hardwicke added: "There has been only one instance proved of the descent of a peerage to an heir-female where no patent appeared. Therefore, where the instrument is lost, I think there is the strongest presumption in favour of the heir-male, and I think this is by much the safest method of proceeding in cases of ancient peerages ... The legal succession, ... I think is to be presumed to be in favour of the heir-male". Lord Hardwicke was not always honest, even in matters of life and death that had been tried before him, as is clearly shewn for example by W.B. Blaikie in "A Military History of Perthshire" ed. by the Marchioness of Tullibardine (the present Duchess of Atholl) 1908-i. p. 350. But, although Lord Mansfield afterwards said that "it was settled with Lord Hardwicke that in cases where no instrument of creation or limitation of the dignity appeared, the legal presumption was in favour of the heir male. The judgment was penned at his sight", there seems no reason to doubt that

Lord Hardwicke's opinion in this matter was based merely on total ignorance of Scottish legal history.

It is to be noted that the pseudo-historical doctrine of the original heir-male in Scottish peerages and other heritage was propounded and carried by the two English judges who spoke on the Committee of Privileges of the House of Lords in the Cassillis peerage case, and that the only Scottish peer to speak on this Committee was against them and expounded the true Scots law very exactly. This was the third Earl of Marchmont, who "was distinguished for learning, for brilliancy of genius", who was son of a Lord of Session, and whose maternal and paternal grandfathers had been respectively Lord Justice Clerk and Lord Chancellor of Scotland. It is fortunate that Committees of Privileges of the House of Lords are not bound by their past mistakes.

(11) Where Arms or dignities are associated with chiefship of a Name, e.g. Lord Forbes or MacLeod of MacLeod, it is always that of a noble land-holding kindred (or was in the formative period). Even the claims of Clan Gregor were based on their having been a land-owning kindred "of royal descent", and in about 1566 their chiefs' coat was entered in Workman's MS. armorial with the nostalgic caption "lord MacGregour of ould".

(12) It is hoped to demonstrate that royalty was indeed the fountain of honour: both of Arms and of dignities. The peoples who went to make up Scotland did not of course evolve in isolation, but evidently received their religion and many of their customs from elsewhere. The comparative method has therefore been employed where it may be thought perhaps to throw some light on the origins or background of any particular practice.

PART ONE

HEIRS BEFORE SCOTS LAW.

CHAPTER 2.

SUCCESSION AMONG THE PICTS.

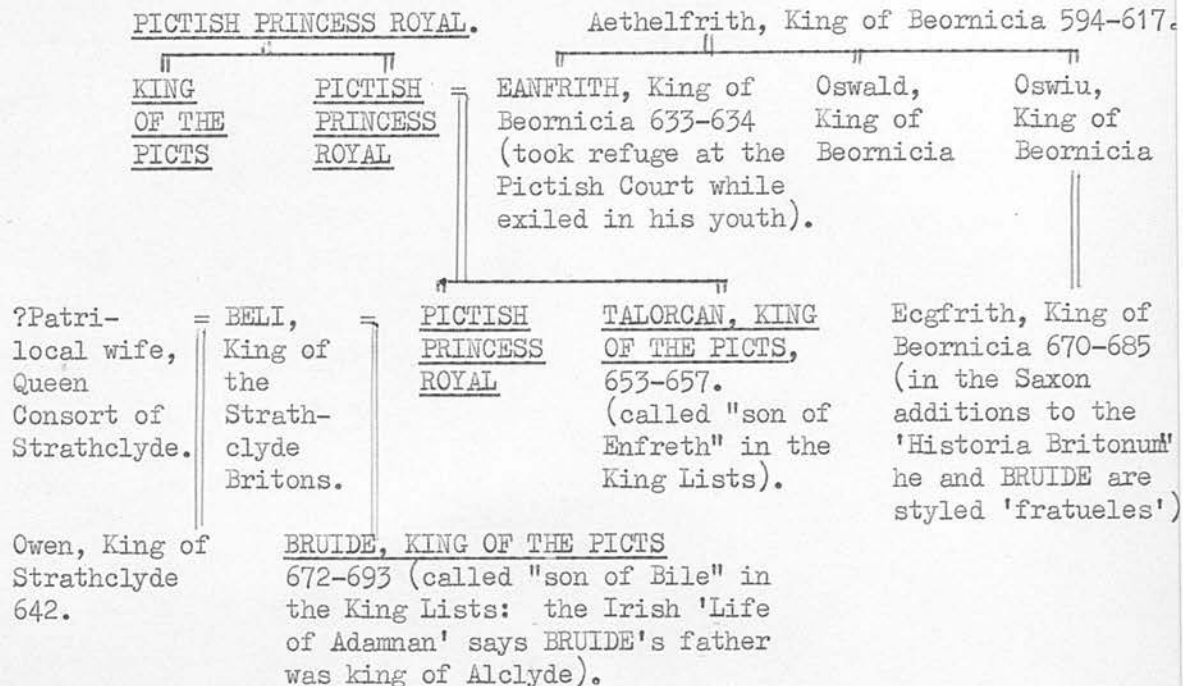
SUCCESSION AMONG THE PICTS.

Such evidence as we have tends to shew that, at about the beginning of the Christian era, most parts of the British Isles<sup>(1)</sup> favoured a matrilinear system of succession<sup>(2)</sup>, and indeed traces of such a system survived both in the Hebrides<sup>(3)</sup> and in Fife<sup>(4)</sup> into the twentieth century. In its simplest form, matrilinear succession is simply succession through the direct female line, so that a man's heirs are firstly his brothers (by the same mother) and after that his sister's sons. But it may be accompanied by the primitive "classificatory" system whereby all close relations in the direct (female) line call their own generation "brother" or "sister" (whether true uterine brother or only cousin) and older and younger generations are called "father" or "son" even though truly uncle or nephew<sup>(5)</sup>. Such a group are usually formed by the common (female-line) descendants of a great-grand-mother<sup>(6)</sup>. Matrilinear families are usually also matrilocal, in that the mother's hearth is the family home. Under such a system paternity loses much of its importance, and women are often allowed to mate at will: but it is often accompanied by totemism and exogamy<sup>(7)</sup>, so that the women cannot mate within their own female-line clan, which has its own sacred emblem. There is reason to suppose that the Picts favoured such a system of matrilinear succession, and that it survived in a modified form into Christian times.

Dio Cassius, writing in the 3rd century A.D., reports that the Caledonian lady Argentocoxa retorted to the Roman empress Julia: "We satisfy the necessities of nature in a more commendable manner than you Romans, for whereas you seek secrecy to prostitute yourselves to the vilest of men, we appear in the face of the world enjoying the society of the best"<sup>(8)</sup>. Professor Zimmer comments: "In like manner, in the seventh century, Christian princesses gave themselves up openly to such of the nobles of the Angles, Irish, and Cymri as pleased them among the refugees at the Pictish Court"<sup>(9)</sup>. Matrilinear succession continues in many parts of the world, as for instance in Travancore, where the Maharajas are succeeded by their sister's sons<sup>(10)</sup>. But it can perhaps best be studied at the present day among a people as primitive as the Picts, if not more

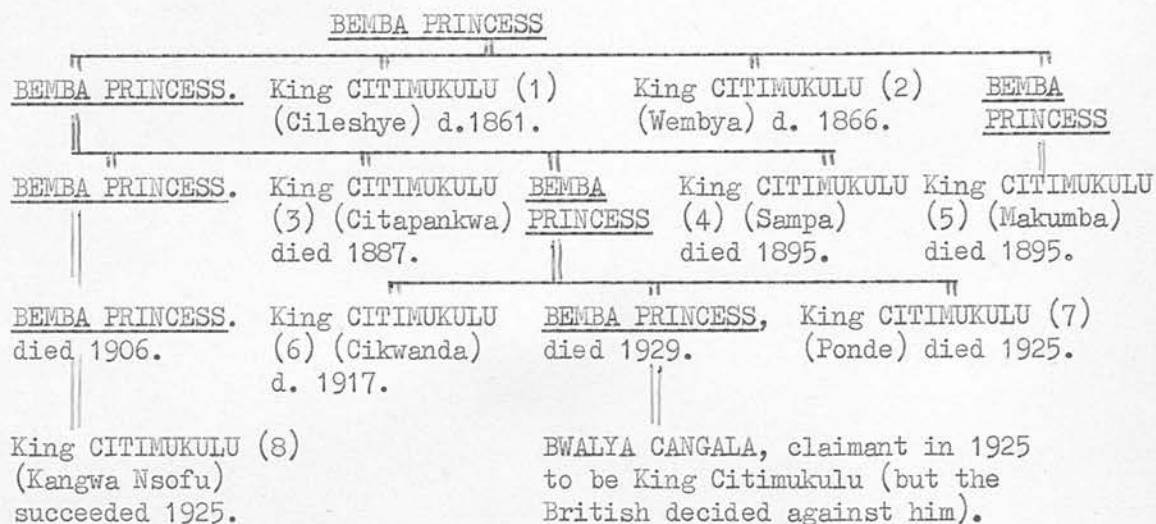
so, in the African kingdom of Bemba<sup>(11)</sup> in north-eastern Rhodesia<sup>(12)</sup>. In Bemba, "the mother of the paramount is highly honoured, succeeds to a fixed title ... takes part in tribal councils, and has several villages of her own<sup>(13)</sup>". The sisters of chiefs are privileged persons, protected and supported by their royal brothers, and usually granted one or more villages to rule. They are above the law in matters of sex morality, and a princess is allowed to have as many lovers as she pleases, provided she produces many children as potential heirs to the throne<sup>(14)</sup>... "A royal princess might even produce an heir by a slave father in the old days without lowering her child's prestige"<sup>(15)</sup>. Vestiges of this custom survived also into modern times among a number of African kingdoms that had adopted the patrilinear system, but in which the King's Mother was still of great importance, and the king's sister was Queen even though they were not married to each other<sup>(16)</sup>, and where both Queen-mother and Queen-sister were allowed to have as many lovers as they liked<sup>(17)</sup>. In dealing with the Picts, it may be more convenient to refer to the king's sister, through whom it appears the succession passed, as the Princess Royal: although there is no evidence that she was not styled Queen as in so many African communities<sup>(18)</sup>.

Bede<sup>(19)</sup> tells us that up to his time, i.e. the beginning of the 8th century, the Picts preferred the female to the male line in their rule of succession to the throne ("ut ubi res perveniret in dubium, magis de feminea regum prosapia, quam de masculina, regem sibi eligerent, quod usque hodie apud Pictos constat esse servatum"). This is borne out in the various early versions of the "Pictish Legend"<sup>(20)</sup>, one of which says of the Picts that "it is in right of mothers they succeed to sovereignty and to all other successions"<sup>(21)</sup>. There is reason, but not conclusive reason, for supposing the successive Princesses Royal of the Picts to have been exogamous<sup>(22)</sup>. There is no reason for supposing that their system of succession was otherwise than purely matrilinear until at least 782<sup>(23)</sup>. The following table<sup>(24)</sup> may serve to illustrate the Pictish succession law:



We have evidence that Pictish kings were succeeded by their brothers before the succession passed to a later generation, and it seems probable that they adhered to the classificatory system, as rival claimants who were evidently not brothers appear sometimes to have belonged to the same generation of the royal house. How this works out genealogically can be demonstrated by the present Bemba royal house, who are the great-grandchildren in the direct female line of the sister of Cileshye, the king who died in 1861. The Bemba royal house is matrilinear, matrilocal and follows the classificatory system. The king is always called Citimukulu, whatever his name before his accession to the throne: twenty-five to thirty Citimukulus are remembered. This is very reminiscent of the account of the Picts in pagan times: "thirty kings of them, and Bruide was the name of each man of them"<sup>(25)</sup>. The present Citimukulu was originally called Kangwa Nsofu: his great-grandmother's brother Cileshye (a cadet of the matrilinear royal stock sprung from a sister of the first Citimukulu who conquered Bemba-land) seized power about a century ago and took the usual throne-name of Citimukulu<sup>(26)</sup>. It seems just possible, therefore, that before Christian names were introduced among the Picts, their pagan kings all bore the throne-name of Bruide<sup>(27)</sup>. The following table illustrates

the succession to the Bemba kingship and the throne-name of Citimukulu since the time of Cileshye:



It would be helpful if we were able to know the dates of birth of the successive Bemba kings, but a glance at the tabular pedigree will demonstrate the probability that, according to the purest form of the classificatory and matrilinear succession law, each king was succeeded by his eldest surviving "brother" (i.e. brother, first or second cousin) under the classificatory system; and that when all of the one generation of the royal family were dead, the kingship passed to the eldest "son", i.e. the first-born male of the next generation of the royal family<sup>(28)</sup>. The limit of claims to belong to the category of "brother" or "son" seems to be in principle what the Gaels called the derb-fine or "true family" (see note 6 above), in this case the direct female-line descendants of a royal great-grandmother whose son attained the throne. This was doubtless also the pure form of the law amongst the matrilinear Picts.

But the pure law seems to have been continually in doubt, both among the Bemba and the Picts<sup>(29)</sup>. The most obvious situation would arise where the eldest-born "son" of the new generation had to compete with both the younger-born son of an elder "sister" of the previous generation and also with the younger-born son of the actual sister of the previous king. The author of "The Bemba Tribe" (op. cit. p. 100) writes "A Bemba chief,

or commoner, is succeeded by his brothers in order of age, next by his sister's children, and, failing them, by his (sic: but obviously her) maternal grandsons". It is clear that she has given the classic simplification that overlooks the classificatory system to which she herself has earlier referred, for she continues in a contradictory strain: "Difficulties arise when there is a choice between an older classificatory 'brother', not a sibling, but possibly a mother's sister's son, or an even more distant 'brother' still, and a young man, a maternal nephew who is the child of the deceased's own sister, with whom, as we have seen, his ties are very close. Here the principles of primogeniture conflict with that of propinquity of kinship". Such difficulties could only arise after contact with peoples who did not regard classificatory brethren as genuine brethren, and it is significant of the difficulty people feel in divorcing other people's systems of succession from their own "natural" system of succession that the author of "The Bemba Tribe" continues: "it is probable that in these cases the nearest heir is appointed unless he is manifestly unsuitable": for the whole question is, who is the nearest heir? The nearest female-line male blood-relation to the late king, or the nearest female-line male blood relation to the first king, the great Citimukulu whose spirit is embodied in all his successors? That this confusion is shared by the Bemba (as it was probably also shared by the Picts) is illustrated by Dr. Richard's observation (op. cit. p. 100): "In most types of succession whether to the name and spirit of a dead man or to his office, there are usually two or three potential heirs, ... although there are certain rules of priority".

A special council of nobles exists among the Bemba, called the bakabilo, and among their duties is that of deciding succession problems<sup>(30)</sup>, although it is perhaps typical that the British Government did not refer to them the succession dispute of 1925<sup>(31)</sup>. Perhaps the Picts had such a council: we are reminded of the account given by Giraldus Cambrensis<sup>(32)</sup>, which has been interpreted<sup>(33)</sup> as meaning that Kenneth mac Alpin invited his rival Drest mac Wrad to a conference at Forteviot or Scone, together with all the Pictish nobles evidently responsible for determining the succession, and then massacred all his potential opponents. After Kenneth's

death, we are told<sup>(34)</sup>, his brother and successor promulgated the laws of the Gaels of Dalriada throughout the united realm of Pictland and Scottish Dalriada: of these no doubt the most important was the succession law that militated against purely matrilinear succession. Nevertheless, it looks as though Kenneth mac Alpin had safeguarded his position by marrying a cousin, the Pictish princess royal, for after the deaths of his brother and his sons they were succeeded, not by their own sons, but by the son of Kenneth's daughter: who could only have had a claim by Pictish law if Kenneth's wife had also been a Pictish princess, and who could have had no other claim by any nation's law<sup>(35)</sup>.

Though the evidence is inconclusive<sup>(36)</sup>, it seems probable that the Picts were exogamous, like the matrilinear Bemba<sup>(37)</sup>. This does not necessarily imply, although writers on the Picts sometimes seem to assume it, that the Pictish royal princesses could only marry foreigners: it would normally only imply that they could not marry within their own female-line clan<sup>(38)</sup>. Since a number of Pictish kings appear to have been fathered by foreign royalty, it may well be that the Pictish royal princesses preferred, like most royalty, to seek their husbands (if they were husbands) among other royalty; but they may well have also inter-married (or at least inter-bred) with Pictish nobles of other matrilinear clans.

The end of exogamy after the introduction of Christianity, with its differing marital prohibitions, would gradually permit inter-marriage within the royal (matrilinear) clan, so that Pictish kings could marry their cousins, potential heiress-princesses, and their sons could inherit the throne in due course through the mothers<sup>(39)</sup>. By the eighth<sup>(40)</sup> or anyway the ninth century, previous kings' sons eventually succeeded to the Pictish throne, though not apparently until the elder generation of the royal house was exhausted and their own turn came, presumably in right of their mothers. Certainly, there seems to have been constant inter-marriage between the male-line dynasts of Gaelic Dalriada and the Pictish princesses royal at this period<sup>(41)</sup>.

By the opening of the tenth century, the old Pictish matrilinear

succession laws had been finally replaced in the united Picto-Scottish kingdom of Alba by the Gaelic "rights and laws of the kingdom of Aed mac Eochaid" (presumably Aed Finn, King of Dalriada, great-grandfather of the Picto-Scottish kings Kenneth and Domnall mac Alpin), promulgated after 860 by King Domnall<sup>(42)</sup> and effective after the death in 889 of King Eochaid, whose mother was sister of Kings Constantine and Aed and who appears to have been the last King of Picts according to the old form of succession law<sup>(43)</sup>. Whether these laws limited the throne to the purely male line, as among the Irish Gaels, is uncertain. It seems perhaps more probable that the succession was open through females on failure of the immediate male line (as with us nowadays). It is true that from 889 to 1034, a period of 145 years<sup>(44)</sup>, the succession to the throne remained in the purely male line. But as there was no known case of a king during this period leaving a daughter but no son<sup>(45)</sup> this is far from conclusive that female-line succession was excluded<sup>(46)</sup>; especially as after 1034 both rival claimants to the throne, Duncan I and Macbeth, claimed only through females; although all the early Gaelic genealogists are agreed in tracing many chiefs of still-existent clans to branches of the Dalriadic male-line dynasty<sup>(47)</sup>, so there is no suggestion that the remoter male line of the royal house ever became extinct.

Finally, there seems no reason to doubt that up to the time of King Domnall mac Alpin the succession to other Pictish inheritances besides the throne was also regulated by mother-kinship: "it is in right of their mothers they succeed to sovereignty and to all other successions"<sup>(48)</sup>. But we do not know whether their under-kingships and other ritual dignities were hereditary in the sense that they belonged either to particular branches of the over-kings' house or else to certain noble clans, or whether they were reserved for members of the royal house, appointed in each case by the over-king and moveable from fief to fief. The position probably differed according to the particular province. It may be useful to examine the Bemba customs in this respect<sup>(49)</sup>.

"The whole Bemba territory is divided into districts (ifyalo, sing. icalo). The icalo is a geographical unit with a fixed boundary and a name dating from historical times, e.g. the district of the Citimukulu" (the

over-king) "is known as Lubemba, ... and that of Mwamba, Ituna. These districts are territories originally allotted to members of the royal family, but once so divided they have never been sub-divided to provide smaller chieftainships for a new generation of princes as has happened in some parts of South Africa". This is reminiscent of the tradition that Pictland was anciently divided into seven sub-kingdoms by seven royal brothers<sup>(50)</sup>. "But the icalo is also a political unit. It is the district ruled over by a chief with a fixed title - the name of the first ruler to be appointed over each particular strip of land, always a close relative of one of the earlier Citimukulus". In Pictland, the sub-kingdom of Angus is said to have been named after Angus (Unuist), the eldest of the royal brethren. "There are several types of chief, the paramount" (i.e. the over-king of all the Bemba) "who has his own icalo, as well as being overlord of the whole Bemba territory; the territorial chiefs, five or more in number" (i.e. the sub-kings) "who have under them sub-chiefs who may rule very small tracts of country, or, rather, over a few villages. Mwamba has a sub-chief, the Munkonge, and the Nkula has Shimwalule, Mwaba, Mukuikile, Nkweto, &c." In the Pictish regions of Alba, at any rate latterly, the paramount kings seem to have held Gowrie as their own immediate province. Each of the under-kingdoms of Pictland is said to have included a subordinate district with its own under-king: Angus had Mearns, Atholl had Gowrie, Strathearn had Menteith, Fife had Fothreve, Mar had Buchan, Moray had Ross, and Caithness was divided by mountains. It was in the formerly Pictish parts of Alba that the ranks of mormaer and toisach appeared.

"Each of these chiefs is known by the same title mfumu and each icalo is a more or less self-contained unit ... Each capital has its own court ... The icalo is also a ritual unit ... The territorial chieftainships are arranged in order of precedence, according to their nearness to the centre of the country - Lubemba - and the antiquity of their office. To the most important of these chiefdoms - the Mwambaship, the Nkulaship, the Nkolemfumuship, and the Mpepoship, for instances - the Citimukulu appoints his nearest relatives, the one succeeding the other in order of seniority. Thus the present Citimukulu, Kanyanta<sup>(51)</sup> has acted in turn as the

Nkolemfumu, and the Mwamba before succeeding to the paramouncy. <sup>(52)</sup>

On the other hand, the sub-chieftainships have tended to become concentrated in local branches of the royal family. ... The situation is ... more complicated in the case of succession to chieftainships, since through the custom of inheriting one big territorial chieftainship after another within the paramount's immediate family, a tradition has grown up that, e.g., the holder of the Mwambaship should always succeed to the Citimukuluship, whatever the priority of kinship. This claim ... is commonly supported by Government officials who naturally prefer a fixed system to the discussion of rival candidates' rights that seems to have been the older procedure. There is also a tendency becoming more and more evident for certain of these bigger chieftainships to be confined to sub-branches of the main royal line, as distinct from sub-chieftainships which are nearly always given to descendants of local branches of the "crocodile clan" (the over-kings' clan) "... This constant growth and separation of different sub-lines or houses of the royal clan seems to have been continuous in the past". All this is very reminiscent of what we know of formerly Pictish Scotland in historic times: and would explain, for example, why Earl Gillemichael seems possibly to have been earl of Buchan before he became earl of Fife <sup>(53)</sup>. In pagan times, no doubt the appanages reserved for the dynasty would presumably have been limited to members of the matrilinear royal clan, but from the time of Domnall mac Alpin they must have been conferred on the male line of the Dalriadic dynasty (as so many ancient highland genealogies seem to attest). During the fully historical period, throughout which the succession to the throne has been open to descendants of the Blood Royal through both the male and female lines, the great provinces or earldoms have been conferred on such descendants irrespective of whether they derived their Blood Royal through men or women: see above, the chapter on Heirs at Law to Earldoms <sup>(54)</sup>.

There is little evidence to shew how the Picts interpreted the rules that confined the choice of abbots to Founder's Kin among the Gaels, as in the Columban monasteries where the abbots were chosen from the patrilinear kindred of St. Columba (whose clan were the Cineal Conaill). But it may

be worth noting about "Bangor of the Irish Picts in the Ards of Ulster"<sup>(55)</sup>, that the founder of Applecross Abbey in Pictland in 673, St. Maelrubha, Abbot of Bangor, was connected on his mother's side with St. Comgall, founder of Bangor<sup>(56)</sup>.

NOTES ON SUCCESSION AMONG THE PICTS.

(1) Caesar ("Gallic War", v. 14, tr. Bohn) tells us that "All the Britons, indeed, dye themselves with woad, which occasions a bluish colour, and therefore have a more terrible appearance in fight" (this is reminiscent of the tattoo-marks, probably blue and possibly of totemic emblems, that later gave the Picts their name) "... Ten and twelve have wives common to them, and particularly brothers among brothers and parents among their children; but if there be any issue by these wives, they are reputed to be the children of those by whom respectively each was espoused when a virgin". T.C. Lethbridge ("Gogmagog", pub. 1957, p. 68) takes the view, which seems to be justified, that during the early years of the Roman occupation the Iceni (in what is now East Anglia) "were a tribe in which rule descended through the female line. This is clear from the story of Boadicea (Boudicca)'s revolt. The Romans violated the queen and her daughters, through whom the royal line descended. Hence the violence of the insurrection and Boadicea's sacrifice of female captives to the goddess Adraste".

Professor Heinrich Zimmer ("Matriarchy among the Picts", trans., in Dr. George Henderson's "Leabhar nan Gleann", 1898, at pp. 1-41) cites a number of other examples, both from Britain and from Ireland, which had of course a considerable British or Pictish population, especially in what is now Antrim and county Down. Dr. Henderson (op. cit. p. 301) points out that many of the heroes of early Irish literature, and notably Cuchulain himself, have their descent reckoned on their mother's side: and it might be added that early Irish literature depicts on the part of princesses what would seem gross laxity of morals in a truly patrilinear society. Strabo ("Geography" iv, 4, C, 201; Meineke p. 275; see Zimmer p. 23) in the 1st century A.D. refers guardedly to rumours that in Ireland men deem it "commendable to devour their deceased fathers, as well as openly to have commerce not only with other women, but also with their own mothers and sisters". These customs seemed weird to Strabo, but there have been many sacred realms where the new king was required by ritual to eat some part of his predecessor, and from the Pharaohs of Egypt as far afield as the Incas

of Peru the king reigned perfectly only when married to his heiress-sister or even to his heiress-mother: so the Irish commerce with women may simply reflect a matrilinear system of succession in those early times.

Dio Cassius, writing in the 3rd century A.D., tells us of the Caledonians and of the Maiatai (who dwelt south of the Wall, usually regarded as the Antonine wall, but perhaps the Mounth - the great wall of mountains "that separates the island in two parts"-is meant) that "Both of them inhabit upon barren, uncultivated mountains. ... The women are common between them, and they take an equal care of all the children they bring forth". In the 5th century, Hieronymus says that the Scots and Atecotti, allies of the Picts, had wives and children in common (Monum. Britannica i, xcix, see Zimmer p. 26). Some centuries later, the Irish interpolator of Solinus (perhaps a pupil of the Irish Pictish abbey of Bangor) tells us that the King of the Hebrides may not marry: "No woman is given to him for his own wife; but he takes on loan, one after another, any woman of whom he becomes enamoured. So he is not allowed either to pray or to hope for children" (Solinus, Mommsen's ed., p. 234 et seq). This argues a matrilinear succession, and indeed is the exact opposite to the sister-queen's position in those African communities that have changed to a patrilinear system (see note 17 below). Adamnan ("Vita Sancti Columbae", ii, 42) shews that the ruler of the Hebrides was an under-king of the King of Picts, and a gloss upon the Irish "Martyrology of Angus the Culdee" (see Skene's "Celtic Scotland", ii. p. 152) refers to what appears to be a ruling queen in the Western Isles at the time of the massacre of St. Donnan's monastic family on Eigg in 617. Skene and Chadwick ("Early Scotland" p. 92) both think she was queen regnant, and ruled only in Eigg. But there seems nothing in the account to limit her authority to Eigg, and indeed the "Calendar of Marian Gorman" (also cited by Skene, op. cit. p. 152) implies that the slayers of St. Donnan and his monks came by sea, doubtless from another island. Reference to matrilinear African communities shew that the Princess Royal or Queen-sister has considerable political authority (see note 16 below), and it seems perhaps most probable that the queen who ordered the massacre of St. Donnan's community because they had taken up their abode in a place where her sheep were kept, was really the Queen-

sister of the unmarriageable King of the Hebrides.

(2) Such a system is or has been widespread throughout the world. J.F. MacLennan adduced reasons for supposing it to have underlain the original customs of the Aryan-speaking peoples of Greece, Rome and India. In his "Patriarchal Theory" (1885, p. 85) he notes that even after the Rurikid system of pure agnation had been introduced among the Slavs (presumably by their Norse rulers) the sister's son of a slain man had special rights of avenging his murder. In "The Golden Bough", part one vol. ii, Professor Sir James Frazer deals at length with traces of matrilinear succession amongst ancient Aryan-speaking peoples at pp. 266-323, "the Succession to the Kingdom in Ancient Latium". In the abridged edition of this work, at p. 152, he summarises his view that "the succession to the kingship at Rome and probably in Latium generally would seem to have been determined by certain rules which have moulded early society in many parts of the world, namely exogamy, beena marriage, and female kinship or mother-kin. Exogamy is the rule which obliges a man to marry a woman of a different clan from his own: beena marriage is the rule that he must leave the home of his birth and live with his wife's people; and female kinship or mother-kin is the system of tracing relationship and transmitting the family name through women instead of through men." In the extended edition referred to above, at part one vol. ii p. 283 et seq., Professor Frazer sets out a number of "facts which appear to be undoubted survivals among Aryan peoples of a custom of tracing descent through the mother only". Although it appears to have disappeared long ago from amongst the Aryan-speaking peoples, the custom of matrilinear succession has survived into modern times in other parts of the world. The Maharajas of Travancore, the most important royal house of southern India, are still succeeded by their sister's sons. In Ashanti, the course of succession was from brother to brother and then to the sister's son (Bowdich, "Mission from Cape Coast Castle to Ashantee", 1819, p. 254, see MacLennan, op. cit. 348). "In Fiji father and son are not regarded as relatives" (Encyc. Brit., 11th ed., sub "Matriarchate"). This custom is also traceable amongst other peoples of the ancient world. Professor Robertson Smith, in "Kinship in Early Arabia", demonstrates the probability that such a system was known to the ancient Arabs.

(3) Dr. George Henderson, op. cit., p. 13, has a note: "c.f. the Uist custom, where the household cows are given the mother's names from generation to generation. In the glens of Antrim, if I mistake not, a young woman is locally known by her mother's name, not solely by her own. 'A woman may take her husband's name when she marries, or she may not. If she keeps her own, she may keep either her father's name or her mother's maiden name. Suppose that a girl at the age of ten is called Mary Macneill; she may grow up and marry a husband of the name of Maclarty, and subsequently another husband of the name of Macelheran, and after all she may die as Mary Docherty, because that was her mother's maiden name'. - Blackwood's Magazine, Sept. 1893, p. 370". Antrim was closely connected with the Hebrides from at least Pictish times, and latterly its rulers were McDonnells of the royal house of the Isles. Henderson quotes as a common highland saying in his time (1898): "It is mother kinship that is nearest" (se c airdeas na mathar is dilse); also, from Sheriff Nicolson's "Gaelic Proverbs" (2nd ed. 1882, p. 105), "I will not say brother but to my mother's son" (cha'n abair mi mo bhrathair ach ris a mhac a rug mo mhathair).

(4) Dr. T.T. Paterson, who is cited by T.C. Lethbridge in "the Painted Men" (1954), p. 106.

(5) The classificatory system was discovered by Lewis H. Morgan. See his "Systems of Consanguinity and Affinity of the Human Race", though much modified in detail by subsequent research.

(6) This group corresponds to the patrilinear group of agnates descended from a common great-grandfather, found among the Welsh (see chapter on Succession among the Cymry), among the Gaels of Ireland (see chapter on Succession among the Gaels), and as far afield as India. The Irish called it the derb-fine (pronounced 'dervinna') or "true family". In the Scottish highlands, as late as the 18th century, tacks to cadets were often granted for three lives, i.e. to the generation where the tacksmen would reach the limit of the granter's "true family".

For a matrilinear approximation, see Audrey I. Richards, "The Political

System of the Bemba Tribe", p. 88, pub. in "African Political Systems", ed. Fortes & Evans-Pritchard (International African Institute, 1940): "Within the clan, smaller lineage groups are recognized. These have no distinct name; though the Bemba often refer to them as 'houses' ... of the same clan. Such a house consists of the direct descendants of one particular ancestress traced back to three or four generations - five at the most. Within this smaller descent group, succession to office is usually limited, and chieftainships tend to become hereditary within three or four generations in such lines".

(7) See note 1 above, also notes 22 and 38 below: and Professor K.H. Jackson in Wainwright's "The Problem of the Picts", at p. 135. T.C. Lethbridge suggests the possibility of totemism in the Pictish tattoo-marks ("The Painted Men", p. 70). Francis C. Diack, "The Inscriptions of Pictland" (Third Spalding Club, 1944), pp. 40-42, writes of the Pictish "habit of tatooing their bodies with 'various drawings and figures of animals'. Isidore, a contemporary, expressly says that the different ranks of the people had each their own designs, and that the purpose of the pictures on their bodies was to indicate their rank. Hence, as is to be expected, when the powerful sentiment of rank and social superiority comes into play, these insignia were so highly valued that the Picts preferred going more or less nude to covering them. It is natural to suppose that a custom like this, universally practised and highly esteemed among the people over a long space of time, should have left evidence of its existence on some less perishable material than the Picts' own bodies. Thus we find these tatoo-figures appearing on personal possessions like chains of silver and other objects and a great series on the walls of certain caves which were in human occupation at the period. ... At some date, which it is impossible to fix with much precision, the Picts began to incise on a man's gravestone his personal tatooings, and so record on it his rank and quality. ... By the time of the later Christian slabs the symbols have become a survival and a tradition somewhat similar to the use today of mediaeval heraldic emblems, coats of arms, and the like. Their original use was lost, since the practice of tatooing had evidently passed away. In the sculptures of men in the hunting and other scenes on the

slabs, the human figure is clothed. The disuse of tattooing may have followed indirectly from the influence of Christianity in bringing the Picts into closer connection with outside civilisation where the practice was regarded as barbarous".

It may perhaps be suggested that both views are right, and that the Pictish tattoo-marks, carved also on commemorative stones, were a combination of family totemic symbols and marks of rank, as is indeed the case with heraldic insignia today: where a man's armorial achievement shews whether he is a baron, baronet or peer, as well as the clan or Name to which he belongs. The Pictish tattoo-symbols are of course immediately relevant to this paper only insofar as the existence of totemism may imply a presumption of clan exogamy that necessarily affects succession laws; but are also of interest to the student of heraldic succession because of the apparent connection between totemism and the origins of heraldry (see the chapter below, on the Heir at Law to Arms). For the possibility of exogamy among the Picts, see note 22 below.

(8) Dio Cassius, lib. lxxvi 16, see Zimmer, op. cit. 25.

(9) Zimmer, ibid.

(10) The writer is indebted to Mr. Sutton, Librarian of the India Office Library, for references to matrilinear succession in India.

In the case of the Maharajas of Travancore, who appear to have been a royal house by matrilinear succession for well over a thousand years, "The laws which govern succession are peculiar, descent being traced in the female line, according to the prevalent usage on the West Coast. Any failure in the direct female descent requires the adoption of two or more females from the immediate relations of the family, all of whom are assigned a distinguished rank and enjoy many privileges, as alone entitled to give heirs to the State." (Imperial Gazetteer of India, Oxford 1908, vol. xxiv, article on Travancore State, p. 8n). "As regards inheritance, the different communities (in Travancore) can be classified according as the system followed by them is patriarchal, matriarchal or a mixture of

both. At the last census conducted in 1931, out of a total Hindu population of 3,134,888 persons 882,165 were makkathāyis, 925,902 marumakkathāyis and 1,326,821 followers of a mixed or doubtful system" (T.K. Velu Pillai, "Travancore State Manual", Trivandrum 1940, vol i p. 424). "The (Maharaja's) family follows the Marumakkatayam law of inheritance, general in the Malabar country, by which the succession is with the offspring of its female members, amongst whom the next eldest male is always the heir-apparent; and a special sanad from the Governor-General, dated 1862, authorises the adoption of nieces to perpetuate the dynasty" (Sir Roper Lethbridge, "The Golden Book of India", London 1893, p. 544). It should perhaps be observed that only true cognates are eligible for adoption, just as with the Japanese and Rajput dynasts only true agnates are eligible for adoption: since "adoption" has led to the mistaken impression among some modern Europeans that the adopted heirs to such thrones were not real descendants of the imperial or royal houses in question, and thus to the mistaken impression that there was no blood-link connecting the later dynasts with the founder of the dynasty. "Adoption" is simply a device for making a distant cousin (properly descended of the Blood Royal) into a ritual son of his immediate predecessor, and thus ensuring continuity without succession disputes in the family.

Students attempting to reconstruct the Pictish way of life, and seeking comparisons with matrilinear culture diffused elsewhere, should find Baron Omar Rolf Ehrenfels, "Mother Right in India" (Osmania University Series, 1941), a useful work. It includes a map illustrating the distribution of Matriarchal and Totemistic Elements in India (throughout the monograph, Dr. Ehrenfels equates the word "matriarchal" with the sense of "matrilinear"). The main concentrations of matrilinear peoples in modern India fall into two groups (1) the North-East Group, consisting of the Khasis and Garos in Assam, and (2) the South-West Group, on the Malabar coast, consisting of the Kadirs, Todas, Palayan or Cheruman, Parayan and, above all, of the Nayars. But traces of matrilinear elements survive in many other parts of India, and Dr. Ehrenfels (following Sir John Marshall) is of the opinion that the most ancient Indus valley civilisation at Mohenjo-Daro adhered to mother-right. Those who consider that the matrilinear system of the Picts

was pre-Aryan, will doubtless find this view reinforced by the existence of a similar system of succession (apparently surviving from pre-Aryan times) on the other fringe of the area blanketed by the Aryan-speaking peoples. On the other hand, matrilinear traces are to be detected among the early Celts, Teutons, Greeks and Latins, and Dr. Ehrenfels himself devotes a chapter to similar traces among the Rajputs: so the problem is not so simple as to be readily resolved in terms of successive waves of culture associated with linguistic groups. It is often unwise to relate waves of culture to specific language-groups, as the diffusion of Buddhism, Christianity and Islam in historic times perhaps sufficiently demonstrates.

In comparing the Khasi with primitive peoples in the British Isles, it may be worth noting that marriage is prohibited within each female-line clan of cognates, and that this exogamy is as usual accompanied by totemism (Ehrenfels, p. 39); also that within each clan all clansmen trace their descent from the same female line ancestress, and are divided into sub-clans (septs) which are composed of ling, "i.e. household units. Three generations of females constitute the essentially important members of such a household" (c.f. the Celtic "true family"). "The husbands matrilocally live in their wives' Households, or, as among the Synteng and Jowei, under the system of the visiting marriage, reside at their mothers' houses. Even today the husbands are called 'children of somebody else' or 'begetters', whereas only the children of one and the same mother are members of the same clan" (*ibid.* p. 36). Dr. Ehrenfels is so convinced that a matrilinear system presupposes former matriarchy (a view which the present writer is unable so far necessarily to share) that he continues, at pp. 36-37: "It is astonishing that under these circumstances husbands are addressed as Lord by their wives, though in a sense they remain foreigners, even after death their ashes finding no place in the family grave of their wives and children. Private property is inherited according to this conception, daughters being their mothers' heirs, the youngest sister getting the lion's share in the shape of the family house, its main pieces of furniture and the mother's jewellery" (c.f. the Welsh system, whereby the youngest son inherited the family home). "Neither

sons nor brothers inherit. In the state organization masculine tendencies are more prominent. Usually a S'iem presides over a Khasi state. He is the nephew or other male relative of the Ka S'iem Sad. She is now merely the high priestess, but seems to have formerly delegated governmental power only temporarily to men. Yet here also, descent is traced in the female line. Characteristically enough the male heirs inherit according to the majorat principle, contrary to the minorat in the case of the female inheritance of private property, which is always inherited in the female line, with one exception only, that of property personally acquired by men. In this case the young couple establishes a new home, after the birth of one or two children, in the house of the wife's mother; an unmistakable remnant of matrilocality".

In general, throughout India, it is interesting to note that Dr. Ehrenfels classifies "worship of the goddess of contagious diseases and certain forms of animal sacrifice, where decapitation is prominent, the importance of blood or the colour red in religious observances", among "cultural features which, in India, must be considered as matriarchal survivals" (Ehrenfels, p. 11); and, in view of the Tir Conaill horse sacrifice referred to in the chapter on Succession among the Gaels, that "Koppers had proved that the matriarchal component (Koppers' südliche Elemente) in the Indo-European horse sacrifice is also traceable among the old Iranians, Germanians, Kelts, Romans, Greeks, and Slavs, not only in the old Indian Ashvamedha" (Ehrenfels, p. 113, citing Professor Wilhelm Koppers, "Pferdeopfer und Pferdekult der Indogermanen", in Wiener Beiträge zur Kulturgeschichte und Linguistik, Vienna, p. 364 et seq.). In considering the closing era of the Picts as a separate nation, when their royal house was evidently repeatedly inter-related with that of the Gaels of Argyll, it may be worth noting that throughout India one of the social elements of a matriarchal character, listed by Dr. Ehrenfels, is "a special form of cross-cousin marriage, forcing, or at least making it desirable for a boy to marry the daughter of his mother's brother" (Ehrenfels, pp. 11, 16). An interpretation of the Pictish double-disc symbol might possibly be found in the matrilinear Garo belief in "Sister Sun and Sister Moon": the Garo sacrifice pigs (c.f. the boar cult of the goddess Nerthus)

to the goddess whose symbol was the moon (Ehrenfels, p.41). Again, among the Garo, "membership of the machong or mahari, the matriarchal clan, is traced through the female line, though the totemistic character of these clans is more accentuated than among the Khasi. Thus, e.g., members of the Rangsam machong are named after the husband of their mythological ancestress, a brown bear, as 'children of the bear', not after their ancestress herself" (Ehrenfels, 40; c.f. the Pictish tattoo-symbol shewn by Diack to have been a bear, "The Inscriptions of Pictland", pp.13, 36).

But the warrior-ruler Picts were probably a more highly-civilised people than these Khasis or Garos; and the most interesting of all the Indian matrilinear peoples, from the point of view of this paper, are probably the Nayar. Dr. Ehrenfels (at p.58 et seq.) writes: "The Nayars are the feudal land-owners, a privileged, highly educated class of Kerala, ... having preserved the traditional matriarchal system and some other national peculiarities till after the Great War of 1914-18. They inhabit the strip of land between the coast of Kanara and Cape Comorin. They were not only knights and warriors, but also ruling kings in Kerala till the beginning of European rule, as Duarte Barbosa reports in the sixteenth century. Their everyday life was ... determined by the soldier's profession. ... Let us first consider the peculiar connection between land-owning rulers and warriors, and the matriarchal system of society, which, outside India, can only be found in a similar form among the Naches in the lower Mississippi valley of south-eastern North America, where they constitute a matriarchal kingdom, ruling a patriarchal group of subjugated peoples. A situation similar to that of the Nayars ruling over the three less matriarchally organised groups, described above (Todas, Pulayan and Parayan), as also over some patriarchal castes" (c.f. the position in Alba, during the periods when the patrilinear Gaels of Argyll were subjugated by the matrilinear Picts).

"The Nayars never lived in exclusive districts of their own. Their villas, or palaces, are scattered all over the country, surrounded by the shady trees and palm gardens, and by fields, where the depressed classes had to work as agricultural slaves and serfs" (c.f. the nativi, inherited from ancient Alba, and gradually freed after Scotland was feudalised). "... the maternal uncles or Karanavan of the Taravad, or matriarchal joint-

families, living in these manor-houses, ruled like kings ..., managing the whole estate and representing their people in foreign matters.

Ananthakrishna Iyer points to the advantages of this system, when describing (a) the willing and unpaid co-operation of old and young, (b) the organized, systematic economy in the joint-family and (c) the uplifting influence of the women, who in contrast to those of the rest of India, have developed a standard of intellect, character and physical fitness equal to that of the men. ... The Rajas of the separate kingdoms in Kerala exercised an almost unlimited power, not only over the Nayar men, their warriors and officers, but ... they also had the power to endow such a man with conjugal rights over a Nayar woman, even if she was already married to one husband" (c.f. the account of the King of the Hebrides in Pictish times, described in note 1 above). "The Rajas were supported by three types of parliament, (a) the council, chosen by the ruler himself, (b) spontaneous assemblies, in the case of gross misdeeds on the part of the Raja, and (c) minor councils of the pramanis in each desam, the local district, still surviving in the assemblies of the village notables".

"... A Taravad, or matriarchal joint-family, comprises all descendants of one common female ancestor. The husband, or husbands of the oldest ruling mother, who later on was represented by the aforesaid karanavan, her brother, usually remained in their mother's Taravad and merely visited their wife or wives. If such a Taravad family increased too much in the course of time, so that members numbered a hundred or more, the joint-family was divided into tavazhis. Here again the principle of female descent prevailed as is also shown in the word itself, derived from the roots ta, mother and vazhi, line or descent. The construction and outward appearance of a Taravad house exhibit several interesting details. The ground on which it is built should be slightly inclined towards the east. It is confined by a square border-line and divided into four equal parts. The north-eastern and south-western parts of the ground are used for different buildings, the south-eastern corner for the cemetery. In the centre of the south-western corner, the small wood comprising the serpent-grove, so important in Nayar religious life, is situated" (c.f. the well-known "Serpent and Z-rod" symbol of the Picts, illustrated by Diack, op. cit., p. 15). "The main

building and dwelling house faces the east. The guest-room and sanctuary must be so constructed, that the first rays of the sun fall through the entrance door. A big water tank for the repeated and much favoured religious and secular baths is to be found in every Nayar home. Moreover the well is constructed so as to let water flow directly into the kitchen. The main house is surrounded by different smaller buildings and shelters for cattle. The married woman does not sleep in the common dormitory; she has one or two rooms of her own, where she can receive her ... husbands. The fathers showed relatively little interest in the education of their children. ... The maximum number of legitimate husbands for a noble Nayar lady, according to various reports, seem to have been twelve. Each husband had the right to remain with his wife, in turn, punctually regulated and reckoned from midday to midday. The Portuguese and Dutch travellers of the eighteenth century praise the durability and fidelity of these polyandric marriages. ... Logan says: 'The Nayar women are as chaste and faithful as their neighbours, just as they are as modest'.

"... The maternal uncle plays an important part ... the maternal uncle's song is sung at marriage. Children to a certain degree belong to their mother's brother, whose name occurs in theirs" (c.f. Professor Jackson, in Wainwright's "Problem of the Picts", at p. 141). "The eldest daughter of the eldest mother in a house, is of great importance, and formerly ruled as 'prime minister' of her mother. Her brothers too obeyed her orders" (from the context, this would seem to apply to the running of the household and estate, rather than to family affairs of state and war), "as the bond between brothers and sisters was also particularly strong throughout their whole life. Thus we understand that the family was dearer to a Nayar than anything else in the world". Dr. Ehrenfels proceeds to discuss the puberty rites of the Nayar girls, and their former ceremonial defloration (usually by a selected Brahmin) in an expensive ceremony "that is something between initiation and marriage". He also describes their subsequent real (though polyandric) marriage ritual, and tells us that "A Nayar husband used to leave his arms before the door of his wife's private room, when visiting her, thus indicating his presence to her other husbands. Just the same custom

is reported by Count Coudenhove and Merker of the East African Masai women, who had polyandric relations with the Elmorao, or generally with foreigners" (c.f. Professor Zimmer's comment on the seventh century Pictish princesses, at note 1 above).

Dr. Ehrenfels points out the importance of Mother Earth, of the goddesses who cause and cure various contagious diseases (especially small-pox), of ancestor-worship, and of the serpent cult, in the Nayar religion (we are reminded that when St. Patrick introduced Christianity, he is said to have banished all the serpents from Ireland). The possible connection of megalithism with totemism and matrilinear culture is also discussed. Of ancestor-worship, he writes: "A big room, a sort of house chapel, is dedicated to it in every rich Nayar house. ... The small figures of ancestors, which, as before mentioned, are not placed in separate temples, but usually in the profane Nayar houses, must be mentioned here as well. This latter feature, and perhaps also the type of figure, again suggest culture-historic relations to the Indus-civilization, where temples must have played a very unimportant role, compared to the beautifully constructed secular dwellings" (Lord Raglan tells the writer that in ancient matrilinear culture, each house was perhaps also a temple, and the province of the women, at once priestesses and chatelaines). "The blood-sacrifice, and perhaps the kudumi, the Nayars' asymmetrical manner of wearing their hair, reminding one of the aforesaid (i.e. the famous bronze dancing girl) female statue of Mohenjo-Daro, must also be mentioned in this connection". We are reminded of Minoan Crete, but also of Diack's remarks about the Picts (cited in note 7 above), by Ehrenfels's description of the Nayar "cult of the naked body during sport, similar to the classical attitude and that of ancient India, but absolutely dissimilar to that of mediaeval India. The women, especially of the highest classes, proudly left their breasts uncovered".

Dr. Ehrenfels also gives an interesting description of the Nayars in warfare. They had no cavalry, which is reminiscent of early accounts of the Picts (indeed, the mediaeval Scottish knights tended to dismount before battle and fight on foot). "Heine-Geldern stresses the marked similarity between the fighting methods of the Nayar and Mapilla (Moplah) knights,

their determination to die for their Raja's honour or some other ideal, ... and the running amok of Indonesia on the other. He also compares the former customs of ceremonially legalized attempts to kill the Zamorin, the ruling Raja, after expiration of a 12 years' period, with the ceremonial regicide in Africa" (it may be observed that ritual regicide apparently flourished anyway in Ireland at a time when traces of matrilinear culture survived there: see chapter on Succession among the Gaels). Finally, he discusses the position of mother-right in "culture-historic relations, in all probability connecting the Indus-civilization, and thus ... the original Nayar group, with ancient Mesopotamia, southern Arabia, ancient Egypt, the Mediterranean area and Africa in general". See especially p. 191, where Dr. Ehrenfels quotes from Sir John Marshall, "Mohenjo-Daro and the Indus-Civilization", and adds: "He thus supports the old theory of a culture-historical relationship, joining pre-Aryan, matriarchal India with the Hittites, Lydians, Lycians, Etruscans, Kantabrians, Basques, Picts and especially the ancient Greeks" (this follows on an earlier comparison with Minoan Crete). It is not necessary to go all the way with Dr. Ehrenfels, to suppose that the many common features of matrilinear culture wherever it is found on an ever-widening periphery around the worlds of the Mediterranean and the Indian Ocean, probably derive from ultimate contact and a common source or sources. But, of course, only careful tabulation of a large number of features from widespread matrilinear communities, and a careful comparison between them, can indicate what features might be expected to belong to the original pattern, and therefore be searched for among the Picts.

(11) See Audrey I. Richards, op. cit., in note 6 above. This work should repay study by historians seeking to reconstruct Pictish custom through the comparative method.

(12) There are of course a number of other African communities whose succession is matrilinear. For instance, "among the Tuareg Berbers a child takes rank, freeman's or slave's, from its mother" (Encyc. Brit., 11th ed., sub Matriarchate").

(13) This is reminiscent of the Hebridean queen whose sheep were involuntarily molested by St. Donnan's monks, and who ordered them to be put to death in 617 (see note 1 above). In the thirteenth century "Legend of St. Andrew", printed by Skene in "Chronicles of the Picts & Scots" at pp. 183-193, Bishop Regulus was given the royal homestead of Moneclatu (Monikie) as a gift to God and St. Andrew by the Pictish queen Finchem, in thanksgiving for a daughter born there. This argues considerable authority in the queen, whom the late monkish chronicler evidently assumes to have been King Oengus's wife, but who was perhaps more probably his sister, since the Pictish line of succession would have been assured by the birth of a daughter to his sister. Professor Chadwick, however, suggests (op. cit., p. 91) that King Oengus "may possibly have been trying to bring Pictish usage into conformity with that of the neighbouring nations, Dalriadic, British and English. ... One of the subsequent kings may have been his son". In this case, on the other hand, it is difficult to see why there should have been such rejoicing over the birth of a daughter (unless King Oengus had married a cousin, of the matrilinear Blood Royal, and looked to the daughter to pass on the succession to his posterity).

(14) Bemba, op. cit., p. 93.

(15) Ibid., p. 97.

(16) For an examination of the position of Queen and King's Mother among different kingdoms throughout Africa, see Tor Irstam, "the King of Ganda" (Stockholm 1944) pp. 167-175. For instance, "In Dar Fur one of the king's sisters was his queen. She was more powerful than the king's mother, was a regular official and the best intermediary between the common people and the king. One of the noblest princesses, generally a sister of the king's, occupied the position of queen in Wadai. ... Her influence was often considerable. ... The most prominent woman among the Camba was called mala. She was either the king's aunt or his sister, or a woman whose mother had previously had this office. She was the queen of all women and had a number of religious functions to fulfil. ... In Ashante the queen-sister was placed in authority over all other women. ... In the Congo, Loango

and Kuba the king's sister was the queen. She had her own residence and her own ministers. In Lunda the king's mother was at the same time queen. ... In Rotse the eldest sister of the king was his co-regent. She had to be consulted in all official matters and had the right of veto. She ruled over a province and had her own court. ... In Ganda the king's mother was either the king's real mother or some older woman from the royal clan. She was a holy person who had her own residence and large fiefs. ... Nyoro's queen-mother ... had her own court and large fiefs with ministers and officials of her own whose lives she controlled. She had a herd of sacred cattle" (we are reminded of the sheep of the Hebridean queen) "... In Abyssinia the queen-mother was the object of great reverence. - She had her own court and had great fiefs with chiefs of her own. ..." and many more instances are given. Irstam comments: "it appears that the queen-mother was not always the king's real mother. She might be the oldest woman of her family (e.g. in Dahomey, the Congo, Loango and Kuba) or a sister of the king's (e.g. among the Lunda, Cwana and Ziba). In many places she enjoyed great sexual freedom. ..."

(17) Where the Queen-sister was retained after the adoption of patrilinear succession, she and the King's Mother were still allowed to have as many lovers as they liked, but neither of them were permitted on pain of death to bear children. See for instance Irstam, op. cit., pp. 36-37, relating to the patrilinear royal house of the Kabaka of Buganda (the King of Ganda): "Immediately after the election of the king, the queen was chosen. She was a half-sister to the new king. ... When ... the king took possession of his new dwelling, the queen was given a site for her residence on a hill in the vicinity, but this had to be separated from the king's by a stream of running water. The reason for this was that 'two kings could not live on the same hill'. Like the king, the queen enjoyed from her subjects a worship almost as profound as that accorded to divine beings. ... She might have as many lovers as she liked, but she was forbidden on pain of death to give birth to a child. ... If his mother was no longer among the living, some other older woman was chosen from the royal clan to fill the office of king's mother. Like the queen, the king's mother had her residence at some distance from the king's, and separated from the latter by

a stream of running water. ... Like the king and the queen, the king's mother was a sacred person. ... Like the queen, the king's mother was allowed to have as many lovers as she liked, but might not on pain of death give birth to a child". Compare the position of the King of the Hebrides, apparently among the matrilinear Picts, note 1 above.

(18) See note 13 above. However, the matter is complicated by the possibility that the Picts followed the classificatory system, like the Bemba, under which first cousins and even second cousins (in the direct female line) may be included in the category of brothers and sisters.

(19) Bede, lib. I. c. i.

(20) See William F. Skene, "Chronicles of the Picts & Scots" (1867).

(21) Skene, P. & S., p. 319, taken from MS. Bodl. Rawlinson, B. 506, and MS. R.I.A.Dubl. Book of Lecan.

(22) There is evidence that the Pictish kings Talorcan (653-657) and Bruide (672-693) were the sons of foreign kings by Pictish princesses who appear to have brought them up at home in Pictland as they gave them Pictish names, although the foreign kings undoubtedly returned to their own realms on succeeding to their own thrones. Professor Chadwick, "Early Scotland" pp. 15-21, 90-91, and 131, identifies the father of King Bruide (c. 555-584) with Maelgwn, king of Gwynedd (who died c. 548), at least with probability, and adds that "the fathers of several kings seem to have belonged to the royal family of Dalriada", citing seven examples. Moreover, if Pictish tattooing represented a survival of totemism (see notes 1 and 7 above), exogamy, the world-wide companion of totemism, may also have survived among them. For traces of former totemism among Celtic peoples, including the Gauls and Britons, well into the Christian era, see Salomon Reinach, "Les survivances du totémisme chez les anciens Celtes", in his "Cultes, Mythes et Religions" (Paris 1905), vol. i pp. 30-78, as also his observation in a later article in the same work at p. 79: "On a généralement admis que le totémisme est caractérisé par deux faits essentiels:

1<sup>e</sup>. Le respect de la vie du totem, qui n'est ni tué, ni mangé, sinon dans des circonstances exceptionnelles, où les fidèles communient et s'imprègnent de divinité en le mangeant; 2<sup>e</sup>. L'exogamie, à savoir la défense pour le porteur d'un totem d'épouser un individu ayant le même totem, c'est-à-dire appartenant au même clan totémique". Exogamy is still practised at the other end of the Aryan-speaking world by the Rajputs (for whom, see Lt-Colonel James Tod, "Annals and Antiquities of Rajast'han"), where it is unthinkable to marry within the patrilinear clan however remote the connection: thus the Maharaja of Jodhpur would not marry a daughter of the Maharaja of Bikaner, since both belong to the Rahtor clan, although their common male-line ancestor was living as long ago as 1459 - and the Maharaja of Dhrangadhra would not marry a daughter of the Maharaja of Jhalawar, because both are of the Jhala clan, although their common ancestor is so remote as to be untraceable. Reinach, op. cit., cites Julius Caesar for evidence of totemic survivals (including the hare) among the then inhabitants of Britain, and also cites Dio Cassius for evidence of totemic survivals (including the hare) among the Iceni led by Queen Boudicca (Boadicea), of whom it has already been deduced that their royal succession was matrilinear (see note 1 above). On the whole, therefore, the probability seems to be that the Pictish princesses practised exogamy at least to the extent of marrying only outside the matrilinear royal clan, until Christian marriage customs came to overlay their own, doubtless a gradual process but apparently effective by the eighth century.

(23) See Chadwick, op. cit., p. 19. Talorcan, son of Oengus, who succeeded c. 782, is the earliest Pictish king whose father's name allows it to be identified with that of a previous king, namely King Oengus I (died c. 760).

(24) The dates given in this genealogical table are only approximate, since their exactitude is not strictly relevant to it. Skene, P. & S. p. cxxi, is obviously in error in writing that Bruide's mother must have been the daughter of Talorcan (Tolargan): all the evidence points to her having been sister. Apart from the other facts known about matrilinear ~~succession~~ accession in general and the Picts in particular, the insertion of an extra generation

stretches genealogical probabilities quite unnecessarily. Skene's suggestion would make Bruide, whose half-brother Owen was King of Strathclyde in 642, the great-great-nephew of Oswiu, the Beornician King who died in 670: besides making nonsense of all we know about Pictish succession laws.

(25) Skene, P. & S. p. 26, from MS. R.I.A. Dub. Book of Lecain.

(26) This is a well-known royal custom among pagan dynasties, where each successive king incarnates the divine spirit that animated the founder of the dynasty. Although officially known only by the ancestral throne-name to which they have succeeded, successive kings are often referred to for historical purposes by their former personal names. Thus each king of the Arsacid dynasty that ruled Iran from the 3rd century B.C. until the 3rd century A.D. (the Parthian Great Kings) bore the throne-name of "Arsaces", and this was his only name qua king: yet it is customary to write of them as "Mithridates I", "Phraates IV", and so forth (see George Rawlinson, "Parthia", especially pp. 50, 59, 61, 84). Similarly, the eight Bemba kings shewn in the table cited here were all called "Citimukulu" after their accession, but could equally be described genealogically as Citimukulu Cileshye, Citimukulu Wembya, Citimukulu Citapankwa, Citimukulu Sampa, Citimukulu Makumba, Citimukulu Cikwanda, Citimukulu Ponde and Citimukulu Kangwa Nsofu: and such a list would be reminiscent of the strange Pictish King List (if it be a King List, and not a clan list or a list of "the divisions of the other men": see Skene, P. & S. p. 26) that runs "Brude pont, Brude urpont, Brude leo" &c. "Descent in the royal family is reckoned to the time of first occupation of the country, and twenty-five to thirty Citimukulus are remembered": Richards, op. cit. p. 99. In a very modified way this ancient custom has been after-shadowed by some Christian peoples: the first Christian king of the West Franks was Clovis, and the name of Louis eventually became almost a throne-name in France, especially after the royal house became the kindred of St. Louis. In our own time, we have seen Prince Albert become King George VI. Among Christianised Celtic peoples there developed the custom of styling dynasts simply Ua Neill

No P. 45

or MacDhomnuill, without using any personal name, the bearer of the patronymic tout court being regarded as the representer of the founder. Examples of the way in which the patronymic became almost a substitute for a throne-name, are the letter of the Lords Justices and Council of Ireland to Elizabeth I of England in 1567: "His competitors for the title of O'Neill were Tirelagh Bressilagh O'Neill and Heugh McNeill More O'Neill" - and the famous Gaelic charter granted by the Lord of the Isles in 1408, that opens: "I, Macdonald, am granting and giving ..." (see Fitzwilliam Papers, vol. 58, The Carte Papers, Bodleian Lib.; and Rev A. Macdonald, "The Clan Donald", vol. i p. 514).

(27) If Bruide was the throne-name of the Pictish over-kings before they were Christianised, it was presumably that of the pagan spirit they incarnated (there is no reason to suppose that the pagan Picts did not have a sacral kingship, like all other pagan dynasties in North-Western Europe). Since the Pictish royal succession was matrilinear, it might perhaps be expected that their pagan kings claimed descent from or embodied a male manifestation of a goddess spirit (as with the famous Peace Kings of Uppsala in ancient Sweden, descended from the god Frey, brother and male manifestation of the goddess Freya: "Tradition at all events uniformly points to Uppsala as the original home of his cult. But it is probable that both he and his sister Freya were really specialized forms of a divinity which had once been more widely known. Their father, Niörd, ... corresponds in name to the goddess Nerthus ... Tacitus describes her as 'Mother Earth'." H.M. Chadwick, "Teutonic Peoples", Encyc. Brit. 11th ed.). It may therefore be worth noting that a great Celtic goddess in later pagan times was called Bride (Brigid); and that the principal abbey founded by the Pictish royal house, established at Abernethy soon after the dynasty had been Christianised, was dedicated to her Christian namesake St. Bride (Abernethy was founded by King Bruide mac Maelchon's immediate successors, either Gartnait or Nechtan mac Uerp: see A.O. Anderson, "Early Sources of Scottish History", vol. i pp. cxx, 121). It may also be significant that Bride was a goddess of the Britons as well as of the Gaels: "the Brigantes take their name from Briganti, 'the high

goddess' (whence Welsh Braint, the name of a river in Anglesey), of which the Irish counterpart is Brigit (goddess and river name) ..., in inscriptions found in the territory of the Brigantes her name is latinized Brigantia" (T.F. O'Rahilly, "Early Irish History & Mythology", p. 38). The Brigantes were the northernmost subjects of Antonine Roman Britain.

If Bruide was the throne-name of the pagan Pictish kings, it seems rather more likely that it remained so until they were Christianised, than that there were some thirty ancient kings called Bruide, still remembered although followed by some thirty more pre-Christian kings with miscellaneous names: the more so as we know that the last pagan king was actually called Bruide when he was converted by St. Columba. Dr. F.T. Wainwright, in "The Problem of the Picts", at pp. 20-22, takes the tentative view that the Picts were probably still divided into two separate groups, northern and southern, in the time of St. Columba; and that on the evidence at our disposal King Bruide mac Maelchon should be regarded as king of the northern Picts; but that they were united during or soon after the last decades of the sixth century. If this view be accepted, it might be suggested that the thirty Bruides were kings of the pagan North, culminating in Bruide mac Maelchon who became a Christian and whose successors united the two realms under Christian names; while the multiple-named kings of the ordinary King Lists were co-eval Christian rulers of the southern Picts - the two lines being united after the time of Galam Cennaleph who ruled for one year "with Brude", and who has been equated with "Cennalath, king of the Picts" whose death is recorded in the Irish annals in 580 (see Wainwright, op. cit., p. 21).

On the other hand, although we are told that the southern Picts had been Christianised long before the time of King Bruide's conversion by St. Columba it is just possible that Bede was referring to settlements south of the Forth. The Whithorn group of Christian stones all occur south of the Forth, and although the truly Pictish symbol stones are not yet dateable, the oldest known Christian foundation north of the Forth is Abernethy (late 6th century), the church of which, significantly enough, was dedicated to St. Bride. Certainly missionary activity took place, but there is no

evidence that the southern Picts beneath the Forth did not share over-kings with the northern Picts, that the paramount dynasty were not pagan up to the time of King Bruide (mac Maelchon), or that he did not rule over southern Pictland, where his immediate successors founded the abbey of Abernethy, (although some accounts attribute the foundation of Abernethy to an earlier Nechtan, suspiciously also mac Wirp). He certainly received St. Columba at Inverness, but A.O. Anderson ("Ninian and the Southern Picts", p. 35) suggests that he was probably also king of Fortremm (Strathearn). If Maelchon is to be identified with the great Christian king Maelgwyn of Gwynedd (as seems reasonable), it would not only account for Bruide having needed a nutricius (Broichan: see A.O. Anderson, "Early Sources of Scottish History", vol i p. 50) if brought up matrilocally in boyhood, and also possibly explain Bruide's willingness to adopt his famous father's faith, but also indicate close contact between Wales and northern Pictland that seems perhaps more acceptable if Bruide's dynasty were paramount also over the southern Picts. In this case, another explanation of the thirty Bruides may be suggested. The ordinary King Lists vary, but Professor Chadwick's synthesis ("Early Scotland" chapter 1) is perhaps not far out in accepting some thirty-five kings before the conversion of King Bruide by St. Columba. If the names in these King Lists were the kings' personal names, while Bruide was their throne-name (as Mithridates's throne-name was Arsaces, and Cileshye's throne-name was Citimukulu, see note 26 above), it would explain why Bruide mac Maelchon, the last pagan king, is the first to be referred to by that name, although there subsisted a tradition of thirty previous Bruides. And if Bruide was also the pagan divine spirit they incarnated, it accounts for the disappearance of the throne-name at the coming of Christianity (it reappears later as a personal name, like the names of other pagan deities).

Again, if Bruide was the pagan Pictish throne-name, it might possibly explain the strange King List that runs "Brude pont, Brude urpont, Brude leo" &c. This could be a list of kings with the throne name of Brude and such personal names as Pont, preceding the dynasty of the ordinary King Lists, or ruling co-evally in the North. But an examination of the list suggests another possibility.. Only 28 names are given, and if the

reduplications with the prefix "ur-" be omitted, there are only 14 names of which one ("feth") occurs twice. Most of these seem to be abbreviations of the personal names of kings in the ordinary King Lists: "leo" and "ru" strikingly so. The order is jumbled, but then the list could be a list of houses founded by various kings (or their sisters), "divisions of the other men" of the royal dynasty, as much as a straightforward King List. The names that fit most easily into such a suggestion are:

Brude leo..... King Morleo (No. 3 in Professor Chadwick's synthesis).  
 Brude cal..... King Deocillimon (No. 4).  
 Brude ru..... King Ru (No. 14).  
 Brude gart.... King Gartnait (No.s 15 or 22).  
 Brude cind ... King Cinioiod (No. 5).  
 Brude uip .... King Uipo (No. 17).

The other names do not seem so easy to fit, but as the names in both the strange list and the ordinary lists seem corrupt, a few suggestions may possibly be hazarded:

Brude pont ... King Usconbutis (No. 10): since "p" may become "c".  
 Brude gant ... Another Gartnait, or else Galan Arilith (No. 28).  
 Brude gnith .. The same possibilities.  
 Brude feth ... King Breth (No. 16) or  
 Brude feth (urfeichir) .. King Uuradech Uetla (No. 21).  
 Brude cint ... King Canutulachama (No. 19).  
 Brude grith .. King Drest Gurthinmoch (No. 27).  
 Brude muin ... King Drest filius Munaith (No. 34).

(28) In view of the suggestion put forward in note 27 above, that the pagan Pictish kings succeeded to the spirit of Bruide, just as each successive Parthian monarch became the deified Arsaces, it may be worth noting that each Bemba king inherits the spirit of Citimukulu. "The Bemba belief in the social identification between the dead man and his appointed successor seems to me to be particularly complete. It is the basis of the belief as to the supernatural influence exerted by the chief in his own person as distinct from his direct approach to the spirits in prayer. When a man or woman dies, his or her social personality must be immediately perpetuated

by a successor who passes through a special ritual ... and thus acquires the name, the symbols of succession (a bow for a man and a girdle for the woman), and the umupashi (spirit) of the dead man. By this social identification, a man assumes the latter's position in the kinship-group, uses the same kinship terms and, in the case of a chief, it is almost impossible to tell when a man is describing incidents which took place in his own life or those of an ancestor two or three generations dead."

(This is reminiscent of Scottish clan histories, when it is often impossible to date such a saying as "Clanrenald made a raid upon Lochiel"). "In the same way, a chief, once he has succeeded to the name, the spirit, and the sacred relics of his predecessor, has magic influence over the productive capacity of his whole territory". Richards, op. cit., pp. 97-98.

(29) See Wainwright, op. cit. p. 28: "The political significance of matrilineal succession is less open to dispute. The fact that a father was not succeeded by his son would militate against the development of a strong monarchy and would therefore impair the effectiveness of the central authority. The forces which produce dynastic rivalries would be correspondingly strengthened, and it has been noticed that the Pictish kingdom apparently suffered more than neighbouring states from disturbances of this kind. Also, if the husbands of the succession-bearing females were foreigners, that is non-Pictish princes, it follows that Pictish kings would have little Pictish blood in their veins. ... It is clear that the system would not be a source of strength and stability to the Pictish kingdom". This passage is cited to demonstrate that the Pictish law of succession often led to dynastic disputes. But it also serves to illustrate the difficulty that people feel in divorcing other people's systems of succession from their own "natural" system of succession. For "the fact that a father was not succeeded by his son" was at that time equally true of the Picts' neighbours, the Scots of Dalriada and the Angles of Northumbria (although these nations favoured patrilinear succession). Moreover, "if the husbands of the succession-bearing females were foreigners" among the Picts, it is equally true of patrilinear royalty almost everywhere (except where they marry their own sisters or cousins) that the wives of the

succession-bearing males are foreigners: for royalty properly tends to marry royalty (see the present writer's "Blood Royal", passim). In the case of the Picts, who were probably matrilocal and whose fathers often seem to have been birds of passage, the foreign influence must in fact have been less than that in the case of patrilocal nations where the heir to the throne was brought up by a foreign mother. However, Dr. Wainwright is quite right that direct succession from father to son strengthens a monarchy, except where it leads to long minorities.

(30) Richards, op. cit. p. 87: "The Bemba are a matrilineal tribe practising matrilocal marriage. Descent is reckoned through the mother and a man is legally identified with a group of relatives composed of his maternal grandmother and her brothers and sisters, his mother and her brothers and sisters, and his own brothers and sisters. His membership of this group determines his succession to different offices and his status in the community, although in a matrilocal society it only occasionally determines his residence. He also belongs to a wider descent group, the clan ... which is also traced in the woman's line. Each (clan) is distinguished by the name of an animal, plant, or natural phenomenon, such as rain. It has a legend of origin usually describing the split-off of the clan ancestors from the original lineage group ... Clans are in effect exogamous ... to the limits of clan membership on the maternal side. ... Some clans have a higher status than others ... Thus the crocodile clan ... is the (clan) of the first immigrant chief and stands highest in status, while various others, such as the fish clan, millet clan, &c., are said to be of similar antiquity. The hereditary councillors described later belong to these clans. All the (clans) are paired with opposite clans that perform reciprocal ritual duties for each other ... Within the clan, smaller lineage groups are recognized. These have no distinct name: though the Bemba often refer to them as 'houses' ... of the same clan. Such a house consists of the direct descendants of one particular ancestress traced back to three or four generations - five at the most. Within this smaller descent group, succession to office is usually limited, and chieftainships tend to become hereditary within three or four generations



in such lines". This passage has been quoted at length to illustrate the genealogical make-up of the nobles who constitute the council that deals with ritual succession problems in a matrilinear kingdom.

Dr. Richards continues later (p. 98) about this hereditary council of bakabilo: "For a chief to break a sex taboo is an act which may cause calamity to the whole people, and the rites by which he is purified after sexual contacts form one of the most important elements in the politico-religious ceremonial requiring the participation of thirty or forty hereditary officials (bakabilo) in the case of the paramount". At p. 99: "The ritual by which a successor to the chieftainship is converted from an ordinary individual to a ruler with almost divine powers, has a good deal of political importance. It confers authority on the priests - in this case hereditary officials (bakabilo) who carry it out - and gives them, as we shall see, considerable power to check the chief himself. The complete ritual ... is too complex to describe here and now. ... Such a ceremonial may take eighteen months to two years and the participation of all the bakabilo ... in the case of the paramount".

At pp. 108-110, Dr. Richards writes: "The biggest territorial chiefs have hereditary officials who combine political and judicial with ritual functions. In the case of the paramount, these officials - the bakabilo - number between thirty-five and forty and form an advisory council on special matters of State. The bakabilo have been described as having descent as long as that of the chief himself in many cases and possess sacred relics in their own rights. The power of these relics is so strong that the Citimukulu is not permitted to pass through their villages for fear that one chieftainship should harm the other. Bakabilo are immune from tribute, wore special feather head-dresses in the old days", (we are reminded of the special plumes of the Irish chieftains, as in the Dunrobin portrait of Sir Niall O'Neill, and of the eagle's feathers distinctive of highland chiefs in Scotland) "and even now claim special respect equal to that of a chief when travelling about the country. ... each has a special office based on the privileges of his original ancestor, e.g. the care of the royal drum, the right to sit on a stool in the chief's presence, or the duty to call him in the morning by clapping outside his

door" (here we may be reminded that each of the Prince Electors of the Holy Roman Empire had to hold an hereditary office of the imperial household - the Elector of Hanover was Arch-Treasurer, for example - and bore some part of the regalia at the imperial coronation: just as the senior earls of Scotland still have special claims to bear the Honours of Scotland on ritual occasions).

"The main duties of the bakabilo in native eyes are ritual, as has been described. ... Besides their priestly duties, the bakabilo acted as regents at the death or absence of the chief, and any question of succession or other matter of tribal importance is placed before the bakabilo ... The procedure is complex, but an effective method of deliberation. The paramount sends two special hereditary messengers, also bakabilo, to place the matter before the council. The senior members speak and if a difficulty arises they refer the matter to the head priest of the land, the Cimba, who sits apart with his own following, and gives decisions on matters of tribal precedent or suggests rewording decisions to be carried to the chief. ... The importance of the bakabilo's council is the check it holds over the paramount's power. These are hereditary officials and therefore cannot be removed at will" (if the Pictish nobles formed a similar succession council, Kenneth mac Alpin seems to have found a most effective way of removing them). "Other advisory officials consist of the near relatives of the chief himself. These do not attend discussions as to succession to chieftainships, but are constantly informed of the progress of affairs. ... The affairs of the (country) are in the hands of a body of hereditary councillors whose offices and most of whose deliberations are secret. But I was impressed by the sense of tribal welfare which these bakabilo showed, and they were quite able to discuss and shrewdly adapt some old tribal precedent to modern conditions. Their strength, as regards tribal government at the present day, is their esprit de corps and sense of responsibility; their weakness, the fact that in the eyes of the people and the Government their function is mainly a ritual one" (this sounds like our own House of Lords, in which the Earl of Mar may be the sole surviving representative of an originally Pictish office).

- (31) See Richards, op. cit. pp. 101-103. See also tabular pedigree.
- (32) Giraldus Cambrensis, "De Principis Instructione", I, 18; viii, 97-98; see A.O. Anderson, "Early Sources of Scottish History", i. p. 273n.
- (33) See A.O. Anderson, op. cit., p. ccxviii.
- (34) Ibid., p. 291.
- (35) Eochu, King of the Picts 878-889, was son of King Run of Strathclyde by a daughter of Kenneth mac Alpin (possibly Maelmuire, afterwards wife of Aed, King of Ireland, for whom see A.O. Anderson, op. cit. i. pp. 289 and 403). Eochu could have had no claim by Gaelic or British law, and could only have had a claim by Pictish law if his mother's mother (Kenneth mac Alpin's wife) had been a Pictish princess.
- (36) See note 22 above.
- (37) See note <sup>30</sup>~~29~~ above.
- (38) That is, that they could not mate within their own female-line clan, to take a paramour or husband from which would be taboo. This would be important from the point of view of succession law, since a child born as the result of a union between two members of the same matrilinear clan would be shockingly spurious. But is it quite possible that the pagan Picts did not contract permanent marriages at all. See notes 1, 16 and 17 above; and also Wainwright, op. cit. p. 27, for K.H. Jackson's suggestion that the early peoples of north Britain, including the Picts were polyandrous. If the Picts were organised in exogamous female-line clans with totems (and tattoo-marks), it may account for the animals that are so frequently associated with the 14 different symbols that occur (never singly) on the Pictish symbol stones: though with the onset of Christianity the customs prohibiting exogamy within the clans must have gradually disappeared. "Certain boldy incised animals are frequently

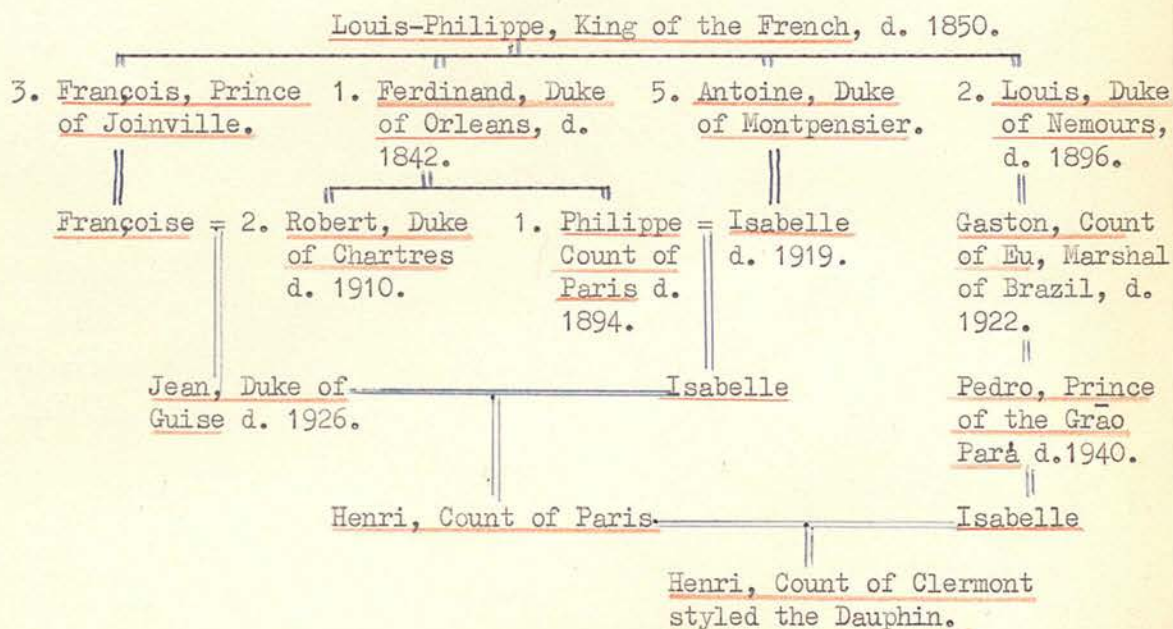
associated with the symbols - the fish, serpent, eagle, duck, bull, wolf or hound, stag, boar and deer": Ministry of Works Illustrated Guidebook to "The Early Christian & Pictish Monuments of Scotland" (1957) p. 9. This book opens with a drastic warning to theorists, but it may perhaps be observed of the Pictish symbols, that a flowering crescent might be expected in any part of the world in connection with a pagan divine matrilinear royal dynasty, as might a symbol depicting the Sun and Moon either as brother-and-sister or husband-and-wife, and that a sacred mirror and comb might equally be expected to have been included among the regalia of such a dynasty, probably entrusted (at least on ceremonial occasions) to the care of great nobles, doubtless heads of clans (see the hereditary offices of the Bemba royal council, the bakabilo in note 30 above). Thus as far afield as Japan, where the male-line clans each had their own emblem (usually a flower or insect), but the imperial dynasty (whose emblem is the chrysanthemum) claimed descent from a pagan goddess (Amaterasu), the imperial regalia has always included a Sacred Mirror and a crescent-shaped jewel, both of which are said to have been brought to Japan in the custody of ancestors of great noble clans (see G.B. Sansom, "Japan", passim; Herbert H. Gowen, "An Outline History of Japan", p. 42; also Okahura-Yoshisaburo, "The Japanese Spirit", p. 35): indeed, the only other symbol in the Shinto imperial regalia is the Sword, which is also found in the regalia of almost every Christian dynasty. In at least eight African kingdoms, the royal insignia included a moon-ornament, worn by the king (see Irstam, op. cit. p. 128). See also the chapter below on the Heir at Law to Arms, note 14.

(39) It has been suggested of pagan peoples that the change-over from a matrilinear to a patrilinear system was often brought about by the growth of a custom whereby the king actually married his sister, mother or daughter: the heiress-queen in each generation (see Maclellan, "The Patriarchal Theory", 1885, p. 95; also Frazer, op. cit., part four vol. i, p. 44). This was the custom of the Pharaohs of Ancient Egypt up to the time of the famous Queen Cleopatra VII (the child of Ptolemy XI by his

sister Cleopatra VI), whose first two husbands were her brothers Ptolemy XII and Ptolemy XIII (the sons of her father and mother, Ptolemy XI and his sister Cleopatra VI): see, for some examples, M.A. Murray "Egypt" 1949, appx. 2 ("Marriages and Matrilineal Descent") pp. 321-325, where some interesting details are also appended about the matrilineal connection of the Claudian Emperors at Rome; also Adrian Turner, "The Ptolemies of Egypt: A Genealogical History", in *THE COAT OF ARMS*, vol. 1 no 2 (April 1950) at pp. 49-54. A similar custom was followed by the Incas of Peru, and it was usual among a number of African royal houses into modern times. Such a custom may have given rise to Strabo's guarded reference, in the 1st century A.D., to rumours that in Ireland men "openly have commerce not only with other women, but also with their own mothers and sisters" (see note 1 above). Of course, Christian rulers, Pictish or otherwise, could scarcely have followed such a custom. Even the Armenian-Georgian royal house of the Bagratids (now Princes Bagration), which from the ninth century onwards professed "to be descended from the children born to David and to be of the family of the Prophet and King David" (thus also of the kin of Our Lord) and therefore "claimed exemption from the laws of the Church regarding affinity as an impediment of marriage" (see Professor C. Toumanoff, "Iberia on the Eve of Bagratid Rule", p. 228, in *LE MUSEON*, vol. lxxv, Louvain 1952), never went so far as to marry their own sisters. But Christian royal houses more often marry their cousins than not, as a glance at Prince K.W. von Isenburg's "Ahnentafeln der Regenten Europas und ihrer Gemahlinnen" (1938) and at his "Stammtafeln zur Geschichte der europäischen Staaten" (1936-1937) will shew. We have no information whereby a tabular pedigree can be constructed to illustrate the exact relationship of the various Pictish princesses (whether sisters or cousins) who must have inter-married with the royal house of Dalriada during the eighth and ninth centuries, but the following table will demonstrate how they could have been connected (the dates are only approximate, and the exact Pictish relationships are not even conjectural, but purely illustrative: although some attempt has been made to link up lines by onomastics).



Lest it be thought that, despite the evidence that tends to indicate that the grandmother, mother and wife of King Kenneth mac Alpin were all drawn from branches of the Pictish royal house, there is any inherent improbability in a Christian dynasty making repeated cousin-marriages, the following table of the recent ancestry of the modern representatives of the Most Christian Kings may serve to demonstrate the contrary.



It will be observed that, through cousin-marriages within the same royal house, the present Count of Paris descends in four different ways from his great-grandfather, King Louis-Philippe. Indeed, through similar cousin marriages in the past, the present Count of Paris descends over five million times from Charlemagne (and this only through Louis Philippe, who was descended 108 times over from Henri IV, who in turn was descended 102 times over from St. Louis, who descended in over 500 different ways from Charlemagne: see Professor O. Forst de Battaglia, "Traité de Généalogie", Lausanne 1949, pp. 91-92. The Count of Paris has innumerable other lines of descent from Charlemagne apart from the five million or so which he derives through Louis-Philippe). It will also be observed that the Count of Paris, like his father and grandfather, has chosen for wife a princess of his own dynasty.

(40) See note 23 above.

(41) See Chadwick, op. cit. pp. 90-91 and 130.

(42) See A.O. Anderson, op. cit. i. p. 291.

(43) Ibid. i. p. 363. See also Pictish tabular pedigree (exact in this generation) at note 39 above. Eochaid was evidently the last to be styled "King of Picts" (see Chadwick, op. cit. p. 23). An attempt may have been made to continue the Pictish mode of succession by the Irish-Scandinavian King Olaf, who is said to have married another daughter of Kenneth mac Alpin; doubtless on behalf of his son, perhaps Asmund. If so, it was defeated (see Skene, P. & S., cxxxiv n., and A.O. Anderson, op. cit. i. pp. 296 et seq.). We do not know enough of Norse genealogy to know whether this formed a basis for later claims to parts of Kenneth's realm.

(44) This period of only 145 years (889-1034) is the only possible period in the whole history of our country when it is just conceivable that the law of succession was limited to heirs male (in the manner thought natural of "the feudal period" by so many modern jurists). However, even for this short period evidence tends to the contrary view.

(45) The only possible case could be Constantine III, who died in 997 but is not recorded to have left any children. All the other kings between Eochaid (died 889) and Malcolm II (died 1034) left sons.

(46) Thus we know that the long periods of apparently pure patrilinear succession among the Stewart and Hanoverian kings (who succeeded to Kenneth mac Alpin's inheritance in later times, ultimately because of their descent from him) were not due to any law excluding succession through the female line, but simply to the kings having

had sons (see chapter below, on Succession to the Throne). Fordun's report of the change in the laws of Aed Finn said to have been made by Malcolm mac Kenneth (who died in 1034) implies that the change was from collateral to direct succession (so that sons succeeded before brothers, and so forth), not that the novelty was any alteration from purely male to potentially female-line succession (see his "Chronica" IV 29, i. 172): "He established, therefore, with the consent of all the princes, excepting a few supporters of the original succession, that thenceforth every king at his death should be succeeded by a son or daughter, grandson or grand-daughter; or, in the collateral line, by a brother or sister, or at least by the nearest survivor by blood relationship of the king deceased (even though an infant one day old ...); no law to the contrary thenceforward prevailing". If such was indeed Malcolm mac Kenneth's new law, it did not become fully established for another century.

(47) E.g. the highland genealogies printed by Skene in "Celtic Scotland", vol. iii at app. viii.

(48) See note 21 above.

(49) The following quotations are from Richards, op. cit., at pp. 91-92, 101.

(50) See A.O. Anderson, op. cit. i. pp. cxvi-cxvii.

(51) Sic, but he is called Kangwa Nsofu at p. 102 of the same work.

(52) This may be illustrated by amplifying the tabular pedigree given above in the text, to include members of the present Bemba royal house who did not attain the paramount kingship and name of Citimukulu, together with the previous appanages held by each paramount king. The under-kingdoms or great appanages referred to, each entail the taking of a throne-name, in these cases the names being Mwamba, Nkula, Cikwanda, Nkolemfumu and Cewe.





Such a system might provide the key to the intermittent shifting between Dublin, Limerick, Waterford and York, of the Norse kings of the House of Ivarr (see chapter on Succession among the Northmen); and, on the whole, the evidence tends to suggest that the Anglo-Saxon kings of England followed a rather similar system in dealing with those sub-kingdoms or ealdordoms that came into the hands of the royal house of Wessex (who appear also to have represented in the female line the former royal house of Kent). Where dynasties already existed in other sub-kingdoms or ealdordoms (e.g. in Beornicia), the Anglo-Saxon kings of England apparently tended to leave the succession to the local dynasties except where they were powerful enough to insert their own cadets (this is reminiscent of Bembaland). The genealogies of the cadets of these kings, and the location of their ealdordoms in each generation, has not yet been worked out in detail. The following table is principally based on the researches into Earl Godwine's ancestry published by Alfred Anscombe ("The Pedigree of Earl Godwin") in "Transactions of the Royal Historical Society", 3rd series vol. vii, 1913, as amplified and confirmed by Lundie W. Barlow, "The Antecedents of Earl Godwine of Wessex", in "The New England Historical & Genealogical Register", vol. cxi no. 441, Jan. 1957.

EGGEBERT, (1) King of ENGLAND d. 839.

||

AETHELWULF, (2) King of ENGLAND d. 857.

||

AETHELSTAN, King of KENT  
d. 854.

AETHELBERT, King  
of KENT 857-860,  
(4) King of  
ENGLAND, d. 871.

||

AETHELHELM, Ealdorman,  
probably of Wiltshire d. 898.

AETHELWOLD, Ealdorman,  
(uncertain where), d. 902.

||

AETHELFRITH, Ealdorman (uncertain where) d. after 924.

||

AELFSTAN,  
Ealdorman  
(uncertain  
where) d.  
after 934.

AETHELSTAN "the Half-King"  
Ealdorman of East Anglia  
fl. 946.

||

AELFSIGE,  
Bishop of  
Winchester  
d. 958.

AETHELWOLD,  
Ealdorman of  
East Anglia  
d. c. 963.

||

AETHELWINE, Ealdor-  
man (uncertain  
where) fl. 975.

AETHELWEARD, Ealdorman of the  
Western Provinces d.c. 1002.

||

GODWINE  
(natural  
son) k. 1001.

AETHELWEARD, ? Ealdorman of  
East Anglia, k. 1016.

||

AETHELWEARD, Ealdorman  
(uncertain where) d.  
1017.

AETHELNOth,  
Archbishop  
of Canterbury  
d. 1038.

WULFNOTH  
Thegn of  
Sussex, d.  
before 1015.

||

GODWIN, Earl of  
Wessex, d. 1053.

||

SWEGEN,  
Earl of three Mercian  
shires, d. 1052.

HAROLD,  
Earl of East Anglia  
1045, then Earl of  
Wessex 1053, finally  
(17) King of ENGLAND  
1066, k. 1066.

TOSTIG,  
Earl of Northumbria  
k. 1066.

ALFRED (6)  
King of ENGLAND  
d. 899.

||

EADWARD (7)  
King of ENGLAND  
d. 924.

||

AETHELSTAN EADMOND EADRED  
(8) King of (9) King (10) King  
ENGLAND, of ENG- of ENG-  
LAND d. 940. LAND d. LAND, d.  
946. 946. 955.

||

EADWIG (11)-  
King of  
ENGLAND d. 959. ENGLAND, d. 975

||

EADWARD (13) AETHEL-RED (14)  
King of ENG- King of ENGLAND  
LAND d. 978. d. 1016.

||

EADMOND (15) EADWARD "the  
King of ENG- Confessor" (16)  
LAND d. 1016. King of ENGLAND  
d. 1066.

EADWARD, d. 1057.

||

EADGAR (18) King-Elect  
of ENGLAND 1066, d.  
after 1126.

(53) A charter in "The Book of Deer", p. 93, would be more readily explicable if Gillemichael, Earl of Fife, had previously been Earl or Mormaer of Buchan: as it implies that Gartnach, afterwards Earl of Buchan, held in that part of the world by virtue of his marriage to Ete, daughter of Gillemichael. It is possible, then, that the Pictish and Picto-Scottish kings' cadets were moved from province to province in order of their importance, among those provinces held by the immediate over-kingly house, while in some outlying provinces local dynasties of localised branches of the over-kingly house were established with their own family succession. Chadwick, op. cit. pp. 41n., and 96-98, in his chapter on "Characteristics of the Pictish Kingdom: the matrilinear principle apart from the Royal Family", notes that the ruling house of the mormaers of the Lennox claimed descent from a Munster dynast who married into a Pictish royal house at an early date.

(54) The following passage from Richards, op. cit. p. 111, recalls what little we know of our Seven Earls (and our provincial earls "by the Grace of God" or "by the Indulgence of God"): "As regards the activities of the different ifyalo," (provinces) "it has been seen that these are self-contained units and there is no regular provision for regular meeting of icalo heads. They are linked by the overlordship of the paramount, who acts as judge of their court of appeal, and the different tiny states are bound together because of the close relationship between their different chiefs. Messengers constantly go from one court to another to inquire after family matters, the children of one chief are sent to be brought up at the capital of another," (fosterage among the Scottish nobility continued into the 17th century) "the chiefs themselves take office first in one icalo and then another, and even the Citimukulu" (the paramount king) "takes no important step, ritual or political, without consulting his 'brothers', the big territorial heads".

(55) Dr. W. Douglas Simpson, "The Celtic Church in Scotland" (1935), p.78.

(56) Ibid., p. 79n.

CHAPTER 3.

SUCCESSION AMONG THE GAELS.

SUCCESSION AMONG THE GAELS.

1. The Gaels in Ireland.

It must be remembered that the Scots or Gaels, who were established on the western seaboard around Kintyre by the beginning of the sixth century, were much admixed from the ninth century with the Norse even in their new homeland of Argyll<sup>(1)</sup>, and as they only penetrated into the rest of Alba during the ninth century by marriage<sup>(2)</sup>, they were always much admixed with the Picts from their first arrival there. Moreover, the Scots came from Ulster, the part of Ireland most closely associated with the "Irish Picts"<sup>(3)</sup> and with ancient ideas of female succession<sup>(4)</sup>, and their royal house itself may have been of remote British rather than Gaelic origin<sup>(5)</sup>. For the pure law of ritual succession among the ancient Gaels, therefore, it is necessary to look to Ireland as a whole, and in particular to the powerful branches that sprang from the great pagan house of the sacral high-kings at Tara<sup>(6)</sup>, the leading ritual house<sup>(7)</sup> among the Gaels at the arrival of Christianity and for many centuries afterwards.

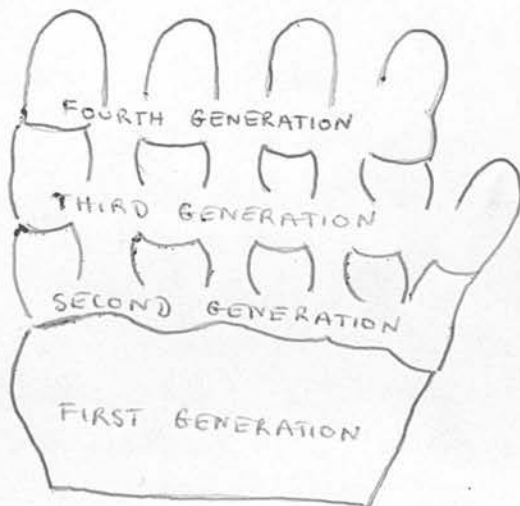
Women could own land in Ireland from the earliest recorded times<sup>(8)</sup>, could inherit it<sup>(9)</sup>, and could bequeath it<sup>(10)</sup>. But it is very rare to find any ritual office passing to a woman, though not unknown<sup>(11)</sup>, or to find an ancient Name or ritual character passing through the female line<sup>(12)</sup>.

There were many ritual dignities among the Gaels, such as the hereditary character of bard or *seanachie*<sup>(13)</sup>, as well as the four grades of kingship<sup>(14)</sup> and the chiefship of landed branches of the royal dynasties (such chiefs being styled *toisech* of Genel X or *toisech* of Clan Y<sup>(15)</sup> or latterly by simple patronymics like Scottish chiefs and Irish kings.) The genealogies of many of these families, together with those of the innumerable royal dynasties themselves, are known over a long period<sup>(16)</sup>. An examination of them shews that in every case the dignities in question passed only in the male line.

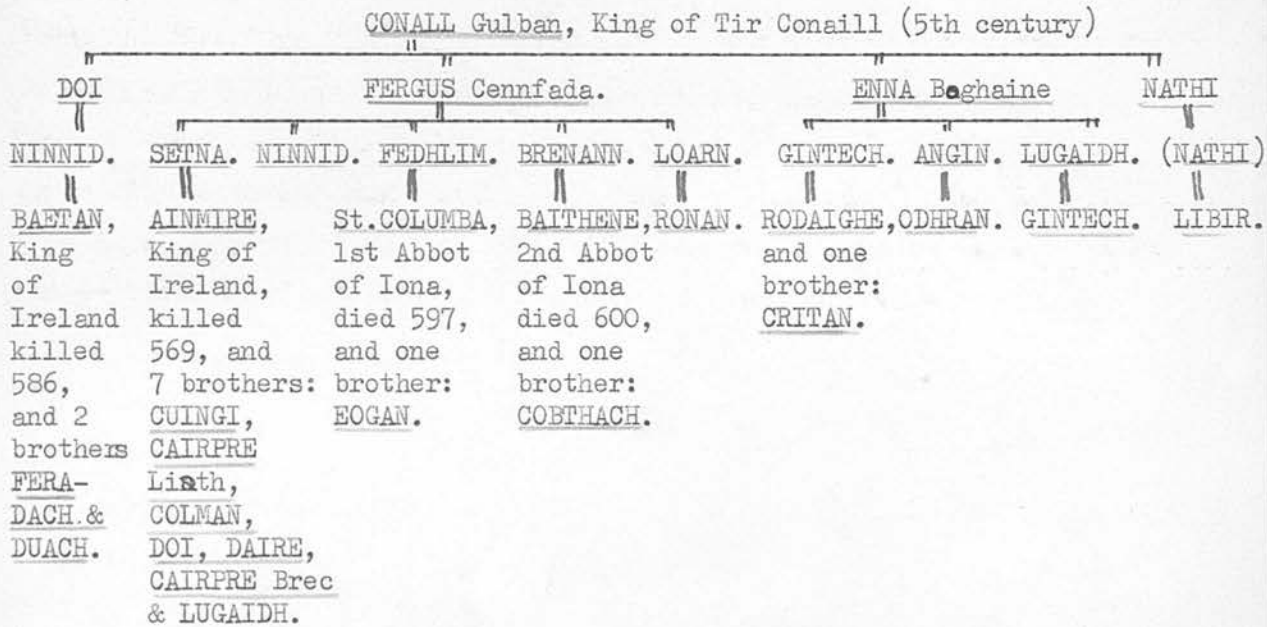
A great deal has been written about the method whereby the successor was selected from within this male line in each case, and very probably the interpretation of the laws or the application of customary methods changed imperceptibly through the long centuries. Some writers consider that the king

nominated his heir and that in default of such nomination the heads of branches selected the heir after the king's death<sup>(17)</sup>; others suppose that he was always elected, though the method of election and the personality of the electors is in dispute<sup>(18)</sup>, and a confirmatory though purely nominal or ritual election of the already determined rightful heir also forms part of many non-Gaelic royal inauguration rituals<sup>(19)</sup>. Some writers think that the style of rigdomna, like tanist in later times, was borne by the rightful (or selected) heir during his predecessor's lifetime<sup>(20)</sup>, but Professor Eoin MacNeill considered that rigdomna only denoted eligibility for a future candidature to the throne<sup>(21)</sup>.

Whether there was a single rightful heir, or whether there was an eligible group of royal candidates, it seems certain that a king's successor had ordinarily to belong to that king's or some previous king's derbfine. A derbfine, or "true family", were the direct male-line descendants of a common great-grandfather<sup>(22)</sup>, symbolised by a Hand<sup>(23)</sup>, as follows:



Such a group appears to shew traces of the "classifactory system"<sup>(24)</sup>, and from the standpoint of the third generation would represent a body of classifactory "fathers", "brothers" and "sons", with their grandfather (i.e. the common great-grandfather of the generation of their "sons"). St. Columba, for example, belonged to the derbfine of King Conall Gulban, founder of Tir Conaill, as follows:



This table<sup>(25)</sup> shews 4 princes in the 2nd. generation, 10 in the 3rd. generation and 21 in the 4th. generation of the derbfine of King Conall Gulban. The last generation were said to be at the finger's ends, for their children would break up into as many separate derbfines as there were sons in the 2nd. generation (in the example given above: the sons of Baetan, Feradach and Duach, would belong to the derbfine of Doi; the sons of Airmire, Cuingi, Cairpre Liath, Colman, Doi (II), Daire, Cairpre Brec, Lugaidh, St. Columba (had he had any), Eogan, Baithene (again, had he had any), Cobthach and Ronan, would belong to the derbfine of Fergus Cennfada; the sons of Rodaighe, Critan, Odhran and Gintech (II), would belong to the derbfine of Enna Boghaine; and Libir's sons would belong to the derbfine of Nathi - though all the descendants in the male-line of King Conall Gulban collectively formed the Kindred of St. Columba, since the saint himself had belonged to King Conall Gulban's "true family" or

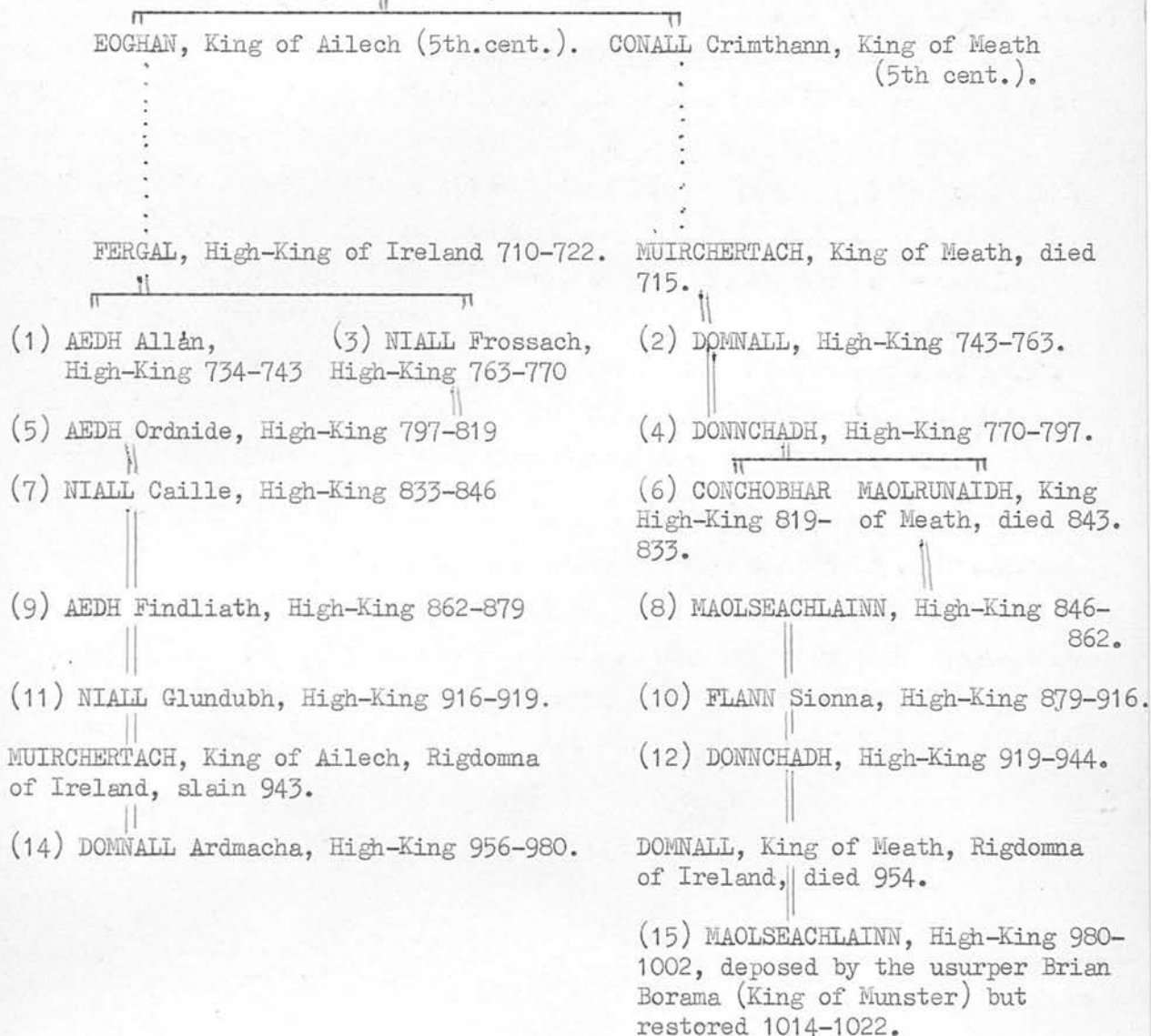
derbfine).

It should perhaps be observed from the foregoing that derbfines overlapped, since a man belonged to the same derbfine as his great-grandfather, and also to the same derbfine as his own great-grandchildren. Thus, in the preceding table, St. Columba's father Fedhlim belonged to the derbfine of Niall of the Nine Hostages (father of King Conall Gulban), while St. Columba's nephew Ernan (son of his brother Eogan) was a generation too young to have belonged to the derbfine of King Conall Gulban: although he belonged to the derbfine of Fedhlim himself. Thus, when we are told that at the decisive battle of Caimeirghe in 1241 (when O'Neill overthrew his kinsman Mac Lochlainn in the long-standing contest for the kingship of Cenel Eoghain) there were slain "Domnall Mag Lochlainn, and ten of his own derbfine along with him", it does not mean that Mac Lochlainn was a great-grandfather, but simply that ten of his immediate male-line kinsmen (none more remote than second cousin) fell with him.

But an examination of the various royal genealogies suggests that, during comparatively peaceful periods when the law may be presumed to have functioned at its purest, more was required of the usual heir than mere membership of a royal derbfine. A recurrent pattern appears, which may perhaps be illustrated in its most striking form by the following examples of the sequence of succession within branches of dynasties among the Irish Gaels:

HIGH-KINGS OF IRELAND 734-1002. (26)

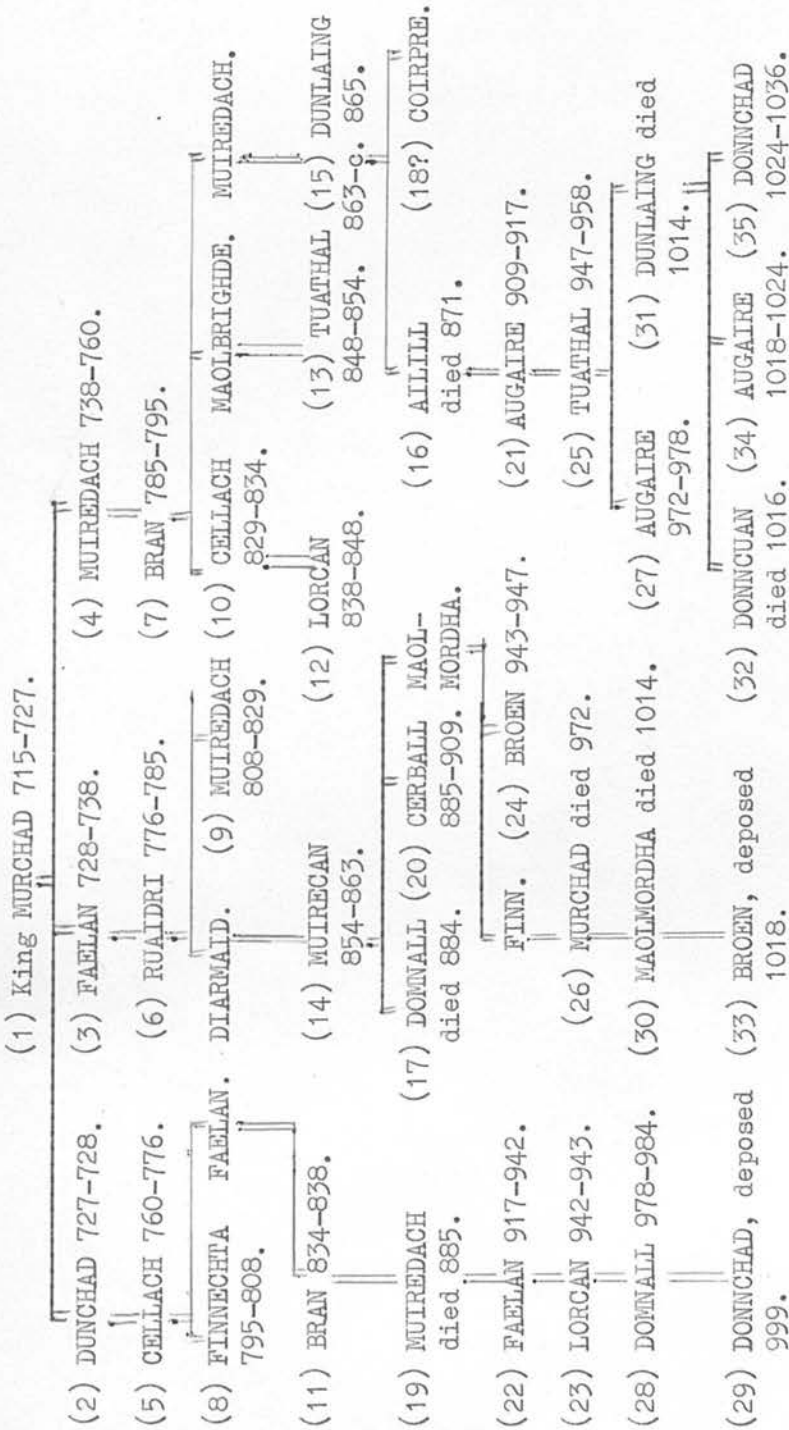
NIALL of the Nine Hostages,  
High-King of Ireland, fl. 400.



(It will be noted that the high-kingship alternated between two branches of the Ui Neill with absolute regularity over a very considerable period, broken only by the usurpation from 944 to 956 of (13) CONGALACH, King of Brega, who established himself by force of arms although his branch had not shared in the kingship since 728. His rival and successor, rightful king if the above sequence had the force of law, was the first Irishman to assume what became an hereditary surname, and it may be suggested that his style of Ua Neill was perhaps retained by his descendants after becoming established as a sort of title of its own

during the period 944-956 when to be Grandson of Niall (Glundubh) was to be rightful heir to the high-kingship despite the usurpation of Congalach).

KINGS OF LEINSTER 715-1036.



(It is observed by Professor MacNeill, of the royal house of Leinster during this period, that "during more than three centuries, the succession was legally maintained in three distinct lines, and what is still more remarkable, each line succeeded in obtaining the kingship at least once in every generation of nine generations." After 1036, the Kings of Ossory usurped the throne of Leinster for a while, and the regular sequence was temporarily interrupted).

It should be observed, however, that the foregoing tables do not necessarily indicate a pattern of regular alternation between branches, but are equally compatible with the eldest surviving generation of any of the royal derbfines (with a possible preference for set priorities within each generation, to be discussed later) having the right of succession subject to certain qualifications. Kings No. 12 and 13 in the foregoing Leinster table both belonged to the same branch, and in other apparently alternating successions the sequence was sometimes similarly broken. It will be noticed in both tabular pedigrees that the kingship did not normally pass to a new generation before the extinction of the previous generation (the only cases being those of Lorcan, no. 23, and his grandson Donnchad, no. 29, who may have been as old as the other branches' previous generation but neither of whom were secure on the throne of Leinster.) Where two branches overlapped generations for a while, so that the "classifactory brothers" in one were younger than those in the other, it is easy to see how a pattern of alternation (growing into a tradition) could establish itself over a period of centuries. Such a pattern also appears in Connacht after 971, between O'Conor and O'Rourke (see The O'Conor Don, "The O'Conors of Connaught", 1891, p.30), both branches of the ancient royal house. On the other hand, if there were really a general pattern of alternation<sup>(27)</sup>, it does not appear so clearly in the genealogies of some other dynasties. The difficulty, in determining whether priority of birth was the main criterion, lies in ascertaining the order of birth of brothers, and in the following tabular pedigree those brothers who survived longest are treated as the youngest except where there is evidence to the contrary.



In this pedigree of the (O'Donnell) royal house of Tir Conaill, it will be observed that each generation of king's-sons was extinguished before a new generation succeeded to the throne, except in the cases of (4) who may have been older than his uncle (5) and of the last king, who was inaugurated in the critical year 1603 during the final period of flux, and whose father Conn had probably been Tanist<sup>(29)</sup>, when he predeceased his uncle King Hugh (17). Moreover, the last king, Niall Garbh (19), though a generation younger than his predecessor, Red Hugh (18), was two years older than him in actual age<sup>(30)</sup>, and on that account had greatly resented the throne being made over in 1592 by Hugh (17) to Red Hugh (18), although he had at first accepted the situation "not through love, but through fear"<sup>(31)</sup>. It will also be observed that in 1592, when the king's-son Red Hugh acceded to the throne, no claim seems to have been thought to lie with his father's cousin Caffrey (living as late as 1615, and therefore possibly younger in actual age), although a generation older within the royal derbfine. The evidence here seems to point to succession by the eldest survivor of the eldest surviving generation of the royal derbfines, with a preference within each generation for king's-sons in the order of their birth, but with some doubt when one of the next generation overlapped them in actual date of birth.

The tabular pedigrees appended by Hogan to his valuable article on the Irish Law of Kingship do not appear to be arranged in any order of priority of birth among brothers (it seems improbable, for example, that King Art O'Neill who died in 1519 was younger brother of his successor King Conn Bacach O'Neill who died 40 years later); and it is unlikely that sufficient evidence could be found to reconstruct such an order with accuracy. But the O'Neill sequence of succession can be noted by generations from his tables at Plates vii and viii, covering the period from 1456 to 1595. It gives the following picture:

1st Generation: Henry, 79th King of Cenel Eoghain 1456-1489: last survivor of eleven brothers (all sons of the 78th King). Within his own generation of <sup>the</sup> royal derbfine he was survived only by a first cousin (Tuathal, killed by the dynasty in 1494) and a second cousin (murdered in 1490), neither of whom were king's-sons. Moreover, his own sons were of age at the time of his death.

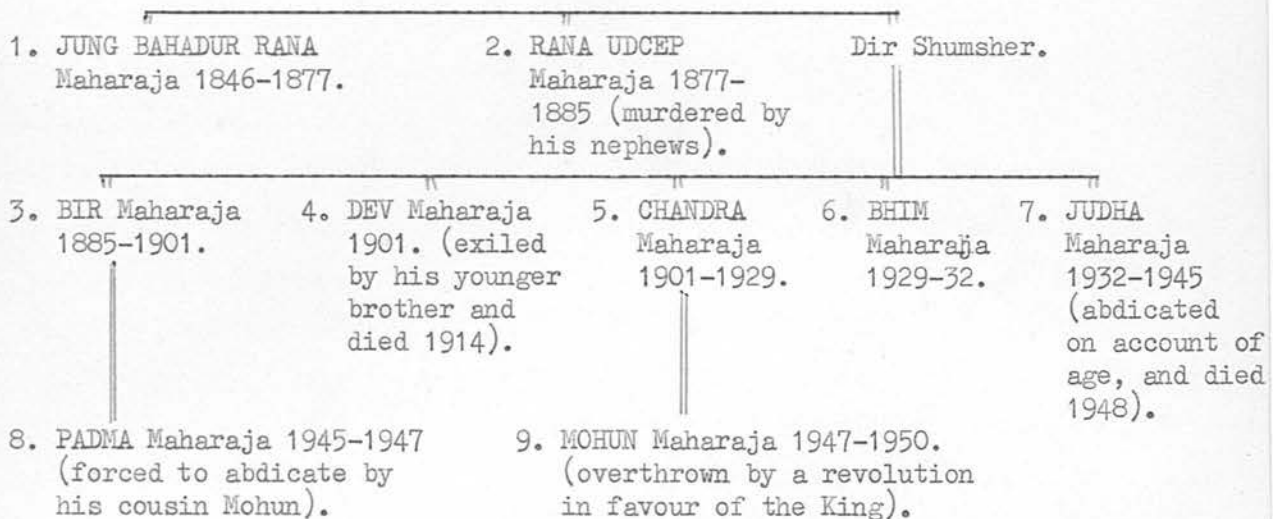
- 2nd Generation: Conn, 80th King, killed 1493 (son of 79). Henry, 81st King, killed 1498 (son of 79). Domnall, 82nd King, d. 1509 (son of 79): last surviving king's-son of this generation. Art, 83rd King, d. 1513 (nephew of 79): last survivor of 47 princes of the royal derbfine in this generation.
- 3rd Generation: Art, 84th King, d. 1519 (son of 80). Conn Bacach, 85th King, d. 1559 (son of 80): last survivor of 62 princes of the royal derbfines in this generation.
- 4th Generation: Sean an Diomais, 86th King (son of 85), k. 1567. He was born about 1530 (see D.N.B. sub SHANE O'NEILL) and was the same age as his successor (also born about 1530, see D.N.B. sub Sir TURLOUGH LUINEACH O'NEILL), who, however, belonged to the next generation and was Tanist from the moment of 86's succession. 86 was survived by one out of the 25 princes of his own generation in his own derbfine (Henry, who was not a king's-son) and by five or six members of the same generation in the derbfine of 83 (who, however, were none of them king's-sons): but if they were younger than him, they were also younger than his successor.
- 5th Generation: Toirdelbach Luineach, 87th King, d. 1595 (grandson of 84, and son of Niall, Tanist of Cenel Eoghain, who had predeceased 85). He was the same age as the last king of the preceding generation, and was probably therefore the eldest prince of his own generation, certainly the eldest king's-son or tanist's-son. During his reign the position of his kingdom of Cenel Eoghain or Tir Eoghain became inextricably intermingled with the succession to the Tudor-created earldom of Tyrone, and his successor in the kingship was his cousin, the Earl of Tyrone: Aedh, 88th and last King (grandson of 85), perhaps the greatest of his line<sup>(32)</sup>, who died in exile in 1616.

So far from there being the haphazard results (and innumerable cousinly royal lines) that must have resulted had the kingship been purely elective within the large numbers of princes who belonged to the royal derbfines, the succession seems to have followed a definite pattern (within all the different

dynasties analysed), in which age was preferred to youth and in which king's-brothers or previous king's-sons were preferred to remoter members of the royal derbfines. Where generations overlapped, it seems to have been in some doubt whether the eldest-born prince or the prince eldest in generation should succeed - and where Rigdomnas or Tanists predeceased the kings whose heirs they were, their sons seem to have ranked as king's-sons in due course. That the law gave a definite preference to the eldest-born seems to be indicated by the passage on succession in "The Ancient Laws of Ireland"<sup>(33)</sup> that runs: "By this book, if I can, in the name of God, I will bring the senior before the junior in every case, as these laws down here state".

There is nothing unusual about a system that accords the succession as Head of the Family to the prince who is nearest in time of birth, or else in generation, to the Founder. Such a system was followed, in theory, by the Rurikid princes of Russia in determining who should be Grand Prince of Kiev, and thus head of the family<sup>(34)</sup>. The Prince of Hohenlohe-Langenburg tells the writer that it was the principle followed by his own dynasty, and that the Grand Mastership of the Order of the Phoenix still passes to the eldest Hohenlohe prince holding one of the fiefs that were those held by all the existing Hohenlohe princes at the time the Order was founded in the 18th century<sup>(35)</sup>. The writer is also indebted to Sir Geoffrey Betham, formerly British Minister at the Court of Khatmandu, for information about an example of the system being actually established in modern times, taken from the kingdom of Nepal. Sir Geoffrey describes the coup d'etat by Jung Bahadur in 1846, and continues: "He and his brothers then, with suitable self protection, bearded the King, who was dithering elsewhere in his palace and got him to put a royal seal to the following document - a parchment copy, carefully preserved in silk, was kept in the British Legation in my time and, for all I know, is now in London - to the effect that "the King of Nepal, as a reincarnation of the God Vishnu, is divine, sacrosanct and the fountain of honour. As such, his life is safe and no one shall ever endanger it. He is above ruling. This must be done by a Prime Minister who must be hereditary. All revenues will be paid into the Prime Minister's purse. He will bear all the costs of government and shall be called Prime Minister and Supreme Commander in Chief<sup>(36)</sup>". The first Hereditary Prime Minister shall be Jung Bahadur. He will be succeeded by his brothers according to their ages and

then by their sons according to the ages of the sons, but not of the fathers'. As you will appreciate, this presented many opportunities for spanners to be thrown into the works<sup>(37)</sup>. The history of the succession within Jung Bahadur's family is instructive, and may be set out as follows:



It will be noted that in time so many branches might have been in the succession, that the Gaelic system of limiting it to the derbfines of former rulers would have become necessary. Note too that the murder (1885) and two depositions (1901 and 1947) were carried out by the next heir in each case, i.e. not to change the succession but to expedite it.

The "Ancient Laws and Institutes of Wales"<sup>(38)</sup> lay down that "A chief of kindred is to be the oldest efficient man in the kindred to the ninth descent". Strabo<sup>(39)</sup> tells us that in his time, among the Arabs, brothers precede sons, and the chief is the eldest member of the family: an examination of the genealogy of the present Royal House of Iraq and Jordan, during the period when they were Grand Sharifs of Mecca<sup>(40)</sup>, points to the same conclusion. Only four out of the first eighteen Caliphs were succeeded immediately by their own sons<sup>(41)</sup>. The Ottoman sultans were accustomed to strangle their brethren in order to secure the succession for their own sons

(thus Mourad III strangled his five brothers in 1574, and was succeeded in 1595 by his son Mohammed III, who in turn promptly strangled his nineteen brothers and drowned ten of his father's concubines who were enceinte, and was succeeded by his own son in 1603), but when they failed to do so, the succession passed to the next brother in preference to a son (thus in 1665 Mohammed V ordered his seven brothers to be strangled, but this was not done, and in 1687 one of the brothers did succeed him): the system that preferred the elder generation continued in Turkey down to the end of the dynasty, and in 1909, when Abdul Hamid was deposed, his brother was preferred to his sons. Such a system also appears to have prevailed among the Franks, and resulted in the attempted extermination by Clovis of all the Blood Royal except his own sons. The French use the word "parent" in a classificatory sense, and M. Paul Viollet refers to "notre Clovis, se cherchant un parent inconnu pour le tuer".

In the 13th century, Boleslas III of Poland, according to M. Viollet<sup>(42)</sup>, "établit pour l'avenir le régime de la tanistry, en ce sens du moins que le plus âgé de la famille devait recevoir le duché de Cracovie et être le suzerain des autres princes". His use of the Gaelic word to describe this system is interesting, as also his definition: "Il peut être utile de fixer, avant tout, le sens que j'attache, dans ce mémoire, à l'expression tanistry. J'appelle de ce nom un droit successoral, ordinairement politique, suivant lequel l'héritage du défunt passe, non à ses enfants, mais au collatéral le plus âgé ou aux collatéraux les plus âgés. ... Je le préfère au mot séniorat que les Allemands emploient souvent en ce cas"<sup>(43)</sup>. Of Ireland, he writes: "Au commencement du xvii<sup>e</sup> siècle ... dans cette même Irlande ... il n'est plus question d'élection; l'âge seul sert à désigner l'héritier"<sup>(44)</sup>; and cites Sir John Davies on "le case du tanistry" in "Les reports des cases et matiers en ley resolves et adjudgés en les courts del roy en Irlande" (London 1674, fol. 29 v to 42 r) as writing: "... cette coutume, qui donne la terre au plus âgé et plus digne homme du sang et nom de celui qui mourut saisi, est raisonnable en ce royaume. ... La loi dira que le plus âgé est le plus digne".

It may be asked why, taking the Irish royal genealogies all in all, kings usually seem to have been the sons or near relations of former kings, rather than second cousins or great-grandsons who also belonged to the royal derbfines. Of the 15 High-Kings of Ireland between 734 and 1002 (tabulated above) no less

than 10 were sons of former High-Kings, 3 were grandsons of former High-Kings (moreover, two of them were certainly sons of Rigdomnas of Ireland, and probably the other was also, though the style is not recorded so early), and one was a usurper: all were local king's-sons. Of the 35 Kings of Leinster between 715 and 1036 (tabulated above), no less than 29 were sons of former Kings of Leinster, while the remaining 6 were all nephews of former Kings (five of them being King's-grandsons, and one a King's great-grandson whose succession was disputed). Of the 19 Kings of Tir Conaill between 1333 and 1603 (tabulated above), all except one were sons of former Kings of Tir Conaill, and the sole exception was a Tanist's son (and king's-grandson). Over a period extending from the 5th century to the 17th century, there were some 88 Kings of Cenel Eoghain, besides 5 Ua Neill "kings with opposition" during the period when the Ua Neill branch were trying to recover the kingship of Cenel Eoghain from the Mac Lochlainn branch. Of this total of 93 kings, no less than 75 were sons of former kings (including the 5 "kings with opposition"). 9 were grandsons of former kings: moreover of these 9, at least 5 were sons of former Rigdomnas or Tanists of Cenel Eoghain, and 6 were also king's-nephews. 4 were great-grandsons of former kings (2 of them in the very early period when records are scarce, so they may well have been sons of rigdomnas or unrecorded kings; one was a rigdomna's grandson; and the fourth was the vigorous founder of the MacLochlainn opposition to Ua Neill). One was great-great-grandson of a former king, and so did not belong to any king's derbfine, but it is important to note that his father, grandfather and great-grandfather had all been Rigdomnas of Cenel Eoghain at the time of their deaths. The remaining 4 kings only reigned for less than six years of the twelve centuries that Cenel Eoghain was a kingdom, but they are remarkable in that these 4 alone did not belong to the derbfine of any king or rigdomna of Cenel Eoghain, although 3 of them were in the remote male line of the Blood Royal. These 4 exceptions were (1) Aedh Ua Ualghairg, King of Cenel Eoghain for the two years 1065-1067, descended in the male line from Ualgharg, Rigdomna in the North, d. 879, the grandson of King Niall Caille; (2) Conchubar Ua Briain, King of Cenel Eoghain<sup>(45)</sup> for a few months before they slew him in 1078, a prince of the entirely separate royal house of Munster; (3) Domhnall Ua Gairmleadhaigh, King of Cenel Eoghain for the two years 1143-1145, descended in the male line from King Muiredeach,

who was son of that Eoghan who founded the dynasty in the 5th century; and (4) Ruaidhri Ua Flaithbertaigh, King of Cenel Eoghain for the one year 1186-1187, descended in the male line from King Flaithbertach, who died c. 896. It is not certain whether these kings are to be taken simply as usurpers who gained the support of the Ua Neill faction in its struggle against the Mac Lochlainn faction during the period 1061-1241, or whether they were the nearest members of the Ua Neill female line (through their mothers or wives) at a time when Mac Lochlainn had left no Ua Neill males of age (see note 61 below; but it should be remembered that while a single surname as such was not yet tied to the Cenel Eoghain dynasty, we cannot say whether any of the 4 apparent usurpers had Ua Neill blood in the female line without further information about the marriages of their families). However, 4 exceptions among 93 kings hardly affect the pattern, which is overwhelmingly in favour of king's-sons and rigdomna's-sons (together making up at least 80 of the 93). The succession among the descendants of the famous High-King Brian Boroma (killed 1014) follows the same pattern. Brian succeeded his elder brother Mathghamhain as King of Munster, and of the 9 Kings of Munster between 1014 and 1194 descended from Brian Boroma (the O'Briens), all 9 were sons of former Kings of Munster, though none succeeded to the throne before the extinction of the preceding generation. After 1194, the O'Brien dynasty continued as Kings of Thomond. Of the 22 Kings of Thomond between 1194 and 1543 (when the last King of Thomond received the Tudor-created earldom of Thomond and also became the 1st Lord Inchiquin), no less than 20 were sons of former Kings of Thomond, the remaining 2 being grandsons of former Kings (and also king's-nephews), although in no case does a new generation appear to have succeeded before the extinction of the previous generation (anyway within these limits).

It may therefore perhaps be suggested that, within any given generation (i.e. group of "classificatory brothers" of the royal derbfines) the law preferred former-king's-sons (and probably equally deceased-tanist's-sons) either in the order in which their fathers had been kings, or more probably in the order of their ownbirths; subject to certain qualifications to be discussed later. This would certainly help to explain, in the alternating High-Kingship (tabled above), why collateral branches of the two houses do not

seem to have attained the supreme throne, which passed regularly to the son (or nearest agnate) of the late king's predecessor, except on three occasions, one of which was an usurpation. On the other two occasions (the exclusion of Aedh Allan's son in 797 and of Conchobar's son in 846) it may reasonably be presumed that the sons were not of age or else already dead, and so their line forfeited the chance. Indeed, Aedh Allan's son, Mael Duin, local King of Ailech, had died in 788 and so was unable to claim the High-Kingship in 797<sup>(46)</sup>; but the writer has been unable to ascertain whether (as seems most likely) Conchobar's son Aedhagan died before 846. That there was some legal order of succession within the membership of the royal derbfines is perhaps supported by the passage in the ancient legal text on the distribution of certain property due to the fixed heirs of a dead man, published by Kuno Meyer<sup>(47)</sup>, that discusses the order of division of the third due to the deceased's derbfine: "It is divided from father to son (of the deceased) backwards to grandfather, and in the opposite direction back again (from grandfather) to nail in front of fingers"<sup>(48)</sup>. Moreover, there was a legal group called the geilfine, the male-line descendants of a common grandfather, that was one generation smaller than the derbfine: and it seems reasonable to suppose that princes of royal geilfines were preferred by law in the succession before those who merely belonged to the finger-tips of derbfines<sup>(49)</sup>. Finally, it may be significant that, as Dr. Cameron tells us<sup>(50)</sup>, the "sons of kings" were entitled to purple and blue clothes when fostered, "and brooches of gold, having crystal inserted in them, for the sons of the king of Erin, and of the king of a province, and brooches of silver for the sons of the king of a territory, or a great territory; or the son of each king is to have a similar brooch, as to material", while other clothes are laid down for the fostering of those who were not king's-sons: and it may also be significant that "an inferior chief was one whose father was not a chief"<sup>(51)</sup>.

On the whole, therefore, it looks as though there was a legal preference for former-king's-sons and former-tanist's-sons, or at least for members of a royal geilfine, before the finger-nails of the royal derbfine could succeed. On the rare occasions when kinsmen from beyond

any royal derbfine were brought in, it may perhaps be presumed that (when they were not usurpers) there was no member of any royal derbfine of age and duly qualified. That other qualifications besides mere age were required, seems to be implied by the references to "worthiness" or "fitness", which does not seem to have been determined by a general election among a vast group of princes (as so often suggested) but which does seem to have operated to the exclusion of princes who might otherwise have been the nearest legal heirs. It may probably be taken for granted that minors were excluded from the succession: no instance of a child-king among the Irish Gaels is known to the writer. It may well be that the heir had to be married: a very ancient royal ritual qualification<sup>(52)</sup>. If so, his wife had possibly to be of equal rank<sup>(53)</sup>, or else in the early days princes may have received a legal preference if their mothers were of royal rank<sup>(54)</sup>. Senility may have been a lawful reason for exclusion, and the tract on succession cited above<sup>(55)</sup> says: "Youth takes precedence of dotage ... when the old man loses the light of reason". Above all, at least in the days nearest the old pagan sacral monarchies, we are told in the Book of Aicill that the heir had to be without physical blemish<sup>(56)</sup>, and the semi-legendary High-King Cormac (thought by Professor MacNeill to have been founder of the Tara dynasty, but possibly a divinity) is said to have abdicated when he was blemished by the loss of an eye, while The O'Conor Don writes of Ruari O'Conor, King of Connaught in 1092: "King Roderick, having been blinded by O'Flaherty, was obliged, according to the rules which bound the Irish succession, to abdicate, being no longer eligible as a sovereign"<sup>(57)</sup>. Finally, the well-known custom that obliged the young heirs of Scottish highland chiefs to carry out a successful creach or cattle-raid on their neighbours, originally perhaps by way of "blooding" but latterly often without casualties, was probably a survival of a qualification demanded of the royal heir in Ancient Ireland<sup>(58)</sup>.

To sum up: an examination of the evidence does not seem to point to the conclusions reached by MacNeill and other Irish writers, although it is not possible yet to be definite. On the whole, it would appear that there was normally a fixed heir to each Irish kingship, that this heir was anciently called the Rigdomna and latterly the Tanist, and that he was the eldest-born of all the surviving sons of the king and of any previous kings

or tanists (which failing, grandson or great-grandson), subject to certain qualifications: such as that he must be without blemish, he must be of age yet not senile (if none were so qualified, more remote kinsmen seem to have become eligible), he must have led a successful raid, and so forth. The dynastic tradition seems to have sanctioned the attempted slaying of the king by the tanist (and vice-versa, by way of defence), and thus to have led to the slaying by kings and tanists alike of other potential future tanists. Where a tanist was slain or died before acceding to the throne, he appears usually to have been immediately succeeded as tanist by the next heir according to the same rules of law. Such a system, naturally, led to numerous succession disputes (and frequent usurpations within the kindred), but it is uncertain whether these disputes were settled by the royal kindred as a whole, by a council of chiefs or nobles, or by the judicial decision of the hereditary inaugurator<sup>(59)</sup>. These disputes could of course only have arisen where no prince had already taken up the office of Tanist<sup>(60)</sup>, and no doubt different elements of any machinery that existed for resolving such disputes would have predominated according to the balance of political or psychological power at any given period between the over-king (if any), the cadets of the dynasty in question, the other nobles, and the hereditary inaugurator<sup>(61)</sup>. From the Scottish point of view (remembering the appeal of the Competitors for the Scottish Crown after 1290 to Edward I as their paramount or "Empreur") it is interesting to observe that succession disputes in Irish local kingdoms were often settled by the over-kings<sup>(62)</sup>. But the general law as practised by the Irish dynasts from ancient times, is perhaps best summarised by the will of Sir Cormac MacCarthy, 14th lord of Muskerry<sup>(63)</sup>, in 1583. In 1577 he had found it wise to resign his ancestral principality into the hands of Queen Elizabeth Tudor in order to receive it back as an estate. He had obtained, in the regrant, a power to dispose of this by will, and this he did "for conscience sake" (as he himself puts it) in 1583. He did not leave Muskerry immediately to his own son, in the English mode, but provided instead that the order of succession "for conscience sake" should be (1st) to his younger brother and tanist Callaghan, (2ndly) to his nephew Cormac (son of his deceased elder brother and predecessor Dermot), (3rdly) to Cormac's brother, his nephew Teige, and only (4thly) to his own son Cormac Oge.



## 2. The Gaels in Dalriada.

The Gaels of Ireland established a small kingdom on the west coast of Alba about the close of the 5th century. Their own writers naturally do not emphasise their unimportance, and we have better records of this realm than of the contemporary but far greater Pictish nation, because the Irish chroniclers took an interest in their colony. The royal dynasty of Dal Riada, a petty kingdom in Northern Ireland, simply added Argyll to their Irish kingdom; and for a long time their original territory in Ireland also continued to form part of their realm, which straddled the narrow channel between Antrim and the Mull of Kintyre, where the Atlantic meets the Irish Sea. It is doubtful to what extent their territory in Argyll was officially independent of the Pictish high-kings of Alba (despite assertions by Gaelic writers), but it must be remembered that Celtic under-kingdoms were not administered politically by the high-king<sup>(64)</sup> and that, except for support in war, the relationship between local king and nominal suzerain was largely a ritual one. In 575, at the assembly of Druim Ceata attended by St. Columba himself, it was decided that Irish Dal Riada was to serve the Irish monarch with its land forces, and to serve the king who reigned in Scotland with its sea forces<sup>(65)</sup>. But, during the last decade of the 8th century, the Norsemen descended on Kintyre and the Hebrides, the Irish realm was cut off from its Albany colony, and the style of "King of Dal Riada" vanishes from the Irish annals after the death of Donn Coirci in 792<sup>(66)</sup>. Thereafter, the Kings of Argyll looked to Pictland rather than to Ireland, and by a judicious combination of marriage, diplomacy, treachery and force, appear to have made themselves the heirs of the High-Kingly dynasty of Alba<sup>(67)</sup>. By the middle of the 9th century, they had abandoned their petty kingdom of Argyll<sup>(68)</sup> and had taken up the succession to their maternal ancestors, the high-kingly Pictish Blood Royal at Scone. They spoke Gaelic at their Court, and obviously favoured a Gaelic nobility, doubtless marrying Gaels to Pictish heiresses in the same way as their 12th and 13th century successors were to favour a Norman nobility, and marry Normans to Gaelic heiresses<sup>(69)</sup>. But an examination of the sequence of succession within the united kingdom of Alba shews that in fact the laws of the united dynasty were a compromise between those of the Picts (whose succession was purely matrilinear) and those of the Irish (whose succession was purely patrilinear).

It is only during the period 500-850, therefore, before the Pictish dynasty was amalgamated with the family of Argyll, that the Gaels as such retained their Irish laws unchanged (or at least may be presumed to have done so). This point is of considerable importance, as the Gaelic-speaking population of later Scotland were no more predominantly Irishmen than the English-speaking population of present-day Scotland is predominantly Anglo-Saxon; yet Skene and a chain-reaction of later scholars have all taken Irish Law as the natural basis for that of Gaelic-speaking Scotland ("the highlanders"). In fact, Gaelic has been spoken in parts of the country for at least fourteen centuries, for only three of which only one particular district (Argyll) was ever subject to the pure Irish Law. Moreover, the Gaelic-speaking colonists came from that part of Ireland which was least Gaelic in tradition, and (as is observed above) was most closely associated with ancient ideas of female succession, with the "Irish Picts" and with a royal house of possibly British (or Belgic) rather than Gaelic origin.

However, we need not doubt that during their period as a small nation of colonists in Argyll (500-850), the Gaels of Dal Riada maintained the ancient laws of Ireland, at any rate the succession laws. No genealogies shewing the sequence of succession to their main semi-royal branches, such as the Cenel Loarn or the Cenel nOengusa, can so far be reconstructed; though some of their pedigrees exist, and they presumably had a sequence of chiefs in the Irish mode. However, the whole realm of Argyll was no greater than a mediaeval earldom (which is what it eventually became), and the sequence of succession to its kingship can largely be reconstructed, at any rate sufficiently to give a fairly clear impression of ritual succession among the Gaels in Dal Riada; although it is very uncertain over the period 650-750, during which dynastic feuds within the royal house of Argyll seems to have helped the Pictish high-kings in keeping them well in hand.

The following table is an attempt to reconstruct the succession to kingship in Argyll<sup>(70)</sup>, but it must be observed that several of the kings during the period 650-750 were probably only local kings of their own Cenel<sup>(71)</sup>, and that the sequence is by no means certain in times of apparent rivalry: the kings being shewn only in order of appearance on record, or in their presumed sequence for other reasons. Dates are only approximate, and queried links indicate genealogical guesses.<sup>(72)</sup>



Apart from the periods of chaos, the general sequence pattern revealed by this table does not appear to differ in any way from the Irish successions examined above. Out of some 42 kings, certainly 33 and perhaps 37 were former king's sons, perhaps two more were king's grandsons, three are completely unidentified (their fathers may well have been king's sons) and two were the heads of powerful branches apparently breaking into the succession in critical times. Among the king's sons, age is evidently preferred before youth, and a younger generation does not normally succeed until the extinction of king's sons in the preceding generation. At least a third of the kings were slain, either in foreign battle or by their own kindred; though we have not enough information to know how many of them slew their next heirs.

It may therefore be accepted that, during the period 500-750 when the Irish colonists held only Argyll, their succession laws followed those of the Gaels in Ireland, and were purely patrilinear (subject possibly to the exception noted in Ireland, for which see note 61 above).

### 3. The Gaels in the united kingdom of Alba.

We are told in the "Chronicles of the Kings of Scotland"<sup>(73)</sup> that "Donald, Kenneth's brother, held the same kingdom for four years" (858-862, or 860-864). "In his time the Gaels with their king made the rights and laws of the kingdom (that are called the laws of Aed, Eochaid's son) in Forteviot". In those days, a man normally carried his own law about with him, so that a Frank followed Frankish custom and a Breton followed Breton custom. The laws of a nation were the customs of its nuclear family, the dynastic house, and such laws and customs were normally to be changed only by special action of the king as the repository of ancient law and custom. The two realms of Argyll and Pictland had known a "personal union" on several different occasions since the 8th. century, through the coincidence of their separate Blood Royal in the same person (e.g. King Constantine mac Fergus). But so long as their succession laws remained distinct, the two dynasties became disentangled as soon as a new generation succeeded to their separate thrones. The significance (from the Succession point of view) of King Donald mac Alpin's lawgiving

in Forteviot, therefore, seems to have been the decision that the two thrones were to remain united, and that to this end the Gaelic succession law was to be preferred to the Pictish succession law: for King Aed Finn mac Eochaid was his nearest ancestor who had not been King of Picts, but only King of Argyll. It is possible that Aed Finn may himself have modified the Irish laws of succession to admit succession through women on failure of men in the direct line, for there are indications that the dynasty may have had earlier inter-marriages with the Pictish matrilinear royal house, to which Aed Finn's own wife (at least the mother of Alpin) must have belonged. But it is equally likely, perhaps more likely, that the Gaels of King Donald mac Alpin's entourage intended the pure Irish law to apply for the future.

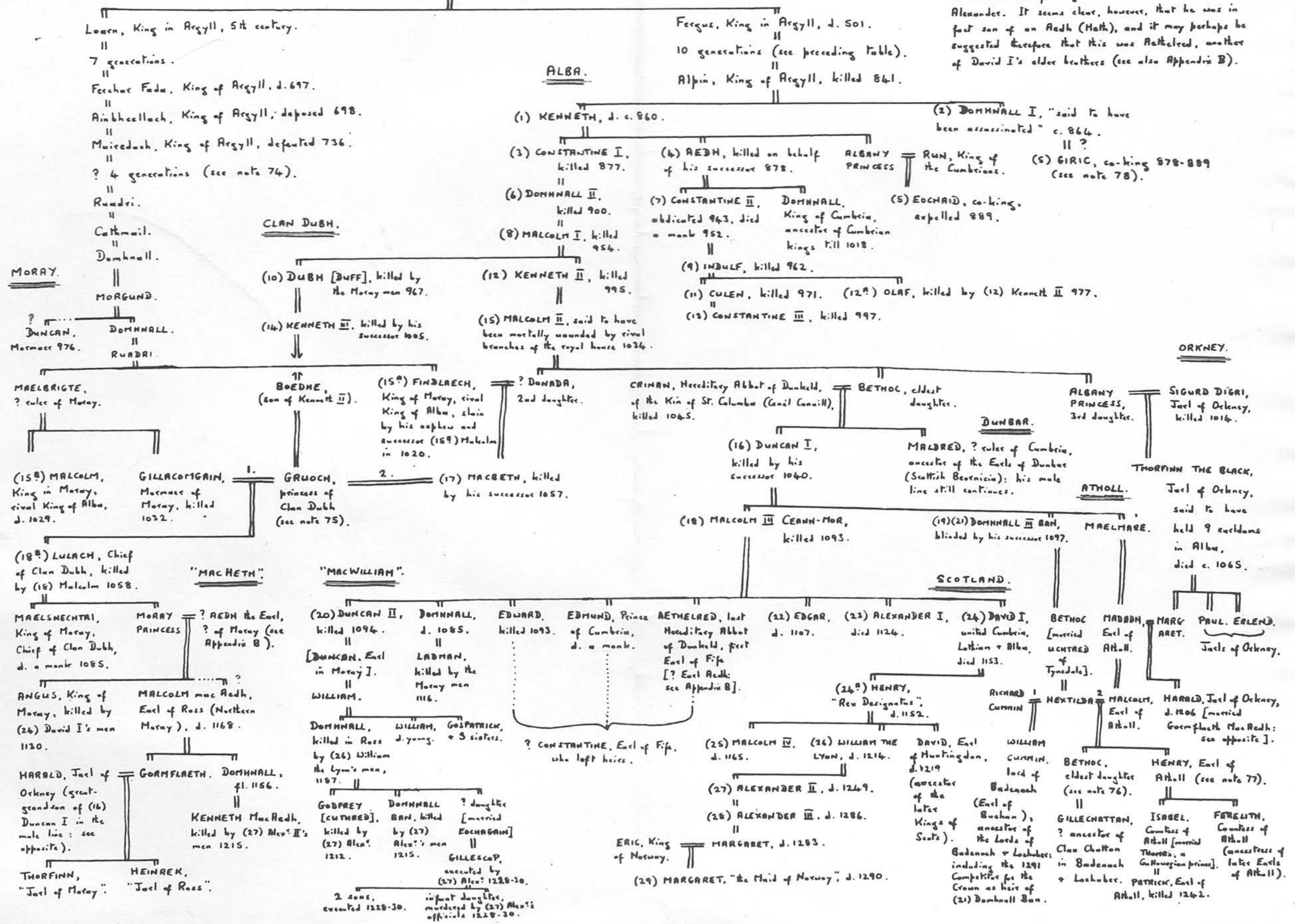
If so, they soon found out their mistake. It is clear that Pictland (the major part of the country, the seat of government, and the bulk of the population) was determined not to become completely Irish: and indeed, the pure matrilinear principle died hard. King Donald mac Alpin was himself succeeded by his brother Kenneth's sons, Constantine and Aed, in the usual Irish manner: but then there is reason to suppose that Kenneth's wife was a Pictish princess (see chapter on "Succession among the Picts", note 35), and so Constantine and Aed would also have been the rightful heirs by Pictish law. The real test came in 878, when the nearest heir by Irish law was apparently (but see note 78 below) Constantine's son Donald, while the nearest heir by Pictish law was Constantine's sister's son Eochaid map Run. It was in fact Eochaid map Run who became king, and it was not until after Eochaid's death in 889 that the throne passed to Donald mac Constantine. Eventually a compromise was reached between Irish patrilinear law and Pictish matrilinear law, whereby the "classificatory system" (common to them both) that preferred the elder to the younger generation of king's sons was continued, but a king who had no son could be represented in due course by his daughter's son: as is shewn in the following tabular genealogy.

In this table, dates are approximate; and rival branches were so thoroughly suppressed when the "classificatory system" that treated cousins as brothers came to an end after the union of Cumbria with Alba under King David I in 1124, that it is not easy to unravel their genealogical sequence. In

consulting the table, it is important to bear in mind that the kingdom of Alba may be said to have ended in 1124, and Scotland then to have begun. Younger children are necessarily often omitted to save space, as are some elder sons who predeceased their fathers, but the Houses of Domhnall Ban (in Badenoch) and of Atholl are included in skeleton form to illustrate female succession within near branches of the royal family.

The House of Eric in Dal Riada

NOTE: Earl MALCOLM mac Aedh (Mac Beth) is said by some foreign contemporaries to have been a natural son of King David I's elder brother Alexander. It seems clear, however, that he was in fact son of an Aedh (Math), and it may perhaps be suggested therefore that this was Athelred, another of David I's elder brothers (see also Appendix B).



It is sometimes suggested that female-line succession was only introduced into Scotland by Anglo-Norman "feudalists" (though this contradicts the supplementary suggestion, also made erroneously, that feudalism favoured heirs male), and that it was never accepted in Gaelic-speaking parts of the realm. Between 860 and 1097 the whole realm of Alba spoke Gaelic, and its dynasts were Gaels. Yet the throne passed through women on several occasions during this period: to Eochaid mac Run (son of an Albany princess) in 878, to Duncan mac Crinan (son of princess Bethoc) in 1034, to Macbeth mac Findlaech (son of the princess Donada) in 1040, and was claimed by Lulach mac Gillacomgain (son of Queen Gruoch) in 1058. Moreover, Lulach's son Maelsnechtai was regarded by the Irish genealogists themselves as head of Clan Dubh, although his descent from King Dubh was in the female line: and the highlanders of Moray and Ross continued to support (as their rightful kings or earls) the descendants of Maelsnechtai's sister. It cannot be suggested that the Gaelic-speaking people of Alba only accepted female-line succession because of the extinction of the male line of the dynasty, since so far from there being any evidence of such extinction, the mediaeval genealogies of many of the highland chiefs traced their descent in the male line from the royal House of Eric; and if these genealogies are false there is no evidence that any of the highland families are Gaels at all (as opposed to Picts), so the question of their continuing ancestral Gaelic customs would not arise. It does in fact seem likely that many of the chiefs, who bore all the characteristics of local dynasts, were in fact (as they claimed) heads of remote cadet branches of the Dalriadic dynasty (just as the Robertsons of Struan are a branch of the Atholl branch of the house of King Duncan mac Crinan, the Macfarlanes were a branch of the house of the Mormaers of the Lennox, and the Ogilvys of Airlie are a branch of the house of the original Earls of Angus).

It may be convenient here to deal with the end of the "classificatory system" by which all king's-sons of the same generation were treated as brothers, and the next generation as their sons, so that all king's-sons of one generation succeeded in turn before the succession passed to a new generation. Such a system should normally favour the eldest and the youngest prince in each generation, and it was under it that King David I (then ruler of Cumbria) eventually inherited Alba as the youngest of Malcolm Ceann-mor's

sons and thus their longest survivor. The tradition whereby a king slew his predecessor and was himself slain by his successor seems to have been brought by the Gaels from Ireland (unless the Picts had it as well, for it is a very widespread pagan ritual), but as the Gaels were already Christian when they colonised Argyll, it must have been to them a custom sanctioned by tradition (doubtless on the rationalised grounds of the need for a strong war-king) rather than a religious rite (concerned with the perfection of the human vessel that embodied a divine spirit). This tradition, however, also permitted a king to defend himself by slaughtering his heir, and the unity of brotherhood among St. Margaret's sons enabled them to present an united front against all rival branches. By the continual slaughter of cousins, no king's-son or grandson or even great-grandson of an alternative branch was able to establish himself in the succession<sup>(79)</sup> until there was no royal derbfine left except that of St. Margaret's sons, and such of their cousins (Atholl, for instance, and Badenoch) as advanced no rival claims to the throne. The Earls of Fife, who may possibly have had some descent from this house (see appendix on "Succession to the Crown Bearing"), distinguished themselves by their loyalty to the derbfine of King David I: and it was the Earl of Fife who proclaimed the first minor to sit on the Scottish throne<sup>(80)</sup>.

During the formative period 1124-1200, no Sovereign left a son and a brother, so there was no occasion to test whether brothers should still be preferred before sons in the succession. When the case arose in 1214, the late King William the Lyon's brother David made no claim. He was aged about seventy, and might well have been excluded under the ancient law that disqualified princes who were senile (for seventy was a considerable age in those insanitary days); but in any case, there is reason to suppose that he had made an agreement with his brother, King William the Lyon, whereby he accepted the Garioch in exchange for all claim that he or his heirs might make to the kingdom of Scotland<sup>(81)</sup>. King William can scarcely have objected to Earl David's descendants inheriting the throne on the failure of his own descendants (as eventually happened), and he must therefore have been dealing with a claim which he felt might prejudice the succession of his own line. This claim could not have been the possibility of Earl David's line producing an heir male to set up against King William's potential heirs female, for Earl

David also renounces on behalf of women descended from himself. If the agreement is genuine, therefore, it evidently represents a compromise whereby King William the Lion bought off the only surviving king's-son of his own generation, in order to safeguard the succession of any children he might have, according to the new laws that preferred a child before a brother<sup>(87)</sup>. From 1214 until 1290, no further case occurred of a Sovereign leaving a brother, and so the new mode of succession became thoroughly established. As a result, it may be said to have been the custom of the realm of Scotland, since it was first united in 1124, for a child to be preferred before a brother: the "classificatory system" ended when David I of Cumbria ascended the throne of Alba.

#### 4. The Gaels in Scotland.

In dealing with the question of succession among the Gaels after Scotland came into being under King David I in 1124, it must be borne in mind that in this context "Gaels" must be taken in its usual loose modern meaning of "inhabitants of Gaelic-speaking Scotland". Border families like the Dunbars (of whom the Dundases are almost certainly, and the Homes possibly, cadets), east-coast lowland families like the Wemysses and even English families like the Nevills are more demonstrably Gaels in the male line, than are many highland "Macs" whose ancestry cannot be traced to so early a date and who may well have been of Pictish descent. A number of famous highland families, such as the Stewarts of Appin, The Chisholm, and the Frasers of Lovat, not only obtained their territories through female succession, but can be demonstrated not to be Gaels at all (the Stewarts are Bretons, for instance). In the sense, then, of "inhabitants of Gaelic-speaking Scotland", it is clear that the succession laws of the Gaels after 1124 were those of the realm to which they belonged: on the mainland, they have always been those of Scotland (which as early as 1286 had a Queen Regnant who was a Gael in the <sup>immediate Scottish</sup> ~~direct male~~ line, probably from Niall of the Nine Hostages through the kindred of St. Columba and King Duncan mac Crinan), while in the Hebrides they

followed the laws of Macdonald's kingdom or lordship until its overthrow in the 15th. century.

On the mainland, the great Gaelic dignities all passed through women as soon as there was an heiress (see chapter on "Succession to Earldoms"), as did the territories of ordinary Gaelic nobles: for example, Glassarie in Argyll <sup>(78)</sup>/<sub>83</sub>, Lorn itself <sup>(79)</sup>/<sub>84</sub>, the Ard in Ross <sup>(85)</sup> and Cawdor in Moray <sup>(86)</sup>. This seems to be equally true of Macdonald's kingdom in the Hebrides. Somerled, in the 12th. century, had evidently got his foothold in the Isles by marriage to the Norse king's daughter <sup>(87)</sup>, Bute and Arran passed to the Steward of Scotland in the 13th. century through marriage to the heiress of a branch of the House of Somerled <sup>(88)</sup>, Garmoran (the great MacRuari territory from Ardnamurchan to Glenelg) passed to the heiress Amy MacRuari and her sons in the 14th. century <sup>(84)</sup>, while in the 15th. century Macdonald himself, when accepting a Lordship of Parliament, took a destination that preferred his own female heirs to the male lines of his brothers <sup>(85)</sup>/<sub>90</sub>.

Unfortunately, Skene, in "The Highlanders of Scotland" and other works, attributed to the later-day Gaelic-speaking population of Scotland the same laws as those of the ancient Gaels in Ireland, except that he did not follow the common Irish error of supposing that succession was settled by the chance of election: "nothing can be ... more inconsistent with the character of the Highlanders than to suppose that they ever, in any degree, admitted of election" ("The Highlanders of Scotland", 1902 ed., p. 104). It is clear that these Irish succession laws were not current in the great mainland highland appanages of Mar, Atholl, Ross, Menteith, Argyll or the Lennox: from an examination of the history of their ruling houses. As for the Hebrides, Canon R.C. MacLeod of MacLeod, in "The Island Clans during Six Centuries", pp. 10-14, examined Skene's alleged highland laws of succession (including the statement that "females are altogether excluded from the succession to the chiefship or the property"), and comes to the conclusion that in the West Highlands and Isles, "as a matter of fact we find none of them". He tells us that after a search through West Highland genealogies he is "not aware that among West Highland clans a brother was ever preferred to a son", and the present writer has made the same findings

for the period since 1124<sup>(91)</sup>. He cites cases of an uncle acting as tutor<sup>(92)</sup> for a minor son of the late Chief of MacLeod from as early as the 14th. century<sup>(87)</sup>; and he tells us that "among the West Highlanders the office of chief was certainly not elective. The eldest son, or, failing a son of the deceased chief, either a daughter or the nearest male heir always became chief"<sup>(88)</sup>. The cases of the nearest male heir were those in which there was a tailzie on heirs male, or in which the female heir did not take the clan name. Canon MacLeod writes that "several instances can be given of an heiress succeeding to an estate when she had no brother, her husband becoming the chief".

But the actual cases cited by Canon MacLeod of female succession, while illustrating the inheritance of property among women, are not true cases of the inheritance of chiefship. For, after the growth of surname<sup>(89)</sup>, it was essential for a chief to bear the Name as well as belong to the Blood. Canon MacLeod gives as one example the female succession to Lorn. But in Lorn the heirs female, in each case, failed to take the surname of their predecessors: with the result that the dynastic house of Lorn (continuous in the female line) is now represented by three separate families each with their own head: the MacDougalls of Dunollie, the Stewarts of Appin and the Campbells of Argyll. Canon MacLeod's other example is the case of Assynt, of which the Nicolson heiress married Torquil MacLeod of Lewis c. 1340: but here again, the MacLeods failed to take the name of Nicolson. The case of a woman being chief did not formerly arise<sup>(90)</sup>, since heiresses were either placed in convents<sup>(91)</sup> or married as children, when their husbands administered their territories "by<sup>the</sup> courtesy of Scotland"<sup>(92)</sup>. But the husband or son of an heiress was required to take her family's Name before the headship could continue in her line. Sir Aeneas Macpherson of Invereshie (1691-1705) in his "Loyall Dissuasive" marshals arguments for Cluny (as alleged heir male of Clan Chattan) against Mackintosh, the heir female, and writes of Eva, said to have been heiress of the line of Gillechattan at the end of the 13th. century: "grant that she was ane heiress, and as such might have right to the Estate, McIntoshe, hie marrying of her, and possessing of her fortune without taking the name and bearing of the family, could never make him Cheefe. That was conditio sine qua non, as Lawiers and Logicians speak".<sup>(93)</sup>

If the old Irish "Brehon" laws survived anywhere among the Gaelic-speaking highlanders of Scotland, they might well be expected to have survived in Lewis, where there was a line of hereditary Brehons administering the law up to the end of the 16th. century<sup>(99)</sup>. This office was hereditary in the Morrison clan, whose effective chiefs the Brieves (Brehons) appear to have been. Yet we are told that as early as c.1346 the heiress of the Morrisons married Ceadhain mac Mhuirich (younger son of the Clan Donald dynast of Ardnamurchan), that "the haughty heiress persuaded him to change his surname to Morrison and he became one of the best brieves of Lewis"<sup>(95)</sup><sub>100</sub>, and that the subsequent Morrison brieves of Lewis were her descendants and thus themselves examples of female succession. Certainly, when the Tutor of Kintail claimed the island of Lewis at the beginning of the 17th. century, by virtue of his marriage to the "MacLeod" heiress, the Brieve of the day supported him against the heir male<sup>(96)</sup><sub>101</sub>, although of course chiefship was not involved as the Tutor kept the name of Mackenzie.

It was to prevent the loss of the ancient patrimony of their family, through heiresses whose husbands failed to take their Name, that so many Scottish chiefs, both highland and lowland, endeavoured throughout the centuries to settle the succession by tailzie on heirs male<sup>(97)</sup><sub>102</sub>. But for the highlands and lowlands alike, such a tailzie on heirs male represented an exception from the common law that preferred heirs general, and this common law descended to them from the days when a Gaelic dynasty was on the throne.

NOTES TO CHAPTER ON SUCCESSION AMONG THE GAELS.

(1) As early as 795, the Annals of Ulster tell us that Skye was pillaged and devastated "by the Gentiles", i.e. the Scandinavian pagans (A.O. Anderson, "Early Sources of Scottish History", vol. i.p. 255). Duaid MacFirbis, iii p.128, writing of King Aedh Findliath of Ailech's victory in 856 over the Gall-Gaidil or "Foreign Gaels" of the Hebrides, says: "They were Scots and foster-children of the Northmen, and at one time they were called Northmen". By the 12th. century the two stocks were so much admixed in the West, that historians to-day dispute whether the great Somerled, kinglet of Argyll (slain 1164), was of Norse or Scots descent in the direct male line (see Professor Eoin MacNeill, "the Irish Kingdom in Scotland", in his "Phases of Irish History", Dublin 1919, also Balfour Paul's "Scots Peerage", vol. v. sub ISLES). For the early admixture of Norse and Celtic culture, see Basil & Eleanor Megaw "The Norse Heritage in the Isle of Man" (in "The Early Cultures of North West Europe", H.M. Chadwick Memorial Studies) and the authorities therein cited.

(2) See above, chapter on "Succession among the Picts".

(3) Their principal kingdom in historic times was Dal nAraidi in Ulster, where they claimed to represent the old Ulidian race. Thomas F. O'Rahilly, "Early Irish History & Mythology", Dublin 1946, takes the view that it is wrong to call the Irish Cruthin "Picts", and equates them rather with the Britons (p. 342 et seq., p. 528), but this assumes that the main Pictish population of Alba were not of British origin, which cannot perhaps be regarded as certainly established. See, for example, Henri Hubert, "The Rise of the Celts" (1934), p. 209.

(4) See above, chapter on "Succession among the Picts", notes 1 & 3. See also R.A.S. Macalister, "Ireland in Pre-Celtic Times" (1921).

(5) They claimed descent from Daire, and thus from the royal house of the Erainn, whom O'Rahilly (op. cit. pp.7, 16, 54) considers to have been Belgae of the same stock as the Belgae of the Continent and Britain.

(6) This house was sometimes known as "the Children of Conn", as they claimed descent from the legendary Conn of the Hundred Battles, but whether he was really their ancestor, or more probably a pagan spirit incarnated by their ancestors, is uncertain. At the time of their conversion to Christianity about the middle of the 5th. century, branches of this great dynasty held the High-Kingship of Ireland, and the over-kingships of Meath, Connacht, Ailech and Oriel (eventually of Ulster). Several branches still survive, headed by such great Irish chiefs as The O'Neill of Clanaboy, The O'Donel of Tirconnell and The O'Connor Don. <sup>Apart from the Welsh,</sup> The writer has been unable to find any other families in Europe who can trace their descent to such an early date (i.e. c.400) in the direct male line with so little doubt. Indeed, such a traceable descent is rare anywhere in the world, though it is to be found in Japan (the imperial dynasty), in China (the family of Confucius) and possibly in the Caucasus (some of the dynastic families of Armenia and Georgia.)

(7) The High-King had little direct political authority outside his own attached kingdom (properly Tara, though latterly High-Kings of the Northern Ui Neill often remained in the North). Compare the position of the Bemba and Pictish kings (chapter on "Succession among the Picts" above) and also of the Rurikid Grand Princes of Kiev (ibid. note 52, and appendix on "The Single Heir" note <sup>29</sup> 34). MacNeill, "Celtic Ireland", p.6, observes: "The tuath was always of modest extent, corresponding in general to the modern barony . . . In the fullest sense, the king was king of his own tuath alone. He might be over-king of several or many tuatha, but he did not discharge all the functions of a king anywhere except in his own particular tuath, where he was head of the assembly of freemen, their judge, and their immediate leader in war . . . It will be seen from this that there was no idea of vicarious government in the ancient Gaelic polity . . . A king might be over-lord of many tuatha, he was administrator of only one". Ordinarily, the High-King's tuath was Tara.

(8) MacNeill, "Celtic Ireland", pp. 149-150, where he analyses instances from the Book of Armagh, folio 17. - Dr. John Cameron, "Celtic Law", 1937, p.84, writes of Celtic Law in Ireland: "The relationship of a man and a woman of equal property ... that is, where there is equal land and cattle and household stuff, and if the married state be equally free and lawful, the wife is called the wife of equal rank. Any contract made, in this case, by either party is not a lawful contract, without the consent of the other, except in cases where the contracts are equally to the welfare of both". If such a law survived among the Gaels of Scotland, it might account for the association of Gillemichael's daughter Ete with her husband Gartnach of Buchan in an early Gaelic charter in "The Book of Deer", p. 93 (see chapter on "Succession among the Picts", note 53), where there are reasons for supposing Gillemichael to have been ruler of a different district, so that the grant would ordinarily have been expected to be made by Gartnach alone. In other very early charters also, Queen Gruoch joined with King Macbeth in his grant to the church of St. Serf, and Queen Margaret joined with King Malcolm Caenn-mor in his grant to the Culdees of Lochleven (see Lawrie, "Early Scottish Charters", pp. 5, 7).

(9) MacNeill, ibid. Also Dr. P.W. Joyce, "Social History of Ancient Ireland", vol. ii, p.11: "When the wife owned land, it was subject to the same law of succession as that of the husband, viz., if she had sons it descended to them, whether there were daughters or not: if she had no sons, it went to the daughters. Here, however, there were proper safeguards to prevent the land passing from the tribe, in case the women married a man from another tribe". By "tribe", Joyce simply means cenel or agnatic kindred at the widest, family or fine at the narrowest. This should be compared with the safeguards in Orkney against udal lands leaving the family. The idea that settled land was inalienable from the landowners' kindred, with portions for each redeemable by the others if sold, and a special portion annexed to the headship of the family as also to the headship of each branch, appears to have influenced Norse as well as Celtic law.

(10) MacNeill, ibid. See also Cameron, op. cit., pp. 81, 87, 88 and 93, where however he may have been mistaken in supposing that D.A. Binchy was right in suggesting that "the archaic incapacity of women had begun to break down".

The evidence seems rather to point to an archaic freedom of women, even a matrilinear system, partially submerged at a later date by an incoming patriarchal race. Dr. Cameron gives a valuable pointer to this when he writes (at p. 88): "Under ancient Irish Law, on the contrary, unlike most other Indo-European systems, marriage did not terminate the legal relation between a woman and her own family". This looks very much like a matrilinear and matrilocal survival. In this context, it may be worth noting Dr. Norman Moore's article on Margaret O'Carroll (died 1451) in the Dict. Nat. Biog.: "As is still the custom in parts of Ireland, she retained her maiden surname after marriage". See also chapter on "Succession among the Picts", note 3. Eoin MacNeill, "Early Irish Laws & Institutions", at p. 65: "... succession in the female line and its influence on the status of women are well and prominently exemplified in the ancient sagas of the Ulster Cycle. In these, the little states of Ireland are grouped into five chief kingdoms. Of the chief kings of these five groups three are brothers, sons of one father. Two at least of these should have succeeded to the kingship, not through their own paternal line, but through marriage into the existing dynasties. That this was so in the case of one of them, the king of Connacht, is made clear in the sagas. How these sagas, written first in the seventh century, give in many respects a faithful reflection of traditions coming from a much earlier time, has been shown by modern research. In the seventh century and later, we find no such law or custom in operation as that which made a man king by reason of his becoming husband of a daughter of the preceding king. Those who told and wrote these sagas, when they told of such a man being king of Connacht, told a thing which their hearers and readers knew not to be possible in their own time, and therefore could tolerate only because it was believed to be in accord with the law and custom of an earlier time".

(11) Cameron, *op. cit.*, p. 89 refers to mention in the early Celtic Laws of Ireland of the Banchomarba or Heiress. For some examples of heiresses to abbey-lands, see Bishop Reeves's ed. of Adamán's Vita S. Columbae (Bannatyne Club ed., 1857) p. 404n. Bebinn, ban-erenach of Derry who died in 1134, was daughter and heiress of (Conghalach) mac Conchaille, the erenach of Derry who had died in 1112. This abbatial family at Derry were a branch of the kindred of St. Columba. Ailbhe abbot's-daughter, queen of Orior, who died in 1077, is described as coarb of St. Moninna; and Gormlaith Murchadh's-daughter, coarb of St. Bride, died in 1112.

- (12) The writer recollects a case of an Irish family of hereditary poets or bards, whose surname and office were continued in the female line on the extinction of the male line, but he cannot find the reference again. See also note 6↓ below.
- (13) For instance, the MacFirbis family were hereditary sennachies of the O'Dubhda chiefs, whom they inaugurated by raising a wand over the new chief's head and pronouncing his name.
- (14) "There were four grades, the king of a tuath, the king of a great tuath (*mórtuaithe*), i.e. of a group of tuatha, the king of a 'fifth' (*coiced*: this being the traditional name for the largest subdivisions of Ireland), and the king of Ireland. ... The five main divisions were prehistoric, and had given place to seven main divisions in the early period of contemporary records (from the fifth to the eleventh century)": MacNeill, op. cit., p. 104. We are reminded of the seven kingdoms which are said to have depended on the Pictish high-kings.
- (15) See chapter above on "Succession to Baronies", note 1↓.
- (16) But even the oldest cannot be trusted before the 5th. century.
- (17) As St. Columba nominated his cousin Baithene to succeed him as Abbot of Iona (*Adamnan, Vita S. Columbae, lib. i cap. ii*), both of them being themselves Irish royalties. See Innes of Learney on "Succession to Chiefship", in "Tartans of the Clans & Families of Scotland", at p. 36, also p. 29.
- (18) See Professor James Hogan, "The Irish Law of Kingship", in *Proc. Royal Irish Acad.*, vol. xl, section C, no. 3, at p. 186 et seq. This is an important paper for the study of succession among the Gaels. Rare reports of an election are not evidence of regular election, however, but rather the reverse, since they may imply that an election was news (rather as the Convention that offered William of Orange the Crown was news). Professor Hogan, after much research, was obliged to admit that "there remain, however, certain aspects of the law of succession which have not as yet been

investigated or at least elucidated, and one of the most important of these is at what time and by what means the king's successor was selected" (*ibid.* p. 189). A council (as with the Bamba, see appendix on "Succession among the Picts", or perhaps the Seven Earls of Scotland, see chapter on "Succession to the Throne") to determine which of several rival claimants was the rightful heir by law, would be a very different thing from an election.

(19) In Scotland, for example, "either the whole of the members of Parliament or a deputation consisting of members of each Estate" went "to the King to offer him the Crown on the morning of the Coronation Day" (Lord Bute, "Scottish Coronations", 1902, p.13); while in France and England, the nominal assent of the people permitted to be present was (and still is in England) asked as a part of the actual Coronation ritual (but note that cardinal point C of Professor Hocart's master inauguration ritual, widespread throughout the world, is "1. Persons not admissible to the sacrifice, such as strangers, sinners, women and children, are kept away, and are not allowed to know anything; 2. an armed guard prevents prying eyes": see his "Kingship", pp. 70-71). When the hereditary sennachie of the MacLeods of Dunvegan foisted the usurper Iain a Chuil Bhain on the clan as their Chief in 1551, he did not claim to do so by an election, but simply by declaring him rightful chief by falsifying his genealogical position in the MacLeod dynasty (see Dr. I.F. Grant's forthcoming History of the Clan MacLeod, the MS. of which the present writer has very kindly been permitted to read).

(20) Thus Stokes, in his edition of "The Annals of Tigernach", translates rigdomna as "crownprince". The word rigdomna is first found on record in the year 867, in the middle of the period when (anyway in the High-Kingship and the Kingdom of Leinster: see the tabular pedigrees given above) the succession to the kingship appears to have followed too definite a pattern to have been purely elective. An interesting and early example of reference to a crownprince in Irish records appears in Duaid MacFirbis's Fragment III, 18-24, c. 21 (A.O. Anderson, *op. cit.* i. p. 283), where it is said of the period 823-847 that at the battle of Sciath-Nechtain the Kings of Cashel and Leinster defeated the Black Gentiles "and there fell the king of Scandinavia's heir" (tanaissi ri Lochlann), but of course Duaid MacFirbis wrote in late

Gaelic and the date of the sources from which he copied the fragments of Giolla na naemh MacAedhagain's vellum MS. in 1643 is not known. The title of tánaiste does not appear to have come into use before the 13th. century (MacNeill, "Celtic Ireland", p. 142).

(21) MacNeill, op. cit., chapter viii pp. 114-143. He attempts to show that all members of any previous king's derbfine were eligible for the kingship, and as it were formed a pool of candidates from which the new king was elected, and therefore that the title of rigdomna simply meant eligibility in this sense. But a careful examination of the evidence he cites, does not appear to point to this conclusion. There is no evidence of anybody styled rigdomna surviving the king in whose reign he is mentioned, except where he himself became king. Often, out of several brothers, only one is styled rigdomna (Hogan, op. cit. p. 221); there are instances of a prince being styled e.g. the rigdomna of Eoganacht or the rigdomna Ua Maini without any Christian name being given (MacNeill, p. 142); and the instances of two rigdomnas being mentioned together are rarer than the instances of co-kings (between 563 and 656 there were five separate pairs of co-kings among the Ui Neill, while from 956 to 962 three brothers reigned jointly in Cenel Eoghain.) Where co-kings were brothers, they may of course have been twins: the repetition would be accounted for by the fact that twins often run in endogamous families, and all the Irish dynasties were repeatedly inter-related with each other by marriage. Professor O. Forst de Battaglia, "Traité de Genealogie", Lausanne 1949, gives a tabular pedigree ("hérité des naissances de jumeaux", at table vii) showing repeated twins among inter-related European royal houses, such as Hesse-Darmstadt, Baden and Nassau-Dillenberg. Where co-kings were cousins, or uncle and nephew, they may have had irreconcilable claims (e.g. if they were both of the same age, and the law accorded the kingship to the eldest-born male of the Blood Royal). Hogan (op. cit. p. 221) observes that "tracing the descent of the twenty-one Rigdomnas of the Ailech dynasty, we find that in the majority of instances they are sons of kings. To give the exact figures: - Eleven were sons, five grandsons, and five great-grandsons of kings of Ailech. The most remarkable feature of the use of the term Rigdomna is that thirty-eight princes of the dynastic derbfine, who were in every respect as eligible to the kingship as the twenty-one to whom the title

was applied, are not recorded as Rigdomnas". An analysis of the rigdomnas of Ailech 867-1129 reinforces the view that rigdomna did indeed mean crownprince rather than just "member of a royal derbfine".

KING OF AILECH (also called In Fochla  
or In Tuaiscert)

RIGDOMNA OF AILECH (also called  
In Fochla or In Tuaiscert).

Aedh Findliath 862-879

Fachtna, killed 868.

Ualghurg, died 879.

Murchad, (succeeded as king).

Murchad (styled Rd. in F.), killed 887.

Oengus, killed 883 (by a native).

Flaithbertach (co-king) 887-c. 896.

Domnall 887-915 (co-king 887-896 & 905-915). Flann, died 906.

Niall Glundubh 905-916, killed in battle  
919.

Flaithbertach, (succeeded as king).

Flaithbertach (styled Rd. in F.) 916-919, killed in battle.

Fergal, 919-938.

Conchobar, died 935.

Muirchertach 938-943, killed.

Niall killed 940 (by the king)

Mael Ruanaid, killed 941 (by a native)

Domnall Ardmacha 943-c. 956 & 972-980.

? Flaithbertach (co-king) died 949.

Tadhg, Flaithbertach & Conn, brothers, co-kings 956-962, slain.

Murchad, 962-972, killed 974.

Dubhgall killed 980 (by a kinsman).

Domnall Ardmacha again, 972-980

Fergal 980-c. 989/993, died 1001.

Aedh Craoibhe Tulcha c. 989/993-1004.

Aedh mac Dubhgall killed 994 (by a native)

Mael Sechnaill died 997.

Flaithbertach 1004-1036

Aedh killed 1010 (by a native).

Fergal killed 1017 (by a kinsmen).

Archu & Ardgar, brothers, killed 1019  
(by a kinsman).

Aedh killed 1021 (by a native).

Domnall killed 1024 (by a native).

Aedh (co-king with his father) 1030-36.

Niall 1036-1061.

Muiredach killed 1046 (by a native).

Aedh killed 1054 (by a native).

(Mael Sechlainn ua Motodain, killed 1063)

Ardgar 1061-1064.

(Aedh Ua Ualghairg 1065-1067).

Domnall 1067-1068 (killed by his brother who succeeded him).

Aedh 1068-1078 & 1078-1083.

(Ragnall ua Motodain, killed by a  
kinsman 1074).

(Conchobar ua Briain, usurper, 1078, killed).

Donnchad 1083.

Domnall 1083-1121.

(Muirchertach ua Cairre, died 1095).

"The son of Domnall maic Lochlainn 1108"  
probably the same prince as the  
Rigdomna.

Muirchertach (son of Domnall

MacLochlainn, killed 1114 by a  
native).

Niall (son of Domnall MacLochlainn)

killed 1119 (by a native).

Conchobar (son of Domnall MacLochlainn)  
1121-1129 & 1129-1136.

(Conghalach ua Flaithbertaigh, killed  
Ardgar killed 1124 (by a native)<sup>1123</sup>).

Maghnus 1129, killed.

Conchobar again 1129-1136

(Note: in this list, "killed by a native" simply means slain in war or peace by fellow Gaels, "killed by a kinsman" can mean slain in a dynastic internecine battle. A king or rigdomna shewn in brackets was not from the usual line of succession: in the case of the rigdomnas it may have reference only to the sub-kingdom of Ailech, and not to the over-kingdom of the North).

In the foregoing table it will be observed that on the only occasion when two rigdomnas are mentioned together, they were brothers (at a period when brothers often became co-kings). No rigdomna is mentioned before and after any other rigdomna, so that the inference seems to be that there was normally only one Rigdomna of Ailech at any one time. Nobody who is called rigdomna, during the lifetime of a king, ever survives that king unless he succeeds him. All belong to royal derbfines, and where two belong to the same derbfine, the prince belonging to the elder generation appears (and dies) as rigdomna before an elder brother's son appears as rigdomna (thus Aedh, the Rigdomna of Ailech who was slain in 1021, was younger brother of the late father of Domnall, the next prince to be styled Rigdomna of Ailech). Hogan finds it difficult to understand the accession of King Niall of Ailech (1036-1061), as he was not of a king's derbfine (his nearest kingly ancestor having been his great-great-grandfather: so that he was "beyond the finger's ends"). But it should be noted that he was of a complete derbfine of Rigdomnas: his father, grandfather, great-grandfather (a king's son) and two of his brothers were all rigdomnas in turn. If the Rigdomna was indeed the Crown-Prince, this may answer Hogan's difficulty. The same solution may apply to the accession in 1176 of Aedh Ua Neill to the kingship of Ailech, since his ancestors for five generations had evidently asserted some claim to the kingship against the MacLochlainn kings, who slew them each in turn.

A 12th century example, showing the word rigdomna obviously in the sense of "crown-prince", is the reliquary of St. Lachtain made during the reign of Tadhg, King of Desmond 1118-1124, whose brother and successor was Cormac (the famous builder of "King Cormac's Chapel" at Cashel, one of the gems of Gaelic architecture). It is inscribed "Pray for Tadhg, son of MacCarthy, for the King - - Pray for Cormac, son of MacCarthy, the Righ Domhna" (Dr. Butler, "Gleanings from Irish History", p.3 n).

(2) See MacNeill, "Celtic Ireland", pp.117-121 and 156-176. The derbfine comprised the four generations descended from and including a common great-grandfather, within which group nobody was more distantly related than second cousin. In the "Ancient Laws of Ireland" the group is said to consist of "nine persons", i.e. nine categories. These (as Professor McNeill points out) are obviously the man himself, his sons, his father, his brothers, his brother's sons, his grandfather (the common great-grandfather of the group),

his uncles, his uncle's sons, and his uncle's grandsons. Such a family group was also reckoned within the limits of second cousins in Wales (see "Ancient Laws and Institutes of Wales"), and it may be noted that by the old Norse laws land became udal (and inalienable from the kindred) when it was inherited by the fourth generation in succession (Deemster R.D. Farrant, "Mann: its Land Tenure, Constitution, Lords Rent & Deemsters", 1937, p.9.). A similar group of the descendants in the direct male line of a common great-grandfather, is also reckoned for purposes of succession by Hindu law, at the other end of the Indo-European world (see Khandekar & Vaidya, "The Bombay Hereditary Offices Act", Poona 1906, appendix, and John D. Mayne, "Hindu Law & Usage", 8th ed., revised by Sir Chettur Sankaran-Nair, 1914). But this concept of the "true family" does not seem to be confined either to patrilinear systems of law or to the Indo-European peoples. and is to be found, for instance, in parts of Africa (see reference to the Bemba above, in chapter on "Succession among the Picts"). The famous Law of Clan Macduff in Scotland, that conferred various privileges (invoked as late as 1420 by the Laird of Arbuthnott) on people within so many degrees of kinship to the Earls of Fife, and the seizure of the Scrymgeour fief in 1668-1671 on the ground that the nearest heir male of tailzie was not an heir male because he was beyond so many degrees of kin from the late Earl of Dundee (see Dudhope Peerage Case, 1952, Print of Documents, pp. 219 and 235-6), are perhaps late survivals or vague memories of the derbfine. Lands given to a daughter or sister in maritagio in Scotland (where the female members of the family were also reckoned within the succession group) were held free of all service to the granter for four generations (i.e. as far as her great-grandchildren), but thereafter service was due: presumably because the fifth generation were beyond the granter's derbfine: (see Macphail "Highland Papers" ii p. 133 n.). Again, Craig, Jus Feudale 2.17.11, says that "If a feu is conceived in favour of one and his heirs general, many jurists hold that the right of collaterals to succeed in it extends only to collaterals in the seventh degree; and that if no collateral heir exists within that limit of proximity, the feu reverts to the superior as ultimus haeres"; but Craig rejects this view of the law. For more everyday purposes the "true family" group is a practical one, since few people know personally any remoter ancestor than their great-grandfather

or are conscious of near relationship beyond their second cousins: indeed, since the time of Queen Victoria the title of "Highness" has not been accorded to the Blood Royal beyond great-grandchildren of a Sovereign.

(23) MacNeill, "Celtic Ireland", p. 119, writes: "The hand is the symbol of the derbfine, the palm representing the common ancestor, and the joints of the fingers the three generations of his descendants". See also Hogan, op. cit., p.248. Sir John Perrot (State Papers Domestic, vol. 234 no. 65, Public Record Office, London), wrote of his services to Queen Elizabeth in Ireland between 1584 and 1588, that he cut off the Irish system of tanistry, instead "causing their lands to descend accordinge to the course of her Majesties Comen Lawes wherebefore they used their own Breune(Brehon) lawes and customes of the fingers end". He meant, of course, the custom whereby great-grandchildren were "at the finger's end" of the Hand that symbolised the derbfine. This symbolism was evidently very ancient, for Kuno Meyer ("Eriu", vol. i part 2) published an early legal text that refers to the derbfine's remotest descending generation as "nail in front of fingers" (ingin ar meraibh). It is possible that the famous Red Hand of Ulster, eventually borne by O'Neill in his Royal Arms, symbolised the headship of the derbfine or True Family of the Blood Royal. In this context, it may be worth noting that the Mackays (Mac Aedh) of Strathnaver formerly bore the three stars of Moray (blue on silver) with a proper Hand in chief (in 1503, according to Sir James Balfour, see Stodart's "Scottish Arms", ii p.395), since it has been suggested that their chiefs were the representatives of the "true family" of the last MacHeth (Mac Aedh) rulers of Moray, transplanted beyond the mountains into Sutherland in the 12th century (see the Rev. John Anderson on MORAY, in the "Scots Peerage", vol. vi p.285). A Hand also begins to appear in the arms of various Macdonald chiefs at the time of the break-up of the Lordship or Kingdom of the Isles (it appears by 1492). In another part of the Celtic world, a Hand also seems to have special symbolic significance, the beast of the great Welsh house of Herbert being a wyvern holding a severed Hand in its mouth (Wales also knew a system akin to the derbfine of the Gaels). But, as with all royal symbols, it is not easy to disentangle the different significances that may attach from ancient times to a particular emblem: and indeed the visual "pun" made by an emblem on several different significances greatly enhances its ritual value. Thus, the Hand of Justice and the Hand of Blessing are both ancient symbols of

sacral royalty, and the Hand obviously had a special ritual significance in the earliest days of cave-painting. The writer recalls seeing, on the walls of the Old Fort of Jodhpur, the ritual impressions in red of the hands of successive widowed Maharanis of Jodhpur on their way to become sati on their husbands' funeral pyre (a variation, in a way, of the Gaelic theme whereby new kings were inaugurated by standing in the rock-cut foot-marks of their first predecessor, as is said: See Bute, "Scottish Coronations", pp.1-3).

(24) See above, chapter on "Succession among the Picts", note 5.

(25) This tabular pedigree is taken from Reeves's ed. of Adamnan's "Vita S. Columbae", Historians of Scotland vol. vi, at p.clxxxv, as amended by Hogan, op. cit., plate iv. The most important difference is that Reeves made King Baetan mac Ninnid grandson of Fergus Cennfada instead of grandson of Doi. For the present purpose, the point does not signify.

(26) The two following tabular pedigrees (of the High-Kings and of the Kings of Leinster) are taken from A.M.H.J. Stokvis, "Manuel d'Histoire et de Généalogie", Leyden 1889, vol. ii chapter iii, but amended in accordance with Hogan and MacNeill. Stokvis, ii pp. 266 and 269, has Ruairc mac Bran as King of Leinster 838-848, and differs in other respects from MacNeill, p.126. Dates are approximate, since they do not affect the points at issue.

(27) It seems quite possible that in Ancient Ireland, as among so many sacral monarchies throughout the world, the king was traditionally obliged to demonstrate his continuing vigour by constant defence against his heir, who had what almost amounted to a duty to try and slay him. Such a tradition readily gives rise to an alternating dynasty, as it does also to the inter-branch blood feud so characteristic of Ancient Gaeldom. For the possible origins of such a tradition in pagan times, see the writer's "Blood Royal", part two: "the King as Priest". For the ritual slaying of pagan sacral kings in ancient and modern times in many parts of the world, see Professor Sir James Frazer, "The Golden Bough" vol iv. ("The Dying God"), in which he cites examples from Europe, Asia and Africa over a period of many centuries, Frazer's "Aftermath" chapter xxiv ("The Killing of the Divine King"), Frazer's "Garnered Sheaves"

part one, chapter x ("The Killing of the Khazar Kings"), and Tor Irstam's "The King of Ganda" pp.142-146 ("The King was Killed") to which is attached a map of Africa marked with 52 kingdoms (widely scattered throughout the continent); where the king was ritually slain. Dr. K. Oberg, in "The Kingdom of Ankole in Uganda" (pub. in "African Political Systems", ed. Fortes & Evans-Pritchard), tells us of the king or Mugabe of Ankole that "no Mugabe was permitted to die of illness or of old age . . . The Bahima compare the Mugabe to the leading bull in the herd. They say, 'The Mugabe is like the leading bull. When the engundu (leading bull) is beaten by a younger bull, we kill the engundu and let the strongest of the younger ones take his place.' "

Lord Raglan, President of the Royal Anthropological Institute, summarises the modern diffusionist conclusions, with which he agrees, "that kingship wherever it is found, is derived from a common source" ("Patterns in the Ritual of Coronations & Royal Funerals", pub. in "Folk-Lore", vol. lxiv March 1953, p.258). He tells us that "Most, if not all, early kings were ritually killed" (*ibid.*); that "the worship of the divine king is the earliest religion of which we have any certain knowledge" (Raglan's intr. to Hocart's "The Life-Giving Myth", 1952, p.6); and that "the ritual of the divine kingship, in whatever part of the world it is performed, is not merely similar, but is the same ritual" (*ibid.* p.7: though he qualifies this in his foreword to Hocart's "Social Origins", 1954, at p.viii, "Even if we assume, which we have no right to do, that it is natural for man to develop some kind of ritual, Hocart found the resemblances in the ritual systems of widely separated peoples far too numerous and too close to be explained otherwise than by diffusion. He does not suggest that the focus of diffusion lay in any one country . . . or indeed that it need always have been the same. In ritual, as in other aspects of culture, the lead may pass from one people to another, and the originators of a rite may pass it to another people and receive it back in a different form"). It may therefore, in considering whether ancient Gaelic custom sanctioned the slaying of kings by their heirs (*rigdomnas* or *tanists*), be worth while observing that there is no evidence to suggest that the sacral monarchies of the pagan Irish differed widely from those found elsewhere.

The Irish kings, like sacral kings elsewhere, traced their descent from the gods, and in pagan times were presumably held to embody or else

represent these spirits on Earth. (Dr. Baudis, "Eriu", vol. vii p.p. 101-107, was the first to draw attention to the pagan sacral importance of Tara).

The Lia Fail or inauguration stone of the High-Kings appears to have had the same phallic properties as, for instance, the Sacred Stool of the Shilluk (c.f. Professor R.A.S. Macalister, "Ancient Ireland", 1935, and Frazer, "The Dying God" pp.23-24). Christianity came to Ireland comparatively early, but Ireland was not isolated from the Continent, and indeed Irish evangelists became famous in the pagan Teutonic lands. It must be remembered that parts of Europe were still pagan as late as the fourteenth century: on the Baltic, King Gedemins of Lithuania (who died in 1341 and was ancestor of the well-known Princes Galitzine) was the first of his dynasty to offer to become a Christian, while his people remained pagan long afterwards though in contact with Christendom and not unknown to travellers from the British Isles (after the Peace of Bretigny, for example, Sir Geoffrey Scrope went on Crusade with the Teutonic Knights into pagan Lithuania, where he was killed in 1362). In Ireland, towards the close of the 12th century, we are told by Giraldus Cambrensis ("Topography of Ireland", trans., chapter xxv, ed. Bohn) of the ritual whereby each successive Ua Donnail was inaugurated King of Cenel Conaill. This is the dynasty (O'Donnell of Tir Conaill) whose succession from the 14th century is tabulated above, and it should be borne in mind that while they were the temporal heads of the Christian family of St. Columba they were also a branch of the ancient pagan sacral High-Kingly house of Tara. Giraldus describes what is an essentially pagan inauguration ritual, surviving apparently as late as 1185: "There is, then, in the northern and most remote part of Ulster, namely, at Kenel Cunil, a nation which practises a most barbarous and abominable rite in creating their king. The whole people of that country being gathered in one place, a white mare is led into the midst of them, and he who is to be inaugurated, not as a prince but as a brute, not as a king but as an outlaw, comes before the people on all fours, confessing himself a beast with no less impudence than imprudence. The mare being immediately killed, and cut in pieces and boiled, a bath is prepared for him from the broth. Sitting in this, he eats of the flesh which is brought to him, the people standing round and partaking of it also. He is also required to drink of the broth in which he is bathed, not drawing it in any vessel, nor even in his hand, but lapping it with his mouth. These unrighteous rites being duly accomplished, his royal authority and dominion are ratified". This 12th century Gaelic royal

ceremony was certainly of pagan sacral origin: it is reminiscent of the inauguration rite in Ancient India wherein the new king went down on all fours and roared like a lion, and also of the supreme Vedic rite that inaugurated a "Wheel-Monarch" or Universal Emperor, when the queen was mated to a sacrificed stallion (see Professor A. M. Hocart, "Kings & Councillors" passim).

This is not to suggest direct contact between Ireland and India, but merely that they were both on the fringes of a rather similar diffusion, as they were also in the case of reckoning the derbfine for certain purposes of succession.

Gaeldom was, of course, indirectly in contact with Oriental sources over a long period, through the Norsemen. The kings of early Teutonic legend had been subordinated to the Hunnish emperor, whose Court (the Court of "Etzel" or Attila) had been fabled among them for its splendour (see H.M. Chadwick, "The Heroic Age"); the Norsemen of saga times were well acquainted with Miklagard, as they called Constantinople (King Harald Haardraade, of what the Gaels called Lochlainn, who campaigned for the Byzantines in Africa and on the frontiers of Asia, was to die in England at the head of an army largely reinforced from Ireland and the Hebrides); and the Norse-descended princes of Russia fell under the domination of the Mongol Great-Khans in the 13th century. Within Gaeldom itself, the Macneils of Barra maintained almost into modern times a curious ritual which the present writer had formerly supposed to have been a quaint conceit; but he is assured by Prince Schwarzenberg, D.Phil., the Bohemian scholar of royal ritual (whose unpublished MS. "The Imperial Idea" has kindly been lent to the writer), that it was in fact a very characteristic and ancient Oriental imperial rite and could only have reached Barra from ultimately Eastern sources. F. Adam, "The Clans, Septs & Regiments of the Scottish Highlands" (1952 ed. p. 267), tells us of this ceremony: "The chiefs of Barra maintained high state in Kismull, and after the daily feast, Macneil's trumpeter sounded a fanfare from the battlements of the tower and proclamation was made, 'Hear, O ye people, and listen, O ye nations! The great Macneil of Barra, having finished his meal, the princes of the earth may dine!'" These Macneils of Barra were a sufficiently typical local Gaelic dynasty in the Hebrides: "In Carstares' state papers, there is a letter from the Earl of Argyll, laughing at the formality and state with which an ambassador from the Chief (of the Macneils) had presented to him a letter offering aid as if

he belonged to another kingdom". "(The Macneil of Barra, "The Clan Macneil", 1923, p.166). They claim to be a branch of the great royal house of Genel Eoghain in Ireland, of which a branch appears to have settled in Kintyre comparatively late (see Niall D. Campbell's comparison of the old Irish and Scottish genealogies, in "Celtic Review", 1911-12, vol. vii pp. 272-284), and may well have acquired Barra towards the close of the 14th century through marriage to a MacRuairi heiress (since they quarter the black galley, and have a tradition of descent from many Ruairis). But in any case, the dynastic houses of Irish and Scottish Gaeldom always remained in fairly close contact, and a certain amount of inter-marriage helped to maintain the link: for example, Catherine Madean, who fl. 1561, was Duart's sister, Argyll's widow, O'Donnell's wife, and O'Neill's captive mistress - a Scottish countess and an Irish queen.

Another common feature of pagan sacral royalty is the fosterage of the king's sons: perhaps not a surprising arrangement in a system whereby the king's life is imperilled by his heirs. Lord Raglan, in "The Hero" (1936, at pp.179-181), tabulates twenty-two features that go to make up the standard pattern for the ritual career of an "epic hero" or god-king (he relates this pattern to the periodic enactment of sacred drama): and includes among these features fosterage as a child and a victory over his predecessor as king. It should accordingly be noted that the custom of fosterage not only existed among the royalty of Ancient Ireland from the earliest times (see Dr. P.W. Joyce, "A Social History of Ancient Ireland" vol. ii pp.14-19, also O'Curry, "Manners & Customs of the Ancient Irish" pp. 374-375), but actually continued among the nobility of both Ireland and Scotland into the 17th century: the future Kings of Scots themselves being usually fostered by the Erskine family during the 15th and 16th centuries. Father Gilbert Blackhal, in his "A breiffe narrative of the services done to three noble ladyes by Gilbert Blackhal" (ed. John Stuart, Spalding Club, 1844, at p.70), tells us of the 9th Earl of Erroll's daughter, Lady Boyne (widowed by the Fire of Frendraught in 1630), that she was devoted to her butler Kinman because he was related to her fosterers: "And this Kinman, because he was something in kindred to the Laird of Hill, in the Carse of Gowrie, a vassal of her father's, wher she had been weined and brought up in his house until she

was six years old, and therfor loved al that perteans any way to that family". Cameron, op.cit., pp.222-225, prints an interesting Gaelic contract for fostering the MacLeod chief's son in 1614. Ultimately, fosterage appears to have become merely token, the child remaining at home, while honour was conferred on the nominal foster-father and a certain financial advantage obtained by the foster-son.

It is well known that among many pagan peoples, royal beasts such as the Bull came to be sacrificed in place of the sacral king or his son, or some other substitute human victim (see Frazer, "The Golden Bough"). A rather similar custom in South Africa seems to have been the slaying of a bull, apparently representative of the enemy king, before embarking on a warlike expedition. The writer is informed by Captain E.A. Ritter, the biographer of Shaka Zulu, that "practically all the Nguni chiefs had as one of their titles, 'The Black Bull'. ... the corpse of every Nguni chief was wrapped in the hide of a black bull which was looked upon as the insignia of a chief. ... Whenever Nguni clans or tribes went to war they were first doctored with war medicine. The chief ingredient of this was a black hull (the strongest and the fiercest) which had to be killed with bare hands by the warriors. As their most effective medicines were made from any body matter they could surreptitiously obtain from the enemy chief (vide Zwide versus Dingiswayo in 'Shaka Zulu'), the inference may have been that the slain black bull represented the enemy chief, and thus provided 'strong medicine' " (letter from E.A. Ritter, 18 Aug. 1955). Professor Frazer, in "Garnered Sheaves", at p.210, cites Herodotus (ii.39) for the information that "the Egyptians used to sacrifice black bulls, and that when they had slaughtered the victim at the altar, they skinned the carcass, cut off the head, loaded it with curses ... The curses which they levelled at the bull's head consisted in an imprecation, that whatever evil was about to <sup>be</sup> fall either the sacrificers themselves or the whole land of Egypt, might be diverted therefrom and concentrated on the head". That traces of such a pagan ritual could long survive under Christianity, may perhaps be demonstrated by the article published in "The New Europe", vol. ii no. 19, Feb. 1917, and reprinted by Professor Frazer in "Garnered Sheaves", chapter ix, "The Cursing of Venizelos", at p.205: "The extraordinary ceremony of 'Anathema' against M. Venizelos performed on Christmas Day (1916) by the ecclesiastical authorities of Athens at the instigation of the League of

Reservists has had its uses - besides providing anthropologists with the most remarkable instance on record of the survival in Europe amid the forms of civilisation of a magic ritual common to savages all over the world. The Metropolitan of Athens, as it was reported at the time, solemnly excommunicated a bull's head (which presumably represented the body of Venizelos) and cast the first stone; and then each member of the crowd assembled by King Constantine's hooligans cast a stone on the pile and uttered a curse against the man who had 'plotted against the King'." Frazer adds, perhaps rather unnecessarily, that "the ritual by which the Metropolitan of Athens has disgraced his cloth and his Church, ... is unquestionably of heathen origin". The foregoing examples of the sacrificial slaying of a black bull, whose head is cursed and which apparently symbolises the approaching death of the enemy chief, are cited to show how long pagan customs can survive even under Christianity, and how devout Christian dignitaries can follow them without feeling in any way heathen. It is therefore not surprising to find in Boece and Pittscottie an account of the black bull's head being served as an instantly understood warning of impending doom, at the fatal banquet given to the young Earl of Douglas at the royal table in Edinburgh Castle, before his summary execution in 1440. Whether the story is true or not does not signify, for it shews that in the time of Boece and Pittscottie a black bull's head was a warning of doom to an enemy chief. Nor does it appear to be an isolated tradition in Scotland: see for example the modern tapestry at Moy that illustrates the clan tradition that about 1424 "the Mackintoshes were invited to a feast by the Comyns, but were warned beforehand of treachery, for which the signal was to be the entry of a black bull's head. When the bull's head was brought in the Mackintoshes forestalled the Comyns and slew them all" (Margaret Mackintosh of Mackintosh, "The Clan Mackintosh & the Clan Chattan", 1948, plate 2).

It may be suggested that the Gaels, who continued fosterage into the 17th century, who knew the heathen rite of the black bull's head in the 15th or 16th centuries, and at least one of whose kingdoms united the

king with a sacrificed mare as late as the 12th century, were capable of continuing to sanction the slaying of the king by his heir long after the establishment of Christianity: without intending to be any less devout than a modern Christian who touches wood or who attends the Comrie fire-festival on All Hallowe'en. Such a custom need not be a conscious sacrifice of the king so that his spirit can enter into his successor, but can readily be rationalised among a warlike though Christianised community by the need for a vigorous king whose physical strength and military skill must continue unimpaired. Such a custom often takes the form that, if the king is not killed in battle against the foe, his heir is expected to try and slay him or be slain. There are of course many variants, in which the heir is not the slayer, for example: "The Matiamvo is a great king or emperor in the interior of Angola. One of the inferior kings of the country, by name Challa, gave to a Portuguese expedition the following account of the manner in which the Matiamvo comes by his end. 'It has been customary', he said, 'for our Matiamvos to die either in war or by a violent death, and the present Matiamvo must meet this last fate, as in consequence of his great exactions, he has lived long enough. When we come to this understanding, and decide that he should be killed, we invite him to make war with our enemies, on which occasion we all accompany him and his family to the war, when we lose some of our people. If he escapes unhurt, we return to the war again and fight for three or four days. We then suddenly abandon him and his family to their fate, leaving him in the enemy's hands. ... The Matiamvo, dressed in all his pomp, awaits his own death, which immediately follows, by an officer sent by the powerful neighbouring chiefs, Caniquinha and Canica" (Frazer, "The Dying God", p. 35, citing F.T. Valdez, "Six Years of a Traveller's Life in Western Africa", 1861, ii. 194). But the heir, or any potential heir, is often the rightful slayer: an African example is the old Shilluk tradition that "any son of a king had the right thus to fight the king in possession and, if he succeeded in killing him, to reign in his stead. ... it was a point of honour with

the king not to call the herdsmen to his assistance" (Frazer, op. cit. p. 22); another example is the tradition of the Jukun royal house in Northern Nigeria that "when a king had reigned two years it was considered that he had enjoyed power long enough, and he was compelled to fight with the senior member of the royal family, who came forward and challenged him to fight until one of them was killed. The descent of the kingship did not go from the reigning king to his sons, but to any children of any deceased king" (Frazer, "Aftermath" p. 296); again, the Fung tribe between the Blue and White Niles had a tradition that "the ruler would be killed by a relative (and by no other) who was ambitious to occupy his high office. ... When several brothers united to kill the king it was regarded proper that the eldest should succeed him" (C.G. & B.Z. Seligman, "Pagan Tribes of the Nilotic Sudan", p. 427); and an Asiatic example is the tradition from Passier in Sumatra, where the king was periodically slain and "the man who struck the fatal blow was of the royal lineage, and as soon as he had done the deed of blood and seated himself on the throne he was regarded as the legitimate king" ("The Dying God", p. 51). Sometimes this custom became prostituted into a right of succession for whoever should slay the king, as in the European example cited by Professor Frazer from Saxo Grammaticus (*ibid.* p. 52); "When the captives Gunn and Jarmerik contrived to slay the king and queen of the Slavs and made their escape, they were pursued by the barbarians, who shouted after them that if they would only come back they would reign instead of the murdered monarch, since by a public statute of the ancients the succession to the throne fell to the king's assassin."

Against the proposition that the ancient Gaels had a tradition that sanctioned the slaying of the king by his heir, it may be argued that the large number of slayings within the Irish royal families was perhaps occasioned only by natural ambition, and indeed ambition may not unreasonably be supposed to

have played a part in the long continuance of such a custom. But the Anglo-Saxon royal house of Wessex, over a similar period, is as free from family murders (on the whole) as the Irish dynasties were full of them: and this may perhaps be explained by the ending of royal sacrifice within the House of Woden (whose remote forefathers had probably incarnated the Woden storm-spirit and been hanged periodically on sacred ash-trees: see the *Hávamál* poem in the *Verse Edda*, "myself a sacrifice to myself") long before the coming of Christianity, and the substitution of hanging captives or criminals instead in still pagan times (hanging originally seems to appear only in realms, like England and Russia, where Woden-born dynasties held sway) - so that the early Christian kings of the Anglo-Saxons had inherited no custom of fratricidal regicide to maintain, and ambition alone would not suffice to accord it popular sanction. Professor MacNeill has pointed out that "most of the warfare of the Irish took place, not between the rulers of hostile states, but between the opposing factions in this or that state, within the larger grouped states or over-kingdoms", and an examination of numerous cases shews that they were usually fights between the king and a potential heir, often of an alternating branch (e.g. O'Connor against O'Rourke). Dr. Butler, "Gleanings from Irish History", p. 130, tells us that "the MacDonough MacCarthys kept up the custom of family murders" apparently as late as the 16th century. The attempt by each heir on the life of the successive dynasts of Muskerry seems to have been looked on with the religious fervour accorded by the Romans to the arena and by moderns to boxing contests. When the then Lord of Muskerry was slain by his heir in the 16th century, the murder was described as his being "slayne by his cosen Donaghe Mc Owen who had the best challenge to Muscrye" (Butler, *ibid.*, p. 156). Professor Hogan (*op. cit.* p. 251) observes that "in Ireland the common people did not take an active part in the quarrels of rival dynasts, who usually fought out the issue with the help of their kinsmen and their immediate followers" (c.f. the Shilluk above), and he tells us that from 879 to 1607 "four hundred and eighty members of the Cenel Eoghain dynasty appear on historial record. Of these, ... one hundred and eleven were slain by kinsmen. In short, it appears that approximately 46 per cent of the total recorded manhood of the Cenel Eoghain dynasty met with violent deaths, and of these approximately 50 per cent died at the hands of kinsmen. ... Nor is the Cenel Eoghain dynasty to be regarded as an exceptional case. The dynasties of the North fared neither better nor worse than the Sil Muiredaigh of

Connacht, the Dal gCais of Thomond, or the Eoghanacht of South Munster. They were all alike victims of a fatal tradition of sovereignty" (this tradition, Hogan supposes to have been the fact that succession was not from father to son, but those Wessex kings who were succeeded by brothers instead of sons do not seem to have been imperilled in the same way: e.g. neither Alfred the Great by his predecessor Aethelred's sons, nor Edward the Confessor by his predecessor Eadmund Ironside's son (see tabular pedigree in appendix on "Succession among the Picts", note 52 ). The Irish tradition must have had some other, and presumably some deeper, reason for its long continuance: and it seems scarcely a coincidence that similar traditions should accompany pagan sacral monarchies in so many other parts of the world). NOTE: Since writing the above, the present writer's attention has been drawn to Dr. Macalister's "Tara: a Pagan Sanctuary of Ancient Ireland" (1931), pp. 127-130, where he demonstrates, of the legendary pagan sacral high-kings at Tara, that not only was a king expected to be slain by his successor, but a very complicated bull-sacrifice ritual (reminiscent of the Genel Conaill mare sacrifice cited above) was necessary to determine the succession if by mischance the king should die a natural death. "As in the sacred grave of the Golden Bough at Aricia, the king of Tara reigned, as a rule, by virtue of having slain his predecessor". This is of course not conclusive, from the point of view whether the custom continued to be sanctioned by tradition in Christian times, but it certainly affords very striking corroboration of the conclusions reached independently (and for other reasons) by the present writer, about the pagan origin of what was demonstrably a custom of the Gaels.

(28) This tabular pedigree (subject to the foregoing qualification) is taken from the photostat genealogy very kindly sent to the writer by Mr. Gerard Slevin, Principal Herald of Ireland, from the entry in the official register at Dublin Castle made when the present O'Donel of Tyrconnell was formally recognised as chief by courtesy.

(29) See note 21 above.

(30) Niall Garbh O'Donnell was born in 1569 and Red Hugh O'Donnell in about 1571: see their respective biographies in the Dict. Nat. Biog.

(31) See O'Clery, "Life of Hugh Roe O'Donnell", ed. Murphy, Dublin 1893.

(32) See Sean O'Faolan, "The Great O'Neill". Aedh was only about ten years younger than his predecessor, so he may have been the eldest survivor of his own generation when he became Tanist, but the circumstances of the time, and his tenure of the earldom of Tyrone, make the evidence at this period less useful for the purpose of ascertaining the ancient sequence-pattern of succession.

(33) "The Ancient Laws of Ireland", vol. iv p. 373. Hogan considers this particular tract "a post-Norman production", but this passage is certainly diametrically opposed to the Norman parent-to-child succession laws.

(34) See tabular pedigree of the Rurikid dynasty in appendix on "Succession among the Picts, at note 52. See also appendix on "The Single Heir", note 329.

(35) In theory, he says, all Hohenlohe princes are equal: but in practice, since the 18th century, the princely fiefs have been entailed on the lines that then held them, and have followed primogeniture father-to-son in each line. Cadet branches since that time are not admitted to the potential Grand Mastership of the family Order.

(36) The Hereditary Prime Minister and Commander-in-Chief was actually styled the Maharaja, which means literally "Great King", while the King of Nepal was styled Maharajadhiraja, which means "Great King of Kings". Maharaja Chandra (no. 5) and his successors all bore the style of Highness, and were knighted by the British Emperors of India.

(37) Letter from Sir Geoffrey Betham, 11 Jan. 1957. His remark applies with equal force to most realms that have tried this system, and to Ireland in particular. See note 27 above, but observe that in eight accessions among the Nepalese "Rana" family, there was only one murder, and that although leaders of the warlike Ghurkas, not one Maharaja of this line was killed in battle.

(38) "Ancient Laws & Institutes of Wales", pp. 652, 653, 662, 663.

- (39) Strabo, xvi. 25.
- (40) As descendants of the Prophet. See their tabular genealogies, in Gerald de Gaury, "Rulers of Mecca", 1951.
- (41) See tabular pedigrees in Ameer Ali, "A Short History of the Saracens", 1921 ed.
- (42) M. Paul Viollet, "Memoire sur la Tanistry", pub. in "Memoires de l'Institut National de France: Academie des Inscriptions et Belles-Lettres", vol xxxii (Paris 1891), pp. 275-317.
- (43) ibid. p. 275.
- (44) ibid. p. 279.
- (45) But see Eoin MacNeill, "Early Irish Laws & Institutions", pp. 130-131, where he takes the view that Conchubhar Ua Briain was not only an usurper imposed by his kinsman, the High-King Toirdalbach Ua Briain, and promptly slain by the local folk in revolt; but also that only the under-kingdom of Tulach Og and not the over-kingdom of Cenel Eoghain was affected.
- (46) See Hogan, plate iv, king no. XXI (20).
- (47) "Eriu", vol i part 2. See MacNeill, op. cit. p. 119.
- (48) For the meaning of this expression, see note 23 above.
- (49) For the geilfine, see MacNeill p. 120 and Cameron p. 111.
- (50) Cameron, op. cit., p. 63.
- (51) ibid. p. 69.
- (52) See Macalister, "Tara", p. 153: "Another important rule affecting the

conduct of the king required that he should be a married man. By the exercise of his marital functions the king promotes the fertility of his country ... . The nobles of Ireland boycotted the festival of Tara until the bachelor King Eochu Airem took to himself a wife". The present writer's attention was only drawn to this passage after he had written the main text above, and it affords striking confirmation of his suggestion: though it must be observed that Macalister is dealing only with the pre-Christian kings of Tara. For the necessity of marriage to complete a perfect king, see Hocart's "Kingship", chapter viii "The Marriage Ceremony". He tells us that in Ceylon and "in Ancient India a king could not be consecrated without a queen. The rule is actually stated in the Satapatha (v. 2. 1. 10)". M. Viollet (*op. cit.* p. 279) writes of the domaćin or chief of a Serbian family: "On le choisit parmi les membres âgés et mariés", adding that brothers succeeded in turn, and a younger brother had to get his elder brother's blessing if replacing him on grounds of decrepitude (an interesting point is that, failing married men, and then other men of age, "on peut élire une femme a cette dignité ... à la condition qu'il n'y eût d'hommes adultes dans la communauté".)

(53) The old Irish law obliged a father to wed his daughter to a man of equal family (Cameron, p. 81), so we may conclude that Irish queens were normally themselves of dynastic stock: as indeed is confirmed by the many instances where we know their names. Of pagan times at Tara, Dr. Macalister (*ibid.* p. 153) tells us that "the queen must be equally acceptable to 'the Powers' with the king". But it seems clear that the ancient Irish were polygamous, and probably continued to be disguisedly so rather in the manner of the Scottish "hand-fasting" for the "Ancient Laws of Ireland", vol. ii p. 401 (cited by Cameron, p. 85) make it clear that a man might have different grades of wives: "Whatever proportion of the produce of the hand of his chief wife is due to the man, it is the fifth of the same that is due to him of the produce of the hand of his carrthach-woman, or the fourth of the produce of the hand of his airech-woman; ... and half of the honour-price of her father is given as the coibhche-marriage present of each woman of these, and he (the man) obtains an equal proportion of the bequest and liability of each woman of these, and of the bequest and liability of his chief woman; ... and by the cognizance of his chief woman, and of his tribe" (this is usually a translator's word that is better rendered "kin" or "clan") "he has all these women ...". Professor A.M. Hocart, "Kings & Councillors" (Cairo 1936),

at p. 134, writes of sacral kingship: "One almost universal qualification is to have a queen. India limited the choice of a queen to one of royal lineage. If the heir had not a wife of the required rank he might remain uncrowned, contenting himself with the title of Governor. It is best of all to have a king; but it is better to have none at all than one not ritually qualified". Even in 20th century Christian Europe, the royal marriage laws of many realms forbade marriage outside dynastic houses, and insisted above all on ebenburtig-heit in the queen.

(54) The system whereby a perfect royalty has to be royal on both sides is worldwide, and in Europe is reflected by the custom of according lesser status to princes born of morganatic marriages: as, for instance, the Princes of Battenberg who could not succeed to the Grand Duchy of Hesse. It is perhaps a faint echo of this system, that the style of "Princess" (though not nowadays any claim to the throne) is customarily dropped by members of the Royal Family who marry outside the ritual royal "cousinhood" of the Earls. In a country of such dynastic intensity as Ancient Ireland, where moreover there was a distinction between different grades of wife, it may well be that preference was originally accorded to princes whose mothers had been royal. Among the Rajput states, such as Jaipur and Jodhpur, preference was accorded to sons of princesses of Udaipur (daughters of the Maharana of Mewar) before their elder half-brothers, sons of princesses of other states also married to the Maharajas of Jaipur or Jodhpur. We are reminded of the preference given, in the succession to the rulership of the Isles, to the son of a Stewart princess before his elder half-brothers whose mother was the MacRuairi heiress: though this was a solitary instance in the Macdonald dynasty's history. The writer notes, in the genealogy of O'Donnell of Tyrconnell supplied by the Principal Herald of Ireland, that Sean (brother of no. 8 Niall Garbh II and of no. 9 Nechtain in the tabular pedigree given in the text above) was son of a different wife of King Torlachan Fhiona from the mother of the two kings, who was a daughter of O'Neill himself (the king of Cenel Eoghain): and that Sean did not succeed to the throne. But the writer does not know whether this has any significance, nor even whether Sean survived his half-brothers - and it would require a great deal of research to establish whether there is any pattern of royal motherhood among the royal heirs of the Gaels. Latterly, they sometimes supported kings of bastard descent (e.g. Aedh, last King of Ulster and Earl of Tyrone).

(55) See note <sup>33</sup> above.

(56) At least, we are told that the king must be without physical blemish, and this must therefore necessarily have applied to the heir also. See P.W. Joyce, "Social History of Ancient Ireland", 1903, i. p. 311.

(57) The O'Connor Don, op. cit., p. 35. Of his semi-legendary forefather, the High-King Cormac, who had to abdicate after losing one eye, O'Connor Don writes at p. 15: "The rule that no one could be king who had any personal defect told with very great hardship against Cormac". Innumerable examples could be cited of a similar rule among sacral monarchies in other parts of the world: e.g. "To this day the Sultan of Wadai must have no obvious bodily defect, and the king of Angoy cannot be crowned if he has a single blemish, such as a broken or a filed tooth or the scar of an old wound" (Frazer, "The Dying God", p. 39).

(58) See MacNeill, p. 122.

(59) The tradition of settling the disputes of rival claimants doubtless accounts for constant references by modern writers to "election", for which they rarely cite any ancient evidence. Hogan (p. 199) writes: "The decisive event was the election within the dynasty itself, and not the inauguration, whether civil or religious, which sometimes followed it. In the last resort the king was chosen, not by popular or aristocratic election, but by the members of the dynastic house to which he belonged". But elsewhere he admits that he can find no proof whatsoever that elections were ever held (p. 194, "there is no evidence that a definite procedure of election was followed"), and even contradicts the whole idea of election (p. 193, "we may, however, infer with a reasonable degree of assurance - especially in the light of the Scottish analogy - that there was a more or less definite order of succession contemplated, collaterals being preferred to descendants, and senior collaterals coming first, as, we have seen, was the case in regard to the headship of the ordinary derbfine"). MacNeill (p. 121) writes quite the opposite: "The account of the election of Aodh Ruadh Ua Domhnaill given by his biographer Lughaidh Ua Cléirigh is perhaps sufficiently typical of the process. The right to elect apparently belonged to the whole body of freemen. A general meeting was called. The greater nobles held a conference apart, and

when they came to a conclusion they made known their choice to the popular assembly, which no doubt was usually guided by them in its decision". Since Hugh Roe's inauguration is the only evidence adduced for any election, it may be worth observing that the issue was apparently only between him (the eldest king's-son surviving of his generation) and Niall Garbh (of a younger generation, but almost certainly a tanist's-son, and older than Hugh Roe in actual birth: see tabular pedigree in text, also note <sup>30</sup> above). Moreover, Hogan (p. 190) comments: "The description of the election of Aedh Ruadh Ua Domhnaill to the kingship of Tir Conaill in the year 1592, which is given in the more or less contemporary biography of him by Lughhaigh Ua Cléirigh, is frequently cited as typical of the process of election described above" (i.e. by MacNeill). "It is questionable whether this is a correct interpretation of the passage in which Ua Cléirigh tells us of the election of Aedh Ruadh Ua Domhnaill. It is evident from Ua Cléirigh's narrative that the procedure in the case of the election of Aedh Ruadh was more or less informal, and that in fact he was raised to the kingship in an assembly of nobles from which many of the most important nobles of Tir Conaill were absent. There is no evidence that the people at large took any part, however small, in the transaction. ... The view that it was an electoral body apart from the dynasty itself that decided which of the dynasts should succeed may, I think, be traced to a confusion of the process of election with the process of inauguration, between which there was, in fact, a clear distinction. It was in connection with the process of inauguration which followed that of election that the nobles, clergy, and freemen possessed certain rights. In any case, the theory of aristocratic combined with semi-popular election rests on the assumption that all the members of the ruling dynasty possessed the same degree of eligibility, so that the electoral body were as much entitled to elect a son, grandson, or great-grandson as the brother of a king. On this assumption there was no order of seniority as between eligibles. That some such order existed there can be little doubt". As for the view that disputed successions were decided by judicial decision of the hereditary inaugurator (which is reminiscent of the hereditary sennachie Morison's wrongful decision in favour of Iain a Chuil Bhain as Chief of the MacLeods of Dunvegan in 1551), the Archbishop of Cashel in 1592 (the same year as Hugh Roe's inauguration as O'Donnell cited above) reported to the English Government that "O'Cahan also by custom has power to name and confirm out of the principal house,

O'Neill, when O'Neill is dead, in such sort that if any will take upon him to be O'Neill, when O'Neill is dead, being not named or chosen by O'Cahan, he is not to be obeyed nor taken for O'Neill ... for if any should undertake the name of O'Neill not appointed by O'Cahan, the people will think themselves not bound in conscience to obey him" (Hogan, pp. 198-199).

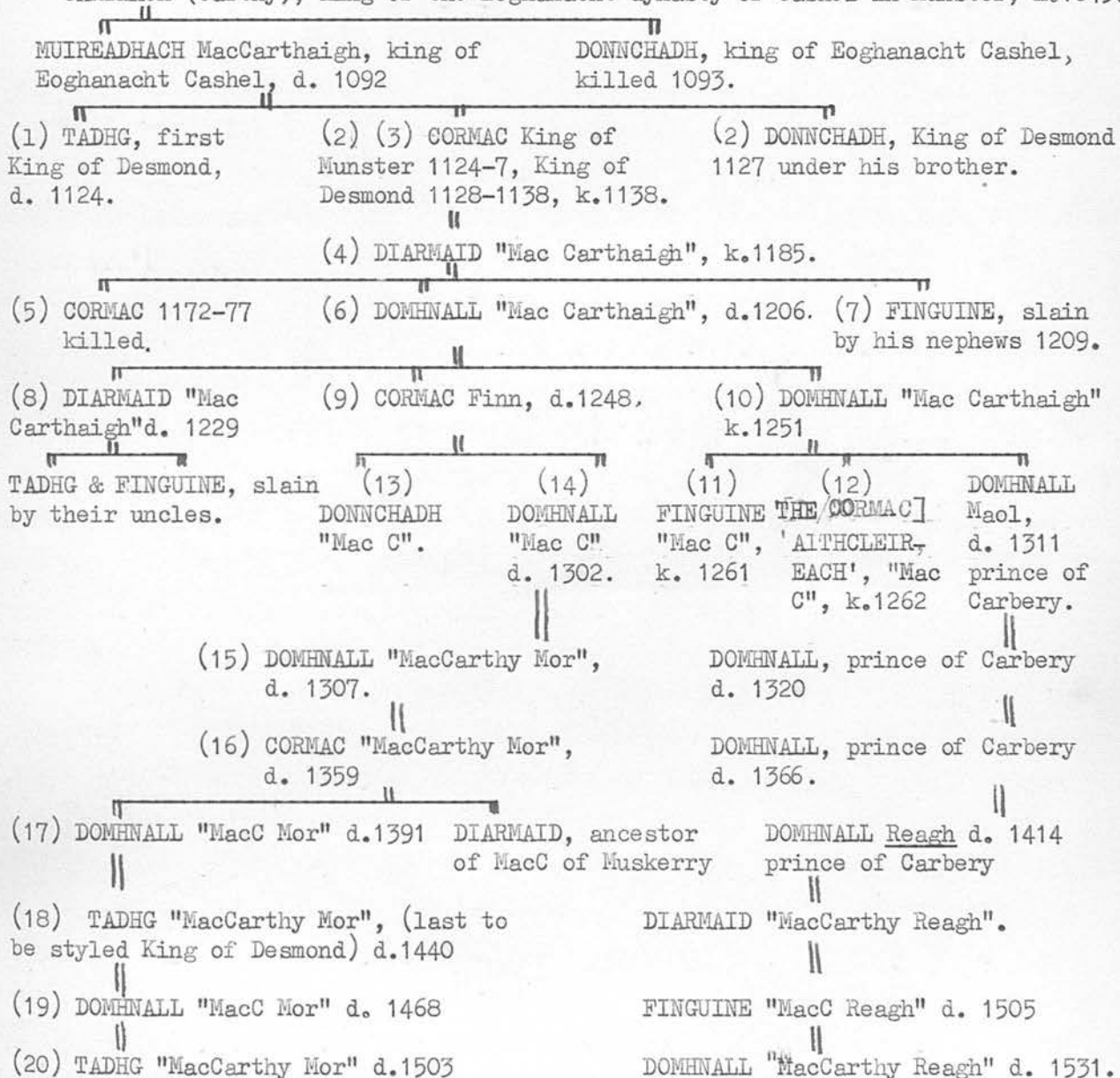
(60) The office of tanist had special legal provision made for it in the ancient laws of Ireland (A.L.I., vol. iv. p. 239, cited by Cameron, op. cit., p. 117): "in answer to the question, 'The Tanist of a king, why is he so called?' (Tánassi rig ced ara neper?), the answer is 'Because he has the right to rule the whole territory without opposition to him. He has five sencléithe-tenants more than the aire-forgaill chief" (the highest rank of nobility). "Ten is his company in the territory, eight his half-company, ten attendants in case of sick maintenance ...'." &c. "The further question is put, 'The "second of a king", why is he so called?' The answer is 'because the whole Tuath looks forward to him for kingship without dispute' (MacNeill, P.R.I.A., vol. xxxvi p. 300)". For the provision made for the Tanists of Muskerry, including possession of the castle of Carrignamuck, see Butler, op. cit., p. 129. In some cases, at least, the heir took over office as Tanist when his predecessor took over office as King: thus Turlough Luineach O'Neill became Tanist of Cenel Eoghain when his cousin Shane became O'Neill in 1559 (he was the same age as Shane, though a generation younger). It is possible, however, that the Tanist was not normally appointed until the King had reigned a given number of years, or attained a certain age - or that the potential heir was not always willing to undertake what the dynastic tradition obviously rendered a dangerous office, until the king's death obliged him to take a final decision. The prince to whom "the whole Tuath looked forward for kingship without dispute" sat in a siege perilous, and even the prospect of "five sencléithe-tenants more than the aire-forgaill chief" may not have been a sufficient inducement for the king's nearest potential successor to come forward ahead of time to demonstrate his freedom from senility or blemish.

(61) O'Cahan (Ua Cathain) besides being O'Neill's hereditary inaugurator (with his spiritual colleague, the Columban erenach O'Freel or Ua Firghil) was also a cadet of the royal dynasty and the most powerful ur-ri or sub-king within O'Neill's kingdom, so he was in some position to enforce any judicial decision he might

make. O'Sullivan Mor, the hereditary inaugurator of MacCarthy Mor (the heir of the royal house of Desmond) influenced the MacCarthy succession as late as the last decade of the 16th century: and the occasion is of unusual interest from the point of view of the Irish succession laws. The following table will illustrate the point at issue:

KINGS OF DESMOND, LATER STYLED THE MACCARTHY MOR.

CARTHACH (Carthy), king of the Eoghanacht dynasty of Cashel in Munster, k.1045.



(continued on next page)

(continued on next page)

(20) TADHG "MacCarthy Mor" d.1503)  
continued from previous page

(DOMHNALL "MacCarthy Reagh" d.1531)  
continued from previous page

(21) DOMHNALL  
"MacC Mor" d.1508

(23) CORMAC  
"MacC Mor" d.1516

CORMAC,  
"MacC Reagh"

DONNCHADH  
"MacC Reagh"  
d. 1576

EOGHAN  
"MacC Reagh"  
1576-1594.

(22) TADHG  
"MacC Mor" d.1514

(24) DOMHNALL  
"MacC Mor".

DOMHNALL na  
Pipi, "MacC Reagh"  
1594-1612

FINGUINE

(25) DOMHNALL "MacCarthy Mor"  
created Earl of Clancare (i.e.  
Clancarthy), died 1596.

DOMHNALL, natural son,  
claimed to be The MacC Mor  
but The O'Sullivan Mor  
refused to inaugurate him.

ELLEN, heiress = md. = (26) FINGUINE, Tanist of Mac-  
Carthy Reagh 1594-1612, in-  
augurated as The MacCarthy Mor  
1600, died c. 1640. (Known to  
the English as "Florence").  
He was the last inaugurated  
MacCarthy Mor.

(27) DOMHNALL, styled "MacCarthy  
Mor", as were his descendants.

From this tree, it will be seen that the royal Desmond dynasty of the Clan Carthy were divided into three main branches, the chief line being styled MacCarthy Mor (the Great MacCarthy), the middle line being styled MacCarthy of Muskerry and the junior line being styled MacCarthy Reagh (the Grizzled MacCarthy). On the death of Lord Clancare, who was the then MacCarthy Mor, in 1596, there was available no surviving member of the all-male derbfine of any MacCarthy Mor, except for a natural son. This son claimed to be The MacCarthy Mor, but the hereditary inaugurator withheld the rod of inauguration from him, as also from MacCarthy of Duhallow who claimed to be senior heir male of the whole Clan Carthy, and favoured instead Florence (Fingune), the tanist of MacCarthy Reagh. Florence's branch was junior to those of the Dinguile and Muskerry MacCarthys, nor was Florence even head of his own branch (this being his cousin Domhnall na Pipi, The MacCarthy Reagh). But Florence was a son (in law) of the late MacCarthy Mor, as he had married his only daughter. Moreover, he was a dynastic prince of the Blood and Name of MacCarthy. We are reminded of M. Paul Viollet's quotation from Sir John Davies: "cette coutume, qui donne la terre au plus aine et plus digne du sang et du nom de celui qui mourut saisi, est raisonnable en ce royaume" (Ireland): see note 44 above. John O'Hart, "Irish Pedigrees", vol. i p. 113, quotes the 1596 entry in the Four Masters: "MacCarthy Mor died, namely

Donal, son of Donal, son of Cormac Ladhrach, son of Teige; and although he was called MacCarthy Mor, he had been honourably created earl (of Clancare in Cork), before that time, by command of the sovereign of England; he left no male heir after him, who would be appointed his successor; and only one daughter (Elana or Ellen), who became the wife of the son of MacCarthy Riabhach, namely Fingin or Florence, and all were of opinion that he was heir to that MacCarthy, who died, namely Donal". The hereditary inaugurator's view was supported by O'Neill himself (the great Aedh Ruadh, Earl of Tyrone, who at that time was styled King of Ulster but was acting for all practical purposes as the last High-King of Ireland), and Florence was duly inaugurated as The MacCarthy Mor with all the ancient ritual of his dynasty, in O'Neill's camp at Inniscarra near Cork in 1600 (see Daniel MacCarthy, "Life & Letters of Florence MacCarthy Reagh", London 1867).

At first sight, this case of female succession in Ireland appears to be unique: the nearest parallel perhaps being the recognition by the Scottish Privy Council (18 July 1672) of Lord Macdonell as "Chief of the Name and Clan of Macdonald" (although in the male line of an illegitimate and junior branch of the dynasty) evidently (since it had also been proposed to create him Earl of Ross until it was pointed out that this was prevented by statute) because he was in the female line the heir of Celestine Macdonald of Lochalsh, brother of the last Macdonald Lord of the Isles and Earl of Ross. In both the Macdonald and MacCarthy Mor cases, we find an immediate heir female, of the Blood and Name, being promoted out of his category of a very junior potential heir male and placed ahead of other heirs male. A similar example, of an agnatic cadet line marrying a daughter of the principal house and being advanced in the succession before other and nearer agnatic cadet lines, is to be found in the settlements of the destination of the office of Banner Bearer of Scotland (see Print of Documents, Dudhope Peerage Case 1952).

But the entry in the Four Masters does not give the appearance of an affront to ancient custom. It may therefore be worth considering, in the many unexplained cases when a remote cadet line of some dynasty was suddenly brought into the succession though not of any royal derbfine, whether the cadet brought in (who was of course already of the Blood, and Name if any) was not perhaps linked to the royal derbfine by marriage: and whether a king's grandson (in the female line) was not perhaps eligible if he also belonged to the Blood and Name in the

more distant male line. We know that marriages often took place within dynastic families: for instance, in the royal house of Tir Conaill tabulated in the text above, no. 19 Niall Garbh (inaugurated 1603) was married to Nuala O'Donnell, daughter of no. 17 Hugh and sister of no. 18 Red Hugh. But it seems clear from the passage in the Four Masters about MacCarthy Mor, that such a female-line succession within the Blood and Name was only permissible when there was no male heir (of age) surviving in the royal derbfine or derbfines. MacCarthy of Dunguile and MacCarthy of Muskerry were too remote to belong to any MacCarthy Mor's derbfine, though far nearer in the male line to MacCarthy Mor than was the branch of MacCarthy Reagh, and although in 1596 Cormac MacCarthy of Muskerry (born 1552) was about ten years older than Florence (who was anyway not even The MacCarthy Reagh).

(62) Apart from the case cited in the preceding note, when Ua Neill acting as head of the whole Irish confederacy settled the MacCarthy Mor succession dispute in favour of Florence MacCarthy (who was also supported by the hereditary inaugurator), there are numerous other instances. Hogan (p. 199) observes that, "if the provincial king was inaugurated by one of his sub-kings (ur-ri), conversely they were frequently inaugurated by him. For example, when the chieftainship of the Burkes was in dispute in 1595, Aedh (Ruadh) Ua Domhnaill intervened, in virtue of the suzerainty claimed by the Cenel Conaill over Connacht, and proclaimed Theobald Burke chieftain. Similarly in South Munster the MacCarthy More exercised the right of investing his sub-kings, as, for example, Mac Mathgamma (MacMahon), Ua hAnluain (O'Hanlon), Ua Cathain, and Ua Gairmleadhaigh".

(63) Dr. W.F. Butler, "Gleanings from Irish History", 1925, p. 250, also H.W. Gillman, "Journal of the Cork Historical & Archaeological Society", vol. i. Although a junior branch of the MacCarthy Mor kings of Desmond, the lords of Muskerry were a great Gaelic princely house, and in about 1580 (the decade of this will) Sir Cormac MacCarthy of Muskerry could call on about 3,000 men in the "rising-out" of Muskerry (as Irish chieftains' musters were called): H.W. Gillman, op. cit., p. 30. Their succession sequence was therefore of importance.

(64) Anyway in Ireland, see note 7 above.

(65) Professor Eoin MacNeill, "The Irish Kingdom in Scotland" (Phases of Irish History, Dublin 1920) pp. 197-198. The sole ancient authority on the subject is the commentary on Dallán's Eulogy of St. Columba. The account of the conference appears to relate only to a contest between Aedh mac Aíúire as High King of Ireland and Aidan mac Gabhrain as "King of Alba": but Argyll at this date was only a tiny part of Alba and of considerably less importance than an Irish coiced-kingdom like Leinster or Connaught. Moreover, Dal Riada would obviously serve its own king with all its own forces (from sea and land in both halves of the territory) in any case: the difference seems to be rather over the division of service due to the respective High-Kings. As late as 839, the local King of Argyll (Aedh mac Boanta) evidently fell in battle supporting his suzerain, the Pictish high-king Eoganan mac Oengus, who was also slain (see A.O. Anderson i. p. 268n.), against the Scandinavians.

(66) MacNeill, ibid., p. 195.

(67) See <sup>chapter</sup> ~~appendix~~ on "Succession among the Picts" above.

(68) Argyll, however, appears to have continued in the line of local kings that evolved into Clan Donald and Clan Dougall, and who claimed to be a branch of the royal dynasty of Dal Riada. They were probably the result of an admixture between the Norse and Gaelic royal houses bordering on the Irish Sea. Their earliest identifiable ancestor seems to be King Ichmare or Imergi (fl. 1031), but it is unlikely that they would have gained support in Argyll at so early a date had they not belonged (at least in the female line) to the Celtic dynasty that held sway there. During the 12th century (and probably during the preceding centuries as well) they inter-married with the Scandinavian dynasty of Man and the Isles, and it is conceivable that they were related to it in the male line, as King Imergi is almost certainly to be identified with King Echmarcach of Dublin, who was of Norse male line descent, although (like Somerled's father Gillabride) he bore a Celtic name. MacNeill (ibid. p. 214) regards the Macdonald dynasts as Norsemen, but it seems obvious that Somerled's immediate predecessors had local Celtic royal blood too. See chapter on Succession among the Northmen note 5. Through MacDougall and Stewart heiresses, the succession passed to the Campbells, still Dukes of Argyll and Marquises of Lorne.

(69) The Mormaers of the Lennox claimed descent from the marriage, at a very early date, of a Munster prince to a Pictish princess. But Professor Chadwick, "Early Scotland", pp. 95-98, tends to the opinion that many of the marriage alliances that brought Gaelic nobles into Pictish appanages took place as late as the 10th century.

(70) The genealogies given both in Stokvis, op. cit., ii p. 228, and Hogan, op. cit., plate II, need to be amended in the light of the sources printed by A.O. Anderson, op. cit., i. passim. The table given here, however, is far from certain, and should be used only for the purpose of observing the general pattern of succession, except where checked against the contemporary references printed by Anderson. No. 15 King Ferchar Fada is claimed as ancestor of a number of highland chiefs, several of them still continuing, in the 14th and 15th century Gaelic MSS. genealogies.

(71) No. 23 Muiredach, King of Cenel Loarn from 733 until overthrown by the Pictish high-king in 736, may serve as an example. "Duncan Bec, King of Kintyre" whose obit is recorded in 721, presumably belonged to the Antrim branch, but is not entered on the tabular pedigree as he is unidentified except as a chief of the Cenel Gabhrain.

(72) Thus, for example, A.O. Anderson has been followed in the attribution of Tomaltach and Indrechtach to the line of Fiannamail, although the Ulster genealogies usually give Tomaltach as son of Indrechtach son of Leathlobhar son of Eochaidh Iarleith son of Fiachna Finn son of Baodan son of Eochaidh mac Connla, King of Ulster, c. 540. In equating Fiannamail's ancestor Tuathalan with Comhgall's grandson Tuathan (for whom see A.O. Anderson i. p. cl), the writer is taking into account the link between Cowall and Kintyre, that the generations fit, and that it would explain the importance of the line during the 7th century and Fiannamail's claim to the kingship (for this branch in greater detail, see A.O. Anderson, i. p. 190 n. 4). From the point of view of the succession sequence, however, these details do not signify much, since it seems clear in any case that Fiannamail was not a king's-son nor even a member of the royal derbfine, anyway in Argyll.

(73) A.O. Anderson, i. p. 291.

(74) There are several 14th and 15th century MS. versions of the genealogy of the Kings of Moray, for which see the sources cited by A.O. Anderson, i. pp. cl-clvii; and by Skene, "Chron. of the Picts & Scots", pp. 308-317, and "Celtic Scotland", iii. pp. 476-477. One version gives Maelsnechta mac Lulaig mic Gillcom(gan) mic Maelbrigde mic Aircellach (Ainbhc cellach) mic Ferchair fhoda mic Fearadaig mic Fergusa mic Sneachtain mic Colmain mic Buadan mic Eathaig mic Muredaig mic Loarn moir mic Eirc &c. (Skene, "Celtic Scotland", iii pp. 476-477, collating the versions "in the Books of Leinster, Ballimote, and Lecan, in MS. 1467, MS. Bod. Rawl., 502, and T.C.D., H 2, 18, where it is called the Genealogy of the Clan Duff, in the Book of Leinster the Clan Lulaigh, in MS. Bod. Ri Alban"). This version is printed by A.O. Anderson, at i. pp. clvi-clvii, but Domhnall is omitted between Ruadri and Morgund. Here the traditional descent is clear enough: the dynasty of Moray claimed descent in the male line (their presence in Moray was presumably due to female descent through Pictish princesses) from King Ainbhc cellach of Argyll, son of King Ferchar Fada of the house of Loarn mac Erc. But about a century and a half, i.e. some five generations, appear to be lacking between Ruadri (father of Cathmail) and King Ainbhc cellach: if some thirty years be allotted to each generation. That the Moray dynasty, and not some other Maelsnechtai son of Lulach, is meant in these genealogies is also clear enough: for there is appended ("Celtic Scotland" iii p. 477) to Maelsnechtai's pedigree that of his cousin and step-grandfather, King Macbeth ("MacBiad mac Finnlaeic mic Ruadri mic Domnall mic Morgainn"). It is a common fault of memorised or transcribed genealogies that a recurrent sequence of names gets omitted the second time, or else that a group of ancestors between two of the same name get omitted. Now, an alternative version of the Moray dynasty's ancestry is also given in the Book of Ballymote (A.O. Anderson, i. p. clvi, no. v as opposed to no. viii). This appears to be a more ancient version, since it starts with Morgand (presumably the Morgand mentioned as a Mormaer's father in 976: Tigernach, cited by A.O. Anderson, i. p. 480). It runs: Mo(r)gan son of Don(ald) son of Cathma(il) son of Ruadri son of Ferchar son of Muiredach son of Baetan son of Eochaid son of Muiredach. This pedigree is attached to that of the "children of Loarn Mor", and the last three generations (Baetan son of Eochaid son of Muiredach) have obviously been equated with the three generations in the ancestry

of Ainhcellach that immediately follow Loarn Mor. But it must be remembered that King Ainhcellach (from whom the Kings of Moray claimed descent) had a son, King Muiredach, and that it is not at all unusual for three generations of names to be duplicated in the history of a family. Moreover, the arrangement of the "Genealogy of the children of Loarn Mor" obviously dates from the time of Morgand, rather than from that of Ainhcellach, but the duplication of the name-sequence "Baetan son of Eochaid son of Muiredach" has led to the part from Morgand to Muiredach being equated with the part from Ainhcellach to the similar sequence "Baetan son of Eochaid son of Muiredach". If the alternative version be taken into account, we have (1) a pedigree from Maelsnechtai (d. 1085) through Morgand (ante 976) to Ainhcellach (deposed 698), which obviously omits about five generations between Ruadri and Ainhcellach; and (2) a pedigree from Morgand (ante 976) which gives five generations before Ruadri, ending in a Muiredach contemporary with Ainhcellach's son Muiredach (defeated 736), and attached to a genealogy tracing Ainhcellach back to Loarn Mor. It is suggested, therefore, that the two genealogies should be collated to read: Maelsnechtai (d. 1085) son of Lulach (killed 1058) son of Gillacomgain (killed 1032) son of Maelbrigte (c. 1000) son of Ruadri son of Domnall son of Morgand (ante 976) son of Domhnall son of Cathmail son of Ruadri son of Ferchar son of Muiredach son of Baetan son of Eochaid son of Muiredach (defeated 736) son of Ainhcellach (deposed 698), son of Ferchar Fada (died 697) son of Feradach son of Fergus son of Nechtan son of Colum son of Baetan son of Eochaid son of Muiredach son of Loarn Mor mac Erc.

(76) Skene, "Celtic Scotland", iii. pp. 476-477, in printing the genealogy of Maelsnechtai son of Lulach son of Gillacomgain, calls it Genealach Clan Dubh, which he translates "Genealogy of Clan Duff", meaning pedigree of the descendants of Dubh. He tells us that this is what it is called in the Irish MSS. (see note 74 above). But nobody called Dubh appears in the genealogy (which is cited in note 74 above) between Maelsnechtai and Loarn Mor mac Erc: and certainly no Dubh appears in the legendary ancestry of the "Sons of Erc". Yet this Dubh must (1) have been an ancestor of Maelsnechtai, and (2) have been one of his most important genealogical ancestors, since the Clan was named after him. There is just such a Dubh in Maelsnechtai's ancestry: indeed, the most important of his ancestors, since it was from him that Maelsnechtai's father Lulach inherited his best claim to the throne of Alba. Maelsnechtai was son of King Lulach, son of

Queen Gruoch, daughter of the prince Boedhe, son of King Kenneth III, son of King Dubh (the elder brother of King Kenneth II from whom Maelsnechtai's contemporary King Malcolm Ceann-mor was descended, also in the female line). It can be seen, therefore, why the line of Maelsnechtai and Lulach were of greater significance in the 11th century as the chiefs (in the female line) of Clan Dubh, than as the heads (if they were the heads, which seems implied by the heading of the genealogy at p. 316 of Skene's "Picts & Scots") of the Cenel Loarn in the male line. "Clan" is here used in its true meaning of "children" or "descendant family". It is especially interesting to find a Scottish clan named from a female-line ancestor, given as such in an Irish mediaeval book of genealogies: for it illustrates the difference between the Gaels of Ireland and the Gaels of Scotland, in their respective succession systems.

As the name Macduff could indicate a valued descent from Dubh (as much as it can also mean "black son", an odd name) it may be worth considering whether the Clan Macduff (i.e. Clan Macdubh) were perhaps descended from the Clan Dubh. Many later traditions connect the two clans. In this connection, it may be worth noting Skene's suggestion ("Celtic Scotland" vol i p. 406n.) that Queen Gruoch's family were perhaps "peculiarly connected with Fife", where she joined in a grant to the culdees of Lochleven. The ancestor of the Clan Macduff was Gillemichael, Earl of Fife, who appears as "Gillemichael Macduf" in King David I's confirmation charter to Dunfermline (Reg. de Dunfermelyn, 4). But it should be observed that Gillemichael's predecessor, Earl Constantine (who is known to have left heirs), is called "Constantine Macdufe" in a charter of King Edgar's which, though doubtful, need not necessarily contain spurious names ("Early Scottish Charters", ix 245). Since Gillemichael's descendants were known as the Clan Macduff and not as the Clan Michael or Clan Gillemichael, it would appear that Macduff really was his surname (or at least style, like "Macdonald" or "Ua Neill") at this surprisingly early date: although Macduff was used as a Christian name by a cadet of the family in the late 13th century. No Dubh is known in Scottish history who could have given rise to so important a style as Mac Dubh for one of the Seven Earls, except King Dubh whose descendants so long claimed the throne. Moreover, Constantine is a royal Christian name.

In view of the prominent position occupied by Morgand in the presumed Moray ancestry of the MacAedh ("MacHeth") claimants to Moray, and the suggestion (see

note 22 above) that the MacAedh ("Mackay") chiefs in Strathnaver may have descended from this house, it may be worth noting that the name Morgand was an early favourite with the Strathnaver MacAedhs, who are in fact often referred to as the Clan Morgan (see Angus Mackay, "The Book of Mackay", pp. 11-12). Ordericus Vitalis and Robert of Torigni (A.O. Anderson, ii p. 23n.) say that Malcolm MacHeth was a natural son of King Alexander I, and ingenious explanations have been devised to get round his surname, but a line claiming the throne by reason of descent from King Alexander would certainly have been MacAlasdair, and not have taken their name from some mistress of his. However, it is uncertain whether he should be regarded as brother or nephew of Angus, Earl of Moray (for whom, see "Scots Peerage" vi. pp. 284-285, sub MORAY), or as his son (Fordun says that "Malcolm was the son of Macheth, but he lied, and said that he was the son of Angus, earl of Moray", but the two propositions are probably not alternatives as Fordun supposed, if Angus, earl of Moray was also "MacAedh" as is now generally believed).

(76) The "Liber Vitae Ecclesia Dunelmensis," fol. 60, printed by the Surtees Society, at p. 100, gives: "Malcolmus filius Madi. comes Athodlie. Hextilda filia Vethredi uxor eius. Simon filius eius. Henricus filius eius. Dunecanus frater eius. Bedoch soror eius. Kelehathonin filius eius. Cristina soror eius. Margareta soror eius. Constantinus nepos eius." It is not clear from the grammar exactly how they were related to each other, but the Rev. John Anderson, Scots Peerage, i. pp. 417-418, takes the view that Bethoc was daughter of Earl Malcolm and mother of "Kelehathonin". It seems possible that this is the missing Gillechattan, the 13th century chief from whom the great Clan Chattan in Badenoch and Lochaber took their name, but who is only known otherwise from the genealogies of the Mackintoshes and Macphersons who claim descent from him (he appears in the Mackintosh genealogy in Skene's Ms. of c. 1467, printed at appendix viii of "Celtic Scotland", vol. iii pp. 478-479). If (as is suggested in note 77 below) this Kelehathonin's mother Bedoch was daughter of Earl Malcolm by Hextilda, the identification gains in probability since Bedoch would have been half-sister of William Cummin, Lord of Badenoch, in whose family territory the Clan Chattan became the rivals of the Cummins: as witness the affair of the black bull's head mentioned in note 27 above. The old Gaelic MS.

genealogies attach Gillechattan to the family of Loarn Mor, and it may therefore be worth noting that "the saint specially venerated by, or specially connected with, the rulers of Cinel Loarn, was St. Cattan. From Dunolly they built him a shrine at Ardchattan" (Rev. Alexander Murdoch's intr. to "The Loyall Dissuasive", Scot. Hist. Soc. vol 41, p. xcvi).

(77) It is not clear why Scots Peerage i. p. 417, sub ATHOLL, takes the view that "it is doubtful if Earl Malcolm had any children by his second wife" (i.e. Hextilda, the name of his first wife being unknown but her existence presumed from a charter printed in A.P.S. i. 387). It is scarcely to be inferred from the curious grammar of the Liber Vitae (cited in note 76 above) that the children listed were not Hextilda's. It is possible that Bedoch and the other daughters were Hextilda's, and not the sons (in this case, the grammar might even mean "Kelehathonin" to be Earl Malcolm's only son by the second marriage), since there is the Badenoch link. But it seems more likely that Earl Henry was also her son, for after the murder of his grandson, Earl Patrick, by the Bissets in 1242, John Cummin, Lord of Badenoch and Alexander Cummin, Earl of Buchan are described as Earl Patrick's mother-kin (cognati ejus): Earl Patrick's mother having been Earl Henry's daughter (Scots Peerage i. p. 419, citing Fordun & Goodall, ii. 73). The name "Patrick" in the 13th century became popular in place of "Gospatrik" among the descendants of Maldred (brother of King Duncan, and father of <sup>Gospatrik whose sons were</sup> Waldeve, Gospatrik and Dolfín): but the writer does not know whether Hextilda's grandfather is to be identified with this Waldeve.

A.O. Anderson, i. p. 182n., doubts the Icelandic writers who tell us that Earl Madadh of Atholl was son of Maelmare ("Melkofr") brother of King Malcolm Ceann-mor, on the grounds that King Malcolm Ceann-mor's father died in 1040, while Earl Madadh's son Harald of Orkney died in 1206: "three generations in this pedigree extend over 166 years, instead of the usual 100 years". But King Malcolm Ceann-mor's grandfather (Abbot Crinan) had his life cut short in battle in 1045, and so in fact we have four generations extending over 161 years, which is by no means unusual. Crinan was great-great-grandfather of Harald of Orkney: the present writer's great-great-grandfather died aged sixty 140 years ago already.

(78) It is just possible that Giric, co-king with Eochaid 878-889, was son of

Domhnall mac Alpin. In the primary source of version L of the Chronicle of the Kings (A.O. Anderson, i. p. 366n.) he is called "Giric, Donald's son" rather than "Giric, Dungal's son", and the two names are often confused. If so, he would have been the next heir after (4) Aedh mac Kenneth (whom he slew, in the traditional mode) according to Irish law, while Eochaid would have been next heir to (4) Aedh mac Kenneth according to Pictish law: so it may well have seemed wise for them to effect a compromise whereby they reigned together as co-kings, thus appeasing the sentiments of Gael and Pict alike. This was the first reign in which the two succession principles clashed (as the first four kings of united Alba seem to have been qualified both paternally and maternally: see <sup>chapter</sup> ~~appendix~~ on "Succession among the Picts" above), and the solution of co-kingship by the rightful heirs under each system may well have held the union together during its "growing pains". Such a solution (co-kingship) had many precedents in the Celtic world.

(79) St. Margaret's sons had their difficulties, and we are told that David I's infant son Malcolm was strangled by King Domhnall Ban. Edgar appears to have favoured the Byzantine Christian custom of blinding his predecessor, rather than shedding his blood, but his successors did not continue this practice: and King Alexander II's officials safeguarded him in a pagan Herodian manner by publicly dashing out the brains of the infant daughter of Gillascop MacWilliam against the Mercat Cross of Forfar in 1230 (Chronicle of Lanercost, pp. 40-41, cited by A.O. Anderson, ii. p. 471).

(80) King David I's grandson Malcolm IV, the only surviving king's-son or at least rigdomna's-son (his father was styled Rex Designatus).

(81) See Grant G. Simpson, "The Claim of Florence, Count of Holland, to the Scottish Throne, 1291-2", in Scot. Hist. Review, vol. xxxvi, 2 (Oct. 1957) pp. 111-123.

(82) Such a compromise is reminiscent of the methods whereby the successive MacCarthy Mor kings or chiefs managed to overcome the old Irish preference for brothers, and establish the succession in the line of their sons (their cadets, the lords of Muskerry, preferred the older system: see note 63 above).

Dr. Butler, op. cit., p. 9, tells us that: "From Donnell Roe, who died in 1302, the rule over Desmond passed for two centuries direct from father to son without a break. Possibly with the object of securing this direct succession, the younger sons of the head of the house obtained for themselves in each generation extensive districts as subordinate lordships, and transmitted them to their descendants, who, in some cases, broke away from subjection to the main line". It is possible that royal encouragement was given to similar arrangements in Scotland, during the 12th century, so that the change-over from succession by brothers to succession by children was effected by compromise. This may be the explanation of the arrangement whereby Maurice the elder, Earl of Menteith, handed over the earldom to his brother Maurice the younger in 1213, receiving in return certain lands for himself and marriage portions for his daughters, as it does not seem to have been a transaction in favour of the heir male as such, since Maurice the younger was succeeded in the earldom by his own daughter (see G.E.C., "Complete Peerage", new ed., viii pp. 659-660): the arrangement in this case favouring the tanist's line rather than the earl's line (as with Sir Cormac MacCarthy of Muskerry's will cited above, see note 63 ). It may also explain the interpolation of Gilchrist in the earldom of Mar, between Morgand and his son Duncan mac Morgand at the close of the 12th century, if Earl Gilchrist was Earl Morgand's younger brother and successor according to the old law, and whose children required to be bought off in a compromise with Earl Duncan, Morgand's son (see "Scots Peerage", v pp. 567-576, and G.E.C., viii pp. 398-401). The Regiam Majestatem (2 Reg. Maj. c. 27 I. 615) provides that if an eldest son in his father's lifetime do homage to his chief lord for his father's heritage, and die before his father, his son shall be preferred to the uncle (patruo).

Mr. Grant G. Simpson, op. cit., points out that if the agreement between King William the Lyon and his brother, Earl David, is genuine, it is strange that it appears to have been made at a time when King William was childless and Earl David his next heir. But if a tradition existed that the next heir by tanistry should try to slay the king once he had attained a certain age (or shown the first grey hairs), and King William had reached this climax, the two brothers may have decided to end the tradition by "contracting-out" with this civilised compromise instead. In many countries, the slaying of the king was only expected of his heir after the king had reigned a certain fixed period, or attained a certain age, or shown the first grey hairs (see authorities cited in note 27 above). Hence, no doubt, King Shaka's worry about hair oil, described in E.A. Ritter's "Shaka Zulu".

- (83) See Sheriff J.R.N. Macphail, "Highland Papers", vol. ii pp. 114 et seq. (pub. Scot. Hist. Soc. 2nd series).
- (84) "Scots Peerage", vol v. p. 2 sub INNERMEATH.
- (85) See Dr. Jean Dunlop, "The Clan Chisholm" (1953) pp. 7-8.
- (86) "Scots Peerage", vol i, p. 336 sub ARGYLL.
- (87) ibid. vol v, p. 29 sub ISLES.
- (88) ibid. vol v, p. 31; also Macphail, op. cit., vol i, p. 4.
- (89) "Scots Peerage", vol v, pp. 32, 39-40; also Macphail, vol i, p. 73.
- (90) G.E.C., "Complete Peerage", new ed., vol. vii, p. 77 sub ISLES.
- (91) There are of course the cases of the (traditional) abdication of Ferquhard, the Mackintosh chief in about 1407, in favour of his uncle Malcolm; and also the murder of Dugall, Chief of Clanranald in 1520, and his succession by his uncle. But in each case, the chief had already succeeded by right, and was removed either by persuasion or by force: no question of legal succession was involved. Both cases occurred on the mainland, within the realm whose succession laws had been settled for centuries, and had originally been established by the Gaelic dynasty.
- (92) He also gives an interesting account of the chiefs' "instalment", and cites the Bannatyne MacLeod MS. for his account, which includes the information that at the chief's funeral feast it "was the duty of the bards to rehearse the genealogy of the deceased".
- (93) Dr. Alexander Macbain, in his notes to the revised (1902) ed. of Skene's "Highlanders of Scotland", says at p. 406: "In Scotland, the chief of a Highland clan for the last five hundred years succeeds by primogeniture, and it cannot be held by a bastard (contrary to the old system), nor can it pass through females.

This is purely feudal and also Salic". It would certainly be Salic, but it would not be feudal in the Scoto-Norman custom, nor is it true of the highlands of Scotland. An example of a chiefship being held by a bastard is that of Lachlan Maclean of Duart (ancestor of the present chief) in 1496: see Reg. Mag. Sig xiii 301 (also Macphail, op. cit., i pp. 73-74, 242). This was arranged by his father, then one of the greatest of the Gaelic chiefs, by the correct Scots Law method of the resignation of his Duart heritage into the hands of the Crown for regrant to his chosen heir. Craig, Jus Feudale, 2. 16. 19, tells us that "a valid tailzie or destination may be made even in favour of a bastard", and cites a number of examples of the inheritance of property in this manner. A pre-1745 case of a chiefship passing through females is that of the Clan Colquhoun, whose chief (Sir Humphrey Colquhoun of Luss) settled the Luss succession in such a way that in 1718 it passed to his daughter's husband, his son (in law) James Grant of Pluscardine (who had taken the name of Colquhoun in 1706); in 1719, Sir James Colquhoun of Luss (formerly Grant of Pluscardine) on succeeding as Chief of Grant resumed the name of Grant, and the Luss succession passed to Sir James's younger son, Ludovic Colquhoun of Luss; and in 1739, Ludovic Colquhoun of Luss having become heir to the Grant chiefship by the death of his own elder brother, the Luss succession was held to have passed to his next younger brother James, who accordingly became Colquhoun of Luss and was ancestor of the present Chief.

(94) Before the growth of surnames, what mattered was the Blood and the family heritage (e.g. Maelsnechtai and the claims of Clan Dubh to the throne: see note 75 above). But, after the growth of surnames, it became necessary to belong to the Blood and Name. In this connection, it may be worth recalling Sir John Davies as cited by M. Viollet about Irish tanistry (see above): "cette coutume, qui donne la terre au plus âiné et plus digne homme du sang et nom de celui qui mourut saisi".

(95) A number of women have been officially recognised as chiefs by the Lords Lyon of recent years: for instance, Dame Flora MacLeod of MacLeod in 1935, Marjorie Maclachlan of Maclachlan after 1942, and Coline MacDougall of MacDougall after 1953. These women chiefs are admitted to membership of the Standing Council of Scottish Chiefs. Sheriff Hector McKechnie, author of "The Pursuit of Pedigree" (1928), has disagreed with successive Lords Lyon on the grounds that

women were not formerly chiefs, but the present writer understands that Sheriff McKechnie is not opposed to the historicity of succession to chiefship by men who have inherited the clan territory in the female line. Examples of female-line succession to highland chiefships are the Gordons of Huntly (15th century), Glengarry's claim to be chief of Clan Donald (17th century), the Colquhouns of Luss (18th century), the Rattrays of Rattray (1799), the Farquharsons of Invercauld (after 1805, and again in 1949), and the Munros of Foulis in 1938: other cases could be cited.

(96) E.g. Euphame, Countess of Ross in her own right 1402-1415, who is said to have entered the convent of North Berwick and become a professed nun ("Scots Peerage", vol. vii p. 242). Her grandfather Walter Leslie had not taken the surname of Ross when the earldom came to his wife, and so the chiefship of the Ross clan had already passed to the nearest line of the Blood and Name (the Rosses of Balnagown).

(97) For "Courtesy", see Craig, Jus Feudale, 2. 19. 15.

(98) Macpherson's "Loyall Dissuasive: and other Papers concerning the Affairs of Clan Chattan", ed. by the Rev. Alexander Murdoch, Scot. Hist. Soc. vol. 41, p. 33. For a typical case of the incoming husband taking the name, see Sir James Colquhoun of Luss (formerly Grant of Pluscardine), at note 93 above.

(99) The last mention of the Brieve of Lewis is in 1616, when letters of Fire & Sword were granted to the Tutor of Kintail against, inter alia, "Donald MacIndowie, Brieff": see Alick Morrison, "The Clan Morrison" (1956). But it is doubtful whether the Brieve exercised any authority as such after 1595 or so (ibid. pp 17-21)

(100) ibid. p. 14., and the authorities therein cited.

(101) But local politics were involved, as there seems little doubt that the heiress's father was really the son of the then Morrison brieve, who had cuckolded the old MacLeod of Lewis chief (see "Instrument upon the Declaration of the Breve of Lewis anent the birth of Torquil said to be son to M<sup>leod</sup> of Lewis, dated August 22, 1566", printed by Macphail, op. cit., vol. ii p. 280). The Tutor of

Kintail eventually turned on the Morrisons (see note<sup>99</sup> above), who were causing trouble, and the Brieves of Lewis are heard of no more.

(102) See chapter on "Succession to Baronies".

CHAPTER 4.

SUCCESSION AMONG THE CYMRY.

SUCCESSION AMONG THE CYMRY.

Before Scotland became a united realm in the twelfth century, the country to the west from Dunbarton (the dun or "fortress of the Britons") southwards<sup>(1)</sup> was held by an independent kingdom of the Cymry, or ancient Britons. The Cymry, who gave their name to Cumbria (which varied in extent but came to be roughly speaking Strathclyde with Cumberland), spoke the P-Celtic language that became Welsh, in which words like those for "hill" and "head" are pronounced pol and pen - instead of col and cenn, as in Q-Celtic tongues like Gaelic. Various British kingdoms were apparently established beyond Hadrian's Wall at the close of the Roman period by two inter-related groups of royal families, sprung respectively from Coel the Old and Dyfnwal<sup>(2)</sup>. Professor Chadwick gives reasons for supposing that "in spite of much uncertainty there can be little doubt that some of Coel's descendants held the Border counties, with an extension northwards, perhaps late, to the Forth. Southwards their territories extended into Yorkshire, at least to Catterick, and perhaps Lancashire. ... Several families traced their descent from a certain Dyfnwal Hen, who according to the oldest text (Harl. 3859) was a grandson of Ceretic Guletic. The best known of these families ... were kings of Dumbarton and Strathclyde. ... Here again much is uncertain; but it is clear that in general these families occupied territories to the north-west of those which belonged to the descendants of Coel. ... Dyfnwal Hen ... must have lived towards the end of the fifth century. We have no record of him personally; but his grandfather Coroticus was king of Dumbarton during the lifetime of St. Patrick"<sup>(3)</sup>. From their ancestral names, it seems clear that these dynasts were Romanised Celts of high birth. They were Christians, but Coel the Old's ancestry is traced back through Beli Mawr who was possibly a pagan god-king associated with the fire festival of Beltane<sup>(4)</sup>.

Probably about the middle of the fifth century, Cunedda (maternal grandson of King Coel the Old) appears to have been the British gwledig in the North<sup>(5)</sup>. It has been suggested, though the evidence is doubtful, that this style was used by the ancient Britons in the fifth century to

designate the continuing successors of the Roman dux Britanniarum ("leader of the Britons") in Britannia Superior and of the Roman comes litoris Saxonici ("count of the Saxon shore") in Britannia Inferior<sup>(6)</sup>. As "leader of the Britons" in the North, Cunedda brought a strong force of the Cymry from a district perhaps near the Pictish frontier<sup>(7)</sup>, and expelled Irish invaders who had settled in Wales. His territory in Wales was partitioned among his family, but eventually the most important line of his descendants was that which held the remote fastnesses of the kingdom of Gwynedd<sup>(8)</sup>, with their capital very latterly at Aberffraw<sup>(9)</sup>. Other dynasties of the Cymry were already established elsewhere in Wales: in Brychiniog, Powys, Glywysing, Gwent and Erging<sup>(10)</sup>. During the sixth century, the Cymry of what is now eastern England<sup>(11)</sup> were overwhelmed by the Anglo-Saxon invaders, and the retreating survivors were absorbed into the kingdoms of the Cymry in Wales (also Dumnonia and Cumbria), secure in their mountain terrain, by the time of Cunedda's famous descendant King Maelgwn, who died in 547<sup>(12)</sup>. For a while the little kingdoms of the Cymry from Gwynedd to Dunbarton maintained their overland communications intact, but during the seventh century the Angles gradually advanced their kingdom of Beornicia from the Tyne across the Tweed to the Forth, subjugating Lothian, and (by passing up the Tyne and down the Irthing) reached the Atlantic coast opposite the Isle of Man. The Cymry were separated into what became Cambria and what became Cumbria.

The north Britons were thus cut off from Wales, and cooped up in their remaining kingdom of Strathclyde, with its capital at Dunbarton. Even Strathclyde was dominated by the Angles sometimes, but the little kingdom managed somehow to survive, and even expanded back into northern Cumberland in the tenth century. During the tenth century, the male line of Dyfnwal came to an end, and thereafter Cumbria was ruled by branches of the allied Picto-Scottish royal house (who were female-line descendants of Dyfnwal): latterly these local dynasts in Cumbria were established under the over-kingship of the Picto-Scottish kings, who were anyway heads of the male line of their own family. Sometimes, as in 1034, the Cumbrian ruler inherited also the throne of Alba, but Cumbria

was usually placed under a separate member of the family. In 1092, what is now Cumberland was conquered from Dolfin, its then prince, by King William Rufus of England. But Strathclyde remained more or less independent and in the first half of the twelfth century its prince was Dolfin's second cousin, David the Saint; until in 1124 David inherited the Scottish crown as well, and finally united the two realms.

Thus the Cymry of Strathclyde were ~~never~~ conquered, but united with the Gaels and Picts to form Scotland of their own free will, as the result of their own ruler's accession to another throne. It may therefore be worth examining succession to dignities among the Cymry, as a part of the historical background whence the Scottish realm emerged.

There is a certain amount of evidence for the survival of matrilinear succession, even of queens regnant, among the ancient Britons into the period of the Roman occupation<sup>(13)</sup>. There is also some reason to suppose that different holders of the dignity of gwledig at the close of the Roman period were inter-related by marriage: and the dynasties established north of Hadrian's Wall seem to have had a common descent in the male or female line from Coel the Old, who was (it is suggested) of sacral royal descent<sup>(14)</sup>. But, in historic times, kingdoms tended to be partitioned among all the sons of a king, subject to the loose hegemony of the head of the family, and it was only where all the males in a "true family" became extinct, that kingdoms passed through the female line<sup>(15)</sup>. As there is very much more evidence available from Cambria than from Cumbria, it may be useful to consider first the succession laws of Wales.

### 1. Succession among the Cymry of Wales.

The principal sources of ancient Welsh law are set out in "The Ancient Laws & Institutions of Wales: Comprising Laws Supposed to be Enacted by Howel the Good, modified by subsequent regulations under the native princes prior to the conquest by Edward the First, and Anomalous Laws, consisting principally of institutions which by the statute of Ruddlan were admitted to continue in force: With an English Translation

of the Welsh Text, to which are added a Few Latin Transcripts", ed. Aneurin Owen (1841). Howel the Good ("Howel Dda") was the most powerful king in Wales of his time, and died in 948, a male-line descendant of King Coel the Old and the female-line representative of Cunedda the gwledig<sup>(16)</sup>. Three versions of his collection of laws survive, known as the Venedotian Code (North Wales), the Dimetian Code (West Wales), and the Gwentian Code (Gwent is South-West Wales). There seems no reason to doubt that, in the main, the Laws of Howel Da preserve the customs of the Cymry as they had come down over many centuries.

As with the Gaels<sup>(17)</sup>, the Cymry reckoned the "true family" for succession purposes to be the male agnates descended from a common great-grandfather, that is a group consisting at its outer limits of second cousins in the male line<sup>(18)</sup>. Foreigners who dwelt among the Cymry were admitted for succession purposes to the "true family" of their mother, if she was a Cymro, subject to certain qualifications<sup>(19)</sup>. If the male line of a "true family" of the Cymry became extinct, so that a man had no male heir within the degrees as far as second cousin, the succession passed in the female line<sup>(20)</sup>.

The Welsh Laws explain that there are three kinds of kingship, and it may be observed that in origin they seem (in a smaller way, for the area involved was naturally smaller) to correspond roughly to the three degrees of the most ancient Irish kingships and to the ranks that in Scotland were called ri, mormaer and toiseach (for which, see the chapters on Succession to the Throne, the Heir at Law to Earldoms and the Heir at Law to Baronies). "There are three kingships: a prince ... as supreme ruler; the presiding lord of a territory, as king in his court; and a chief of kindred, as a guide and mutual protection among his kindred and relatives; and the privilege of agitating the country is attached to each of those three kings; agitating the country implies, the forming of a raith" (literally 'verdict', i.e. an assize of compurgators) "where right in law cannot be accomplished in another way"<sup>(21)</sup>. The Welsh word pen-cenedl, "chief of kindred", is the same as the Gaelic cenn-cineal (the "kenkynol" of 14th century Scottish charters) or "head of a clan".

The Welsh chiefs were members of the conventional session of all Cambria (as it were, the parliament of the Cymry) where "laws are to be made, or abrogated, or improved, as occasion may require"<sup>(22)</sup>; the chiefs had the power of imprisonment<sup>(23)</sup>; the chiefs had the grant of every office among the kindred<sup>(24)</sup>; and their other rights and duties are frequently mentioned in the old Welsh laws<sup>(25)</sup>. The system of succession to such chiefships is reminiscent of the succession to kingship in Ireland: for a Welsh chief was the oldest-born male within a certain number of degrees of the chiefly line of the agnatic kindred, that was neither blemished nor senile. The old Welsh laws tell us that "a son is not to be chief of kindred after the father, in succession; for chiefship of kindred is during life"<sup>(26)</sup>. "A chief of kindred is to be the oldest efficient man in the kindred to the ninth descent; and his privilege and office are to move the country and court in behalf of his man; and he is the speaker of his kindred in the conventional raith of country and federate country, and it is the duty of every man of the kindred to listen to him, and for him to listen to his man"<sup>(27)</sup>. "Three indispensables of a chief of kindred: being an efficient man; being the eldest of the efficient men of his kindred unto the end of the ninth descent; and being the chief of a household, or a man with a wife and children by legitimate marriage; and every one of the kindred is to be a man and a kin to him; and his word is paramount to the word of every one of the kindred"<sup>(28)</sup>.

For our present purposes, it may be worth enquiring whether the chiefship of a kindred could pass through the female line: what the Cymry called "by maternity" (mamwys). At first sight, it would appear not. The Venedotian Code lays down that "the chiefship of a kindred is not to pass by maternity"<sup>(29)</sup>. But it appears that this rule is intended to apply to the everyday female-line members that co-existed and shared in divisions of the family land with the true agnates of the kindred: as, for instance, those foreigner's sons who were admitted to the kindred of their Welsh mothers. The rule was evidently not intended to exclude succession to chiefship through heiresses on the extinction of male heirs within the prescribed degrees. The Dimetian Code makes this clear: "No one is to obtain chiefship of a kindred, nor principal homestead upon

land, nor office by privilege of land, on the part of the mother, although he shall be permitted to have a share of land, if there be any one on the part of the father entitled thereto: it is more appropriate, however, that a person on the part of the mother should have them, than that they should be obtained by a stranger" <sup>(30)</sup>. Foreigners became naturalised after holding land throughout the generations of a "true family": "If a foreigner come and become the king's man, and land be given to him, and he occupy the land during his life, and his son, and his grandson, and his great grandson, during their lives; that great grandson will be a proprietor from thenceforth; and after that the privilege of a foreigner ought not to attach to him, but the privilege of a man that shall possess land, and the privilege of a Cymro" <sup>(31)</sup>. Similarly, female-line members of a kindred, descended from girls of that kindred who had married foreigners, appear to have become full members of the kindred (even for the purpose of succession to the chiefship) once the generation of the girl's great-grandsons had been reached. "If a person claim land and soil by maternity, let him come upon the land and soil at the time when the law is open; and let him say that he is the son of a foreigner by an entitled Cymraes; and let him say that his mother had been lawfully given by her kindred to his father. ... Let him be adjudged to be an inheritor along with his uncles; and as much to him as to any one of his uncles, excepting the privileged tenement: and should an office be attached to the land, he has not that until the third person; and he cannot become the chief of a kindred until the third person" <sup>(32)</sup>. These Welsh kindreds that had chiefs (the third degree of kingship) were of course noble land-owning kindreds, proud of their ancient lineage <sup>(33)</sup>, infinitely fractionalised dynasts like the true members of the highland clans that had chiefs (where the genealogy of the clan is normally carried back to ancient kings): each member of the kindred having a right to his share of its patrimonial lands. They therefore admitted foreign nobles whose mothers were Welsh and who settled as members of their mother's kindred, to immediate equality with themselves, without waiting for the passage of three generations: and this would seem to have included the right of succession to the chiefship

if such a hybrid noble was the oldest efficient man within the prescribed degrees. "If a Welsh female be given in marriage to a foreigner, a son of that female is entitled to a brother's share of the patrimony; but he is not to have a share of the privileged tenement, nor office, until the third descent, he, the son, and the grandson: thenceforward let him take his share of office, and of the privileged tenement when he may will; unless the foreigner be a Saxon or Irish nobleman, and he shall immediately have office, and share of the privileged tenement. ..." (34). It seems, therefore, that although women could not themselves hold office among the Welsh<sup>(35)</sup>, the chiefship of a kindred could pass through an heiress on the failure of males within the prescribed degrees; or it could be held by ordinary female-line members of the kindred, either if their fathers were noble foreigners or if three generations had passed.

The law of succession to kingship among the Cymry differed somewhat from that of succession to chiefship, which may well have been the older dynastic law in matters of paramountcy within dynasties. The Welsh royal pedigrees in codex form are to be found in Y Cymmrodor, vol. viii Part 1 (1887), containing genealogies from Jesus College MS 20, pp. 83-92, and in Y Cymmrodor, vol. ix Part 1 (1888), containing genealogies from Harleian MS 3859, pp. 141-183. There is so far no satisfactory work on the Welsh dynastic pedigrees, but Major Francis Jones, who has such a work in hand, sums up the evidence: "The important factor in Welsh kingship was the royal family, and there was great emphasis on blood. It is to be noted that all the sons of a king were usually kings themselves, over territories within the main kingdom. Sometimes these sons established kingdoms wholly independent (territorially) of the basic or paternal kingdom. ... When the male succession failed, the succession passed through the female. This was only when there was failure of all men of the 'true family'. ... The heiress could not become queen regnant in Wales, at least in the period 400-1282. But there are indications that women could and did succeed in the more ancient Celtic kingships, e.g. Queen Cartismandua and Queen Boudicca in the years

immediately following the landing of the Romans in 43 A.D."<sup>(36)</sup>.

In the case of the paramountcy within a dynasty, however, there had to be a single heir: as for instance with (what became the kingship at Aberffraw in) Gwynedd<sup>(37)</sup>. In Gwynedd at any rate, during the period 942-1137, this throne seems to have been claimed (on the comparatively rare occasions when there was no question of nomination, conquest or usurpation) by the eldest efficient member of the family: as with chiefships of kindred. But the old Welsh law, in force for many centuries up to the time of King Howel the Good and again after 1137, was different<sup>(38)</sup>. The paramount king had the right to nominate one of his sons, grandsons, brothers or nephews, as heir: the "edling"<sup>(39)</sup>. In default of such nomination, the paramount king's eldest son was the "edling", unless he was disqualified for being blemished or any similar reason<sup>(40)</sup>. When there were no men left of the "true family", the succession passed through the female line, in preference to remoter agnates<sup>(41)</sup>. The Venedotian Code tells us of the king's power of nomination: "1. The heir apparent, that is, the edling, is he who is to reign after the king ... 2. He ought to be a son or nephew to the king. ... 5. .. The edling .. is a near relation to the king. The king's near relations are his sons, his nephews, and his first cousins. Some say that every one of these is an edling; others say, that no one is an edling, except that person to whom the king shall give hope of succession and designation"<sup>(42)</sup>. The Gwentian Code amplifies this a little: "1. The edling is the most honourable person after the king and the queen. 2. He is to be a brother, or a son, or a nephew the son of a brother, to the king"<sup>(43)</sup>. The Dimetian Code implies that there was some provisional order of succession: "1. The heir apparent, that is, the edling, who is to reign after the king, ... should be a son or a brother of the king. ... 3. The worth of the edling is of like kind with the worth of the king; but less by the third part. 4. The worth of each of the other heirs to the kingdom in succession is a third of the worth of the king. ..." <sup>(44)</sup> What this provisional order of succession was, is made clear in the other Welsh Laws: "If (the eldest son of) a chief of a territory be not competent to

rule it, nor to sustain it; if he be afflicted with one of the three blemishes, the next eldest son to the king is to be edling, and acquire his privilege. If the king have no son, then his brother is to be edling. If there be no brother to the king, a man co-equal in dignity is to be edling. After fealty shall be sworn to him, and the whole of his privilege be recognised in the court, his worth is equal to that of the king; and his honour-price equal to that of the king; excepting that gold is not to be paid to him, nor the rod of silver"<sup>(45)</sup>. Those "co-equal in dignity" to a king's brother were of course the other princes of the "true family". With ordinary landed succession, the eldest son had the first choice of the divided lands; while the youngest son kept their paternal homestead, with the "privileged tenement", for he was naturally the last to set up an independent house. But with the paramount kingship, the royal palace passed with the succession to the throne: "the king's son, however, if he be the eldest, is to have the principal homestead, unless he be (maimed), or dumb, or deaf, or an idiot; if he be so, the next in age has it, unless there be a brother's son, or a son to a nephew the son of a brother, or a male of equal right (of his blood)"<sup>(46)</sup>. The implication here appears to be that the eldest "classificatory son" was at one time considered the heir (this seems to fit the actual succession during the period 941-1137, as noted above), presumably on the extinction of the elder generation, the "classificatory brothers" of the royal house.<sup>(47)</sup> That the eldest son was the provisional heir to the hegemony in a dynasty of the Cymry, is indicated by the old Welsh Law: "Three sons who are not to have the privileged tenement, notwithstanding their being the youngest: a son of the king of Aberffraw, because the eldest is to have it; the son of a woman, when he shall acquire land by maternity; and a son who shall be placed on fosterage with a villein, by consent of the lord; although he shall have land, he is not to have the privileged tenement (tyddyn)"<sup>(48)</sup>. It is clear that the law allowing an heiress to succeed on the failure of males of the "true family", applied to the throne, although the heiress herself did not become queen regnant and it was her husband or son who became king<sup>(49)</sup>.

It will therefore be observed that there was nothing in the ancient

laws and customs of the Cymry, anyway in Wales, to exclude ultimate succession to kingships and chiefships through the female line.

## 2. Succession among the Cymry of Strathclyde.

It seems fairly clear that the Cymry of Cumbria, as well as the Cymry of Cambria, regarded all their early king's sons as kings, and that realms were partitioned among the various members of the male line of the dynastic "true families" founded by inter-related gwledigs in each main kingdom. Professor Chadwick writes: "For times anterior to 550 we have little definite information. But the genealogies suggest that three generations further back, in the latter part of the fifth century, the political map may have been much simpler. Dyfnwal Hen may then have possessed all the territories which we find later distributed among his descendants, while the kingdoms held by Coel's descendants would then be no more than three. On the other hand account must of course be taken of other processes than the partitioning of family territories. In the fifth century there may have been kingdoms, with royal families of their own, which subsequently disappeared"<sup>(50)</sup>. "We may now consider the political conditions of the sixth century. ... The north British territories in southern Scotland and the north of England are now seen to be divided among a fairly large number of royal families, nearly all of which belong to one or other of two groups. And there can be little doubt that these small kingdoms had originated in the main through family partitions, like the mythical partition of Scotland among the sons of Cruithne, and similar partitions within the historical period in Wales, especially the south-eastern districts, Glamorgan, Gwent and Archenfield"<sup>(51)</sup>. Professor Chadwick, at pp. 143-147, discusses the genealogies of these families, and the local distribution of their kingdoms, and gives the opinion (about Coel's descendants) that "it ought to be possible from the genealogy to trace the history of the partitions among them"<sup>(52)</sup>.

With the paramount kingships, the pattern among the Cymry of Strathclyde again does not seem to differ from that among the Cymry of

Wales. The paramount kingship of the dynasty of Strathclyde, with its seat at Dunbarton, appears to have traced its descent from a gwledig (perhaps a dux Britanniarum) about the close of the Roman period, and indeed to have been related by marriage at an early date with the house of the gwledig who reconquered Wales<sup>(53)</sup>. The evidence is scanty, but on the whole it would seem possible that the paramount kingship of the Cymry of Strathclyde, like ~~that~~<sup>those</sup> of the Cymry ~~of~~<sup>in</sup> Wales, went to the eldest son subject to much the same qualifications as in Gwynedd. From the king-lists and other records printed by Skene and A.O. Anderson<sup>(54)</sup>, the following genealogy can be reconstructed, but it is clear that all the paramount kings of Strathclyde are not included, nor is it certain that all the dynasts shewn were themselves paramount kings at Dunbarton:

The Kings of the Cymry at Dunbarton.

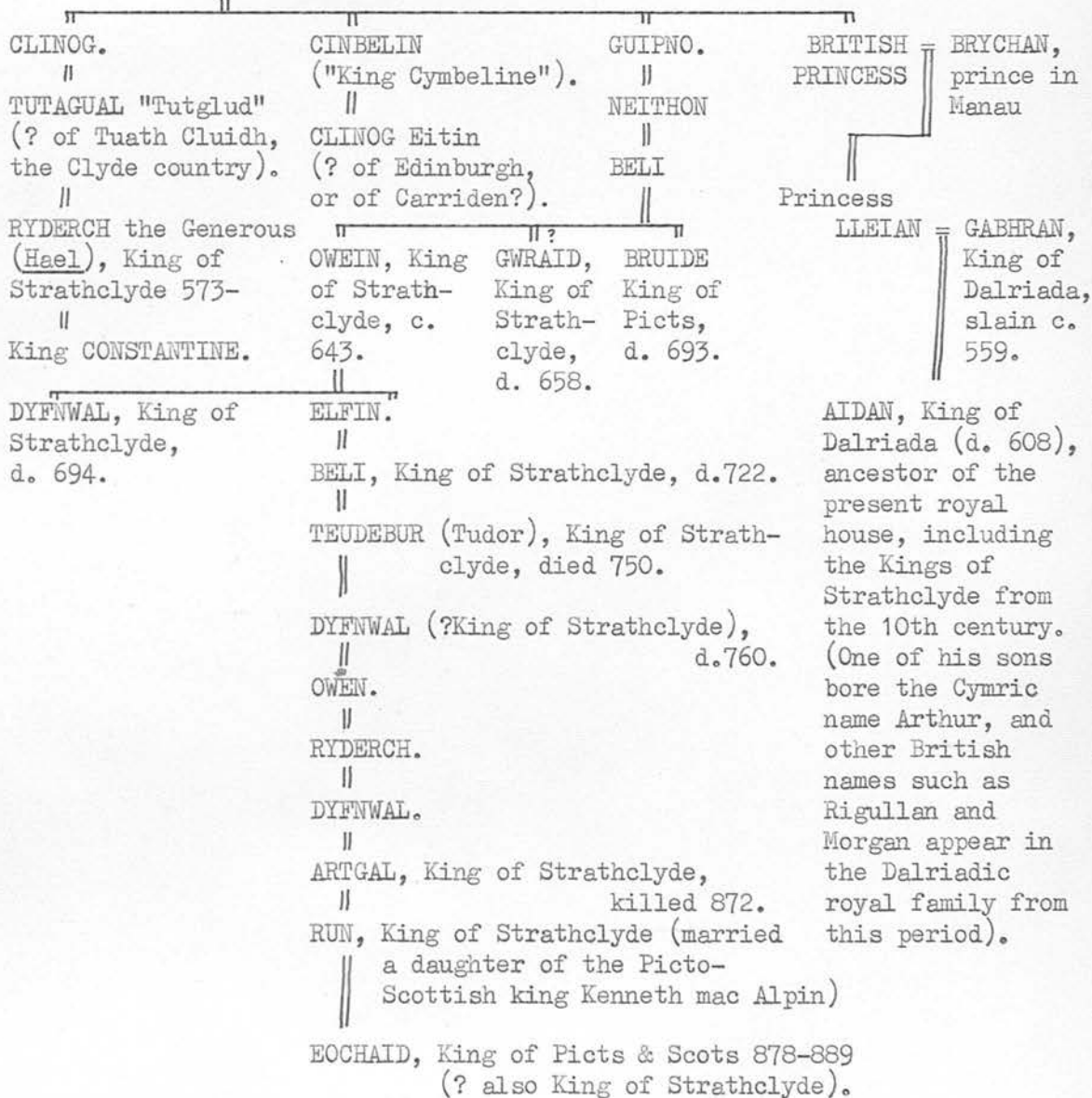
CERETIC the Guletic (gwledig), Christian King of Strathclyde in the time of Saint Patrick (5th century).

||

CINUIT.

||

DYFNWAL the Old (Hen): a later genealogy traces him through the gwledig Maxen (cousin of the gwledig Cunedda) from King Coel the Old, but it seems probable this was a female descent.



DYFNWAL (affiliation uncertain, but apparently last of the male line of the royal "true family"), King of Strathclyde, died c. 908.

It will be seen from the foregoing table, that the kingship of the Cymry (of Cumbria) at Dunbarton continued in the male line of the house of Dyfnwal Hen until the beginning of the tenth century: just as the kingship of the Cymry (of Cambria) in Gwynedd continued in the male line of the house of Cunedda until the beginning of the ninth century<sup>(55)</sup>. On the death of King Dyfnwal, apparently about 908, the males of the immediate "true family" of the royal house at Dunbarton evidently became extinct; for, without any conquest of Cumbria by Alba, a brother of the Picto-Scottish king was chosen as King of Strathclyde<sup>(56)</sup>. The Scottish royal house had been descended in the female line from Dyfnwal Hen<sup>(57)</sup> ever since the time of King Aidan mac Gabhran (died 608), but the law and custom of the Cymry<sup>(58)</sup> would scarcely have recognised so remote a relationship for succession purposes. There seems little doubt, therefore, that the new king's wife or mother (or maternal grandmother) had been a princess of the "true family" of the last male-line Kings of Strathclyde of the house of Dyfnwal Hen<sup>(59)</sup>; and that the old law of the Cymry, carrying succession through the female line on failure of males in the "true family", led to the continuance of the dynasty by the distaff side. The same position seems to have arisen after the death of King Owen the Bald of Strathclyde. There was no question of conquest, yet he was succeeded by the grandson of the Picto-Scottish king Malcolm II. This king was his close ally, and it may perhaps be suggested that he was his brother-in-law<sup>(60)</sup>. The new Cumbrian king, Duncan, was a son of the hereditary Abbot of Dunkeld, by Malcolm II's daughter: and on the whole it seems more probable that it was his maternal rather than his paternal grandmother who was a princess of Strathclyde. The Cymry had held out for so many centuries under their own dynasts, that there are no grounds for supposing that either in 908 or in 1018 they would voluntarily have placed themselves under the rule of alien kings who had no dynastic claim to their throne. Moreover, Skene suggests ("Celtic Scotland", i. p. 405) that after Macbeth's victory over Duncan in 1040, "Cumbria ... probably remained faithful to the children of Duncan", which implies some blood claim in Duncan's line not shared by his cousin Macbeth. The following table<sup>(61)</sup> is an attempt to reconstruct their succession:



NOTES TO CHAPTER ON SUCCESSION AMONG THE CYMRY.

- (1) Except for Galloway. The east coast from Forth to Tyne was held by the Beornicians, whose kingdom waxed and waned at different periods: possibly after c. 971/975, and certainly after 1018, the Beornician territory from Forth to Tweed (Lothian) was under the kingdom of Alba. See Professor W. Croft Dickinson, "Source Book of Scottish History", i p.16.
- (2) A brief review of these kingdoms is given in Professor Chadwick's "Early Scotland", together with a useful summary of authorities for reference. This should be read in conjunction with Professor Kenneth Jackson's "Language and History in Early Britain" (1953). For the genealogies of the dynasts of the Cymry in codex form, see Y Cymmrodor, vol. viii (part 1) 1887, containing pedigrees from Jesus College MS 20, pp. 83-92, also ibid., vol. ix (part 1) 1888, containing pedigrees from Harleian MS 3859, pp. 141-183.
- (3) Chadwick, ibid., pp.144,145,149. C.f. Dr. A.O. Anderson, i. pp. clvii-clviii. Dyfnwal was apparently descended from Coel in the female line: according to some writers (Stokvis, ii p.221) in the male line, though not in the male line according to the oldest text (Harl. 3859). St. Patrick, the contemporary of Dyfnwal's grandfather King Coroticus the gwledig, died in 457 or 461 (T.F. O'Rahilly, "Early Irish History & Mythology", p. 242).
- (4) See Sir John Rhys, "Celtic Britain". There is nothing to suggest that Cymric monarchy originally differed from that of the other pagan peoples of Europe, among whom the essential character of any royal house was descent from a pagan god (presumably through the sacral kings that had embodied him): indeed, there are some grounds for supposing the Teutonic peoples to have derived the institution of sacral monarchy from the Celts. But the Cymry were Christianised earlier than the other peoples of the British Isles, and their sacred families (royalty) must have required genealogical collation to enable them to remain the holy family under Christianity: as might be expected, therefore, Beli Mawr

son of Anna was attached to the family of Our Lord, as Anna was said to have been cousin of Our Lady. Similarly, when the Scylding kings of the House of Woden were converted to Christianity, they were given a Biblical connection through the Boat of Scyld and the Ark, and linked back on to the family of Noah. As late as the 17th century, the Jesuit missionaries "converted" the Inca sacral royal genealogies to include a descent from Noah in exactly the same way. But it should be noted that the genealogies so "converted" are already sacred: the object is to link the old pagan sacred (royal) family to the new Christian sacred (holy) family.

Major Francis Jones, to whom the writer is indebted for much information about Welsh royalty and genealogy, writes: "I must confess that I am impressed by your observations about Beli's pre-Christian attributes, and that he was later (under Christian influence) brought into association with the Holy Family. Though I am not entirely converted, I give you the following bit of information which seems to support your view that Beli was originally associated with a sacred (pagan) mythology. In a pedigree in Jesus College MS 20 (13 cent.) he is described as Beli Mawr m. Anna (Beli the Great son of Anna), and the statements are added that he was cousin of the B.V.M. Why was the name Anna brought in? Now, there was an Irish pagan goddess called Ana or Anu (genitive Anann) who figures in Irish mythology as mater deorum hibernensium, i.e. she was the mother of the Irish gods. The name in Old Welsh would take the form Aun or An (possibly Anau). Now, in the Red Book of Hergest, in the story of the "Dream of Maxen Wledig", we are told that there was a king called Beli who had ships on the "Irish Sea" which suggests the possibility that he was Irish (Goidel). The Welsh form Beli occurs in Irish as Bile and the Irish pedigrees say that Bile king of Spain had a son Mil. This Mil son of Bile conquered Ireland which he divided between his sons Eber and Airem, while the Welsh mediæval tale states that Beli (the Welsh version) had an heir and successor called Bran who

who had the practical disposal of Ireland. To sum up - it does appear that the Welsh Beli is really the Irish Bile father of Mil, and if this is true then he was of Goidelic extraction, that is Irish - to which belonged Ana the mother of the gods. As you know, there was a very strong Irish population in Wales which was only finally subjected by Cunedda, and there was both before and after that, a great deal of traffic between Wales and Ireland. So the Goidelic gods (such as Bile and Ana) must have been very well-known in early Wales. ... Has the native pagan goddess Ana been converted into Anna? I don't know, but I can give you a perfect parallel from another source. The pedigree of Attila was heathen, and traced back through a series of Hunnish (apparently Turkish) names to a sacred ancestor called Cham. After the Hungarian kings had become Christians, the priests ... retained the pagan genealogy but struck out the C in Cham's name, called him Ham and equated him with the Biblical character of that name."

As in Ireland and Scotland, nearly all the Welsh saints and indeed most of the early Christian priesthood in Wales belonged to dynastic houses. It seems unlikely, therefore, that the Cymry were any exception to the general rule among Celtic and Teutonic peoples, that royal blood was sacred blood (from pagan times).

(5) Chadwick, ibid., p. 148. Dr. A.O. Anderson, i. p. 12n, suggests that two generations may have been omitted from the genealogy of Cunedda's descendants, since he is usually supposed to have died in 389, but the Irish coins (according to Professor Chadwick) seem to indicate that the Irish were still occupying Wales c. 400, and it therefore seems likely that Cunedda fl. 450 as the generations in his descendants' genealogies would confirm.

(6) Stokvis, "Manuel d'Histoire et de Généalogie", ii. pp. 206-207, 218-220, who refers to the Journal of the Archaeological Institute of Great Britain and Ireland, xvi (1859) pp. 105-131, and to Guest, "Origines Celticae", ii pp. 242-272. He relates to the office of dux Britanniarum the various holders of the exceptional style of gwledig or "Guletic", apparently denoting some supreme military command, when they appear in Scotland

(Cumbria): individual gwledigs founded dynasties there and in Wales (Cambria). Among the collateral ancestors of the dynasty that eventually settled in Dumnonia (but before their retreat into the West) was a Constantinus or Cystennyn gwledig, whom Stokvis relates to the office of comes litoris saxonici. This family eventually settled in Dumnonia, the kingdom of the Cymry in Devon and Cornwall, which survived in some form until the drowning of King Dwrngordd in 875, and even later.

But the arguments connecting the mid-5th century gwledigs of the Cymry with the 4th and early 5th century military commanders of the Romanised Britons are far from conclusive, and the Cymry do not appear in general to have retained Roman systems either in law or custom. During the period 55 BC - 43 AD, Britain was a land of multiple kingdoms, and after 410/428 the aristocratic Cymry re-emerge with their Celtic customs and multiple kingdoms (ever-increasing by subdivision among sons): though the genealogies of the post-Roman dynasties cannot (at any rate so far) be connected with those of the pre-Roman dynasties.

(7) From "Manau", which Professor Chadwick (p.147) suggests may possibly have been Lothian.

(8) This was the Welsh kingdom that survived longest, and produced the thirteenth century Princes of Wales. There was a paramountcy within each dynasty of the Cymry, and on each paramount's death the Edling (see note 40 below) became paramount king, while his brothers became kings within the main kingdom. But the paramount king could not always maintain his hegemony. Thus a younger son of Cunedda founded the royal house of Ceredigion, where his line became completely independent of the Kings of Gwynedd (the senior line of Cunedda's house) and remained so until, many centuries later, an heiress brought Ceredigion back to Gwynedd through marriage. At least eight separate dynasties were founded in this way by cadets of the house of Cunedda. In this, the Welsh closely resembled the Norse (see chapter on Succession among the Northmen).

(9) The old Welsh laws contain many references to the special position of the King of Aberffraw, by which they mean the paramount king of the royal house of Gwynedd; but it is only comparatively late that Aberffraw became the main seat, and that the laws could lay down within the kingdoms of the house of Gwynedd that, in paying honour-price for an insult, "Gold is paid only to the king of Aberffraw" (see "Ancient Laws & Institutes of Wales", hereinafter referred to as A.L.W., p.3; Venedotian Code, Book i, cap. ii, 3).

After the downfall of Romanised Britain, and its gradual loss to invading Teutons, the rival dynasties established among the Cymry appear to have recognised no paramountcy outside their own families: see Brut y Tywysogion (Chronicle of the Princes), Rolls Series, ed. Iolo ab I. Williams. However, the memory of several Roman Emperors of Britain (who had resided in the island) remained familiar to the literary tradition of the learned monks, and the title of Caesar or Augustus "of all Britain" was assumed by several Anglo-Saxon bretwaldas. Although it did not at first have any definite political significance, the English sovereigns came to assert an imperial claim to paramountcy in Britain, and to back it with force. In 1063, for example, Earl Harold campaigned in Wales and King Gruffydd was slain, whereupon Harold (in the name of Edward the Confessor) granted Gwynedd to the brothers Bleddyn and Rhiwallon ap Cynfyn, to hold under King Edward. So, doubtless, it came about that the old Welsh laws could tell us that the King of Aberffraw owed "his own royal tribute to the king of London, when he shall receive his land from him" (A.L.W. p. 114: Venedotian Code, Book iii, cap. i, 24). C.f. the reference by Robert Bruce the Competitor in 1291 to King Edward I as "son Sovereyn Seigneur e son Empreur" (Palgrave "Documents and Records illustrating the History of Scotland", i. p.29) which, however, was certainly not intended to admit political authority.

But, like the Scots, the Welsh struggled to repudiate any claims to political supremacy by the Kings of England. The wider Christian tradition appears in the late MSS. of the old Welsh laws: King Howel the Good is said to have consulted a Welsh "doctor in the law of the emperor and in the law of the church", and to have gone to Rome to make sure of papal approval for his collection of laws (A.L.W. p. 166), while they say that he was careful to "guard against doing anything in opposition to the law of the church, or the law of the emperor" (A.L.W. p. 165: Dimetian Code, Preface).

(10) There was also the royal house of Dyfed, who were however of Irish origin.

(11) See maps at pp.208-209 and p.220 of Professor Jackson's "Language and History in Early Britain". See also Mary Salmon, "A Source Book of Welsh History" (1927). The Cymry called their lost territory the land of Lloegyr.

(12) Social anthropologists interested in royal ritual may possibly find some comparison between the well-known legend of King Cnut, and the account in the old Welsh laws of King Maelgwn's inauguration test: "After the taking of the crown and sceptre of London from the nation of the Cymry, and their expulsion from Lloegyr, they instituted an enquiry to see who of them should be supreme king. The place they appointed was on the Maelgwn sand at Aber Dyvi; and thereto came the men of Gwynedd, the men of Powys, the men of South Wales, of Reinwg, of Morganwg, and of Seisyllwg. And there Maeldav, the elder, the son of Ynhwch Unachen, chief of Moel Esgidion in Meirionydd, placed a chair composed of waxed wings under Maelgwn: so that when the tide flowed, no one was able to remain except Maelgwn, because of his chair. And by that means Maelgwn became supreme king, with Aberffraw for his principal court; and the earl of Mathraval, and the earl of Dinevwr, and the earl of Caerllion subject to him; and his word paramount over all ..." (A.L.W., pp.412-413: old Welsh laws, Book v. cap. ii, 1).

Major Francis Jones points out that this story is quite unhistorical, and that Maelgwn's capital was Degamwy and not Aberffraw. It is doubtless a typical mediaval "trick-tale" (see S. Thompson, "The Folk Tale", New York, 1951), but such tales often embody recollections of pagan sacral ritual (see Lord Raglan's "The Hero") and strange tests appear to have formed part of the inaugural rites of the pagan high-kings of Ireland (see Macalister "Tara").

Since the style of jarl appears to have been applied among the Norsemen to various relations, in the male or female line, of royal houses (and especially to former local dynasts subjugated by Harold Fairhair), while the style of earl appears to have been applied to similar cases in Scotland (as for instance in twelfth century Moray, where the ruling house are called either kings or earls), it is interesting to note that in this late Welsh MS the word "earl" (iarll) is used retrospectively to denote "local king". Mathraval, Dynevor and Caerleon were the seats of the local kings of Powys, Deheubarth and Gwent, as Aberffraw was latterly the seat of the king of Gwynedd. See also A.L.W. p. 687. In fact, however, the style of "earl" was never applied by the Welsh to their local kings and princes: it represents an interesting anachronism by the Welsh writer of the MS.

According to Skene ("Picts & Scots", p.121), Lloygyr was the land from Humber to Severn, and he tells us that the Welsh "Bruts" define Alban as all Britain north of Humber, a boundary the twelfth century Kings of Scots would have been very willing to accept.

(13) See chapter on Succession among the Picts, notes 1, 2. Regal female progresses through Wales were of great importance (see A.L.W., p. 698), and galanas or blood-money was due among the Welsh to the dead man's mother's kin as well as his father's kin (A.L.W. pp.109, 398).

(14) See note 4 above.

(15) For a legendary instance of this, see the Venedotian Code, Book ii, cap. xvii, 1: "Before this, and before the crown of London, and the supremacy of this island, were seized by the Saxons, Dyfnwal moel mud, son of Clydno, was king over this island, who was son to the earl of Cernyw" (Cornwall) "by a daughter of the king of Iloegyr" (South Britain). "And after the male line of succession to the kingdom was become extinct, he obtained it by the distaff, on account of his being grandson to the king" (A.L.W. p.89). This account is quite unhistorical, but it illustrates the point that Welshmen, in the days when they still had their own laws, found nothing incongruous about succession to the throne through the female line, in certain circumstances.

(16) See table at note 38 below. Howel Dda became king of Seissyllwg (i.e. Ceredigion and Ystrad Tywri, in South Wales) by descent from Rhodri Mawr, on the death of his brother Clydog in 920. He became king of Dyfed by his marriage to Eleu, heiress of the Irish dynasty of Dyfed. When his cousin Idwal (king of Gwynedd and Powys) was slain by the English in 942, Howel drove out Idwal's sons and became king of Gwynedd and Powys as well. He was thus a great king among the Cymry (a) by agnatic male descent, (b) by marriage to a royal heiress and (c) by conquest.

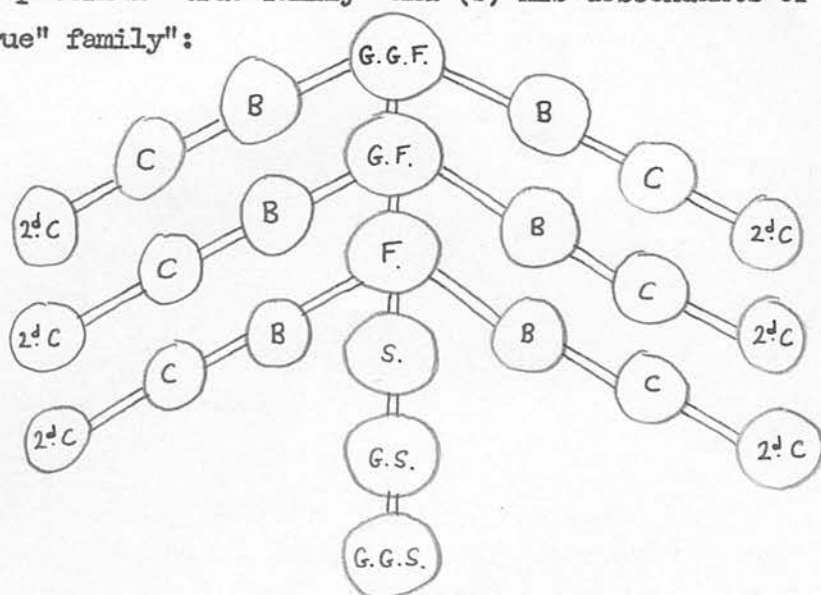
(17) See chapter on Succession among the Gaels, note 22: the derbfine.

(18) Old Welsh Laws, Book xi, cap. i, 6: "The ancestors of a person are, a father, a grandfather, and a great grandfather. Co-inheritors are, brothers, cousins, and second cousins" (A.L.W. p. 590). Again, Book xi, cap. v, 56, 57: "If a possessor of land die, the nearest relative to the dead in grade of kindred, within the three grades of kindred on the side of his ancestors, shall have that land. If a possessor of land die, without an heir of his body, or co-heir within the degree of cousin; the king is heir to that land. Second cousins have the land of the nephew, and the nephew has the land of the uncle who may die without an heir

of his body: and a cousin has not the land of another cousin, by law, unless it had been unshared between him and the dead, and for such the law is not extinct until the ninth man: and thence they are not of kindred, the proprietary being extinct" (A.L.W. p. 617). The Gwentian Code, Book ii, cap. xxx, 28: "Three times is land to be shared between kin; primarily among brothers; afterwards among cousins; and the third time among second cousins: thence onward there is no appropriate sharing of land" (A.L.W. p. 370). In fact, a man's land was divided among his sons after his death, and after their deaths among his grandsons, and finally among his great-grandsons; but after that the divisions formed separate estates in the new "true families" founded by each of his sons - and so on, generation after generation. In a division among sons, the eldest son had the first choice of land, but the youngest son (the last to set up house) kept their paternal homestead. The Gwentian Code, Book ii, cap xxxi, : "When brothers shall share their patrimony among them, the youngest brother is to possess the principal homestead, with the nearest eight erws" (ploughlands); "with all his father's stock, the boiler, the fuel hatchet, and the coulter; since a father cannot give them, nor devise them, but to the youngest son; and, although they be pledged, they never lapse; then let every brother take a homestead, with eight erws: it belongs to the youngest son to share the land; and from the eldest to eldest they chose" (A.L.W. p. 371).

The Dimetian Code, Book ii, cap. xxiii, 2: "Three times shall the same patrimony be shared between three grades of a kindred: first, between brothers; the second time, between cousins; the third time, between second cousins: after that there is no appropriate share of land" (A.L.W. p. 266). Ibid., 5: "After brothers shall have shared their patrimony between them, if one of them die, without leaving an heir of his body, or co-heir, to a third cousin, the king is to be the heir to that land" (A.L.W. p. 267). Ibid., 19: "... whosoever shall not have any issue of his body, his co-inheritors, within the three degrees of kin from the stock, are to be his heirs" (A.L.W. p. 269).

The old Welsh Laws, Book xi, cap. iv, 29, give a diagram (reminiscent of the Irish "hand") of a man with (a) his paternal "true family" and (b) his descendants of his own "true" family":



"The above figure guides a person to understand the arrangement and connexion existing between him and his ancestors, and his co-inheritors, and his children. For the ancestors of a person are, his father, and his grandfather, and his great-grandfather; the co-inheritors are, brothers, and cousins, and second cousins; the heirs of a person are, those who proceed from his body, as a son, and a grandson, and a great grandson. And if a person be skilful in the use of the figure described above, when a person descended from any one of the three kins of the body of the original stock shall die without heir to his body, he will know who is to obtain the land of such a one, according to law. ... " (A.L.W. p.605).

As with the udal law of the Norse, a family became full proprietors of their land after occupation for four generations, i.e. the period of a "true family" (see chapter on Succession among the Northmen, note 9). The Gwentian Code, Book ii, cap. xxx,9: "In the fourth degree a person becomes a proprietor: his father, his grandfather, his great grandfather, and himself the fourth" (A.L.W. p.368). Like Norse udal lands, such family land was inalienable within certain limits. The

Dimetian Code, Book ii, cap. xxiii, 20: "No one, by law, can guarantee land to another, in opposition to the heirs, except for their common benefit, or by their accordance, or from lawful necessity, nor grant any part of it for a time, without an appointed period, so that the heirs may redeem it, if given for a valuable consideration, or from necessity; and that it be not charged with more than two thirds of its worth; and, if it be not so settled, the heir may recover it whenever he shall claim it, if he can lawfully answer for it" (A.L.W. p.269). Foreign families became naturalised Cymry after four generations as the men of Welsh lords (A.L.W. p.435), and became full proprietors of their land after holding it for four generations (A.L.W. p.431). See also note 31 below.

(19) Old Welsh Laws, Book vii, cap. i, 24, and Book iv, cap. i, 32: quoted in main text below. See also A.L.W. pp. 533-534. The Venedotian Code, Book ii, cap. i, 59, says: "If a Welsh female be given to a foreigner, and they have male children, the children are entitled to inheritance by maternity; but they are not to have a share of the privileged farm, until the third generation; excepting the son of a foreign chieftain; and he is to have a share of the whole without delay" (A.L.W. p.46). Provisions regarding the chiefship of the kindred in such a case, shew that these hybrids were regarded as having become members of their mother's kindred. See also the Dimetian Code, Book iii, cap. iii, 26: "Is there any case wherein a son is, by law, to be lord over his father? There is: if a noble should give his daughter to his own foreign man, and they have male children; and afterwards the noble die, and the sons of the foreigner obtain the land of their grandfather by maternity; such will be lords over their father" (A.L.W. p.297).

(20) The Dimetian Code, Book ii, cap. xxiii, 7: "If an owner of land have no other heir than a daughter, the daughter is to be heiress to the whole land" (A.L.W. p.267). But such an heir could not claim through anybody more distant than his maternal great-grandmother. The Gwentian Code, Book ii, cap. xxxi, 24: "Whoever

"shall seek to obtain possession of land by kin and descent, if he recur to the distaff more than three times, in tracing his kin, his claim becomes null" (A.L.W. p.370).

(21) Old Welsh Laws, Book xiii, cap. ii, 126 (A.L.W. p.659). Of course it is not suggested that a chief of kindred (any more than a highland chief) was a king in historical times: but, as is suggested in the chapter on Heirs at Law to Baronies, chiefs seem to have been dynasts in origin, and their ritual background should be considered from that point of view. There is perhaps as much difference between a great modern king like the King of Great Britain, and a small ancient king like the King of Powys, as there is between an ancient king and a mediaeval chief: yet all seem to be of dynastic origin. In this connection, it may possibly be worth comparing the Seven Earls of Scotland with the Seven Elders who supported the chief of each Welsh kindred (A.L.W. p.662).

(22) Old Welsh Laws, Book, xiii, cap. ii, 169 (A.L.W. p.664).

(23) Old Welsh Laws, Book xiii, cap. ii, 133 (A.L.W. p.659).

(24) Dymetian Code, Book ii, cap. xxiii, 54 (A.L.W. p.273).

(25) A.L.W. passim. See also note 29 below.

(26) Gwentian Code, Book ii, cap. xl, 10 (A.L.W. p.386).

(27) Old Welsh Laws, Book, xiii, cap. ii, 88 (A.L.W. p.652).

Professor MacNeill, "Celtic Ireland", pp. 171-172, shews that "nine persons" in the Irish law relating to the derbfine must be interpreted as nine legal personae denoting the nine forms of kinship within the "true family". A.L.W., Glossary, at p.1003, gives: "PEN-CENEDL (pen-cenedl) head of a clan - The chief of the senior family of the clan".

(28) Old Welsh Laws, Book xiii, cap. ii, 165 (A.L.W. p.663). The marriage qualification is a very ancient requirement of kingship: see chapter on Succession among the Gaels, note 51.

(29) Venedotian Code, Book ii, cap. xviii, 9 (A.L.W. p. 92).

The immediately following Welsh laws in the Venedotian Code may be of interest to the student of chiefship and the clan system in Scotland: ibid., cap. xix: "OF THE SERVICE OF A CHIEF OF A KINDRED, AND HIS PRIVILEGE AND HIS DUE, THIS IS. 1. A chief of a kindred is to have twenty-four pence from every man who shall will a kinswoman to him; for she herself shall pay her amobyrr" (equivalent to our merchets of women). "2. And he is to have twenty-four pence from every youth that he shall admit to his kindred" (kenedyl). "3. And he is to act in concert with his kinsman and kinswoman in every circumstance." (A.L.W. p.92).

(30) Dimetian Code, Book ii, cap. xxiii, 34 (A.L.W. p.271).

(31) Old Welsh Laws, Book v, cap. ii, 123 (A.L.W. p.431).

See also notes 18 and 19 above.

(32) Old Welsh Laws, Book vii, cap. i, 24 (A.L.W. p.458).

(33) These freeborn gentlemen, whether large landowners or simple pedlars, were known as bonheddig (literally, a "man of pedigree"), for blood, and not wealth, was what counted: and there was also a feeling that all were ultimately related, "since there is only one country and one kindred in Cymru collectively" (A.L.W. p.664). As might be expected, some of these bonheddig families are traced back to legendary ancestors who seem to have been of pagan sacral origin: "... the Christian scribes were not always successful and traces of pagan mythology, of the divine kings, and the great figures of the Heroic Age, have survived. The reference in the pedigrees in Jesus College MS 20 to Gwgawn the Whelp of Menrud 'who was for a year with a snake around his neck', is clearly of very early origin, and an echo of it is found later in the onomastic legend associated with Moreiddig of the White Neck (ancestor of the Vaughans of Breconshire). Pre-Christian elements are discernible in the lives of Pwyll Lord of Dyfed, Urien Rheged, Gwineu of the Two Dreams, and several other early eponymoi. Gwen of the Three Breasts and Tegau the Golden Breasted who appear in early pedigrees, are believed to represent the many-breasted deities of Celtic paganism" (Francis Jones, "Welsh Pedigrees",

printed in Burke's Landed Gentry, 1952 ed.). These bonheddig kindred may perhaps be compared with the Scottish true highland clansmen, cadets of the chiefly families, who regarded themselves as entitled to a share in their ancestral patrimony, and however poor remembered their gentle birth, tracing their lineage (not always very demonstrably) from the local dynasts of mediaeval and ancient times: the scions of the pagan sacral royal houses. The Scottish true clansmen were the actual members (in the male or female line) of the chief's own stock, not at all the same thing as the whole dependants of a chief (although in time these too came to be called his clan in rather the same sense as the old familia: i.e. a noble landowner with his kindred, household, and dependant following). A similar process can be seen continuing throughout Welsh history, for a number of Welsh noble (uchelwyr) families were male-line descendants of the ruling dynasties in historic times.

(34) Old Welsh Laws, Book iv, cap. i, 32 (A.L.W. p.394).  
See also note 19 above.

(35) Old Welsh Laws, Book xiii, cap. ii, 244 (A.L.W. p.676):  
"Three ... upon whom it is not right to impose office : a woman;  
a bard; and one having no lands ... over a woman there is a husband,  
with the privilege of proprietary lord over her". Note also that  
as among the Scots, so among the Welsh, a landless chief was  
unthinkable.

(36) Letter from Major Francis Jones, 4 March, 1958. For  
the division of kingship among sons, see the chapter on Succession  
among the Northmen, also the appendix on the Single Heir.

(37) Similarly, there was a single heir to the principal  
kingship in each of the local kingdoms, such as Deheubarth and Powys.  
The Dimetian Code, Book ii, cap. viii, 9, tells us that: "The three  
indispensables of the king are: his priest, to say mass, and to bless  
his meat and drink; his judge of the palace, to decide causes, and  
to give counsel; and his household troops, to execute his commands"  
(A.L.W. p. 213). Compare the present writer's division of the

essential functions of royalty into The King as Priest, The King as Governor, and The King as Father, in "Blood Royal". In view of the importance of Great Officers of the Royal Household elsewhere (see chapter on Succession among the Picts, note 30), and the suggestion that all the Prince-Electors of the Holy Roman Empire (each of whom had to hold a great office in the Imperial Household) were female-line descendants of Charlemagne, it may be worth noting that at the Court of Aberffraw "the chief of the household troops is to be a son of the king, or his nephew, or one of rank competent to become a chief of the household troops. An uchelwr" (ordinary nobleman) "cannot become a chief of the household troops ..."  
 ("Venedotian Code, Book i, cap. vii, l: A.L.W. p.6). See also A.L.W. p.174.

The word here translated "household troops" is teulu: a corps d'elite composed of aristocratic youths trained and led by a member of the royal family. There were usually 30 to 150 young nobles forming a king's teulu: and they were intensely loyal, never retiring from a battle as long as their king was alive. The Welsh teulu may be compared with the Teutonic comitatus: in the Anglo-Saxon company of gesiths, the Norse hird and the Rurikid druzina.

Although there was a single heir to paramountcies, the royal family ("the supreme kindred", "the paramount kindred") still exercised considerable control: "Three things that ought not to be accomplished but with the accordance of country and federate country and the supreme kindred: altering the law of the king: dethroning the king; and disseminating new sciences and new regulations in a session of bards ... A paramount king is a king, or prince, who has the oldest title of possession of the kings of a federate country" (old Welsh Laws, Book xiii, cap. ii, 63: A.L.W. pp. 643-644).

(38) The following genealogy shews the sequence of the paramount kings within the royal dynasty of Gwynedd. Different coloured underlines indicate relationship through females. Dates are only approximate. Younger sons are often omitted, as are daughters.

### SUCCESSION TO THE THRONE OF GWYNEDD.

King COEL Hen ("the Old"), 4th century (descended from the sacred family of Beli Mawr).

King CENEU.

Princess GWAWL married EDEYERN ap Padarn Beisrudd (i.e. AETERNUS son of Paternus "Red Coat").

King MERCHIAUN (i.e. MARCIANUS, probably named after the contemporary Emperor, 450-457), ancestor of

(1) CUNEDDA, the gwledig, established the kingdom of Gwynedd (his sons founded separate dynasties between the Dee estuary and the Teifi, on the north and west coast of Wales).

(2) EINAWN, 5th century.

(3) KATWALLAWN I, c. 500.

(4) MAELGWN, died 547.

(5) RUN, died c. 586. BRUIDE, King of Picts, died c. 584.

(6) BELI, died c. 599.

(7) IAGO I, died c. 613.

(8) CATVAN, died 617.

(9) KATWALLAWN, killed 634.

(10) KATWALADYR the Blessed, died 664.

(12) IDWALLAWN, died c. 712.

(13) RHODRI I, Maelwynawc, died c. 754.

(14) KYNON Tindaethwy, died c. 817.

(15) MERFYN Frych married Princess ESYLHT, heiress of Gwynedd. (a king from Man) died c. 845.

(16) RHODRI II Mawr ("the Great"), slain 878.

(17) ANARAWD, died 916.

CADELL, King of Seisyllwg, died c. 909. 8 other sons, all kings.

(18) IDWAL Foel, King ELISSE, (19) HOWEL Dda ("the Good"), died 950. slain 942.

(20) IAGO II, (20a) IDWAL King MEURUC, died c. 979. alias IEUAF, slain c. 988. CYSTENNIN.

Princess OWEN, died 988.

(23) MEREDYDD, died 999.

4 other sons, all kings from whom the royal houses of Gwent, Dyfed, Cardigan &c.)

(21) HWEL, (22) CADWALLON d. 985. ||

(24) IDWAL, slain 996.

(27) LLEW-ELYN, md. 1. Princess CYNFYN ap ANGHARAD Gwerystan.

(25) CYNAN, d. 1005. (28) IAGO III, slain 1039. CYNAN.

died 1023. ||

(29) GRUFFYDD, slain 1063. ||

(30) BLEDDYN, King slain 1075. RHIWALLO slain 1070.

(32) GRUFFYDD, killed 1137. ||

Princess NEST, heiress of the Barls of Hereford.

(33) OWEN Gwynedd, d. 1170.

ancestors of the Princes of Powys and of Queen Matilda (the last Welsh rising in 1462-15).

(34) HOWEL, d. 1170. IORWERTH Drwyndwn.

(35) DAVID, d. 1203. CYNAN, d. 1173 (ancestors of Madoc ap Llewelyn who led the Welsh rising 1294).

(36) LLEWELYN the Great, d. 1240. ||

(37) DAVID II, GRUFFYDD, d. 1244. ||

Princess GWLADYS Ddu, ancestress of the Mortimer earls of the Welsh March (and the Yorkist kings of England). 4 other daughters (two of whom left issue).

(38) OWEN Goch, overthrown by his brother 1255.

(39) LLEWELYN III, conquered and slain 1282 by King Edward I of England (who made his own son, Prince of Wales in 1301. Wales was united with England by statute in 1535).

Prince DAVID executed 1283. Princess RHODRI, granted a pension in England 1292. Princess GWLADYS married RHYS ap Rhys and left issue.

NOTE: the usurpers

(11) IFOR ap Alan, d. c. 690; (26) AEDAN ap Blegywrd, slain 1018; (31) TRAHAERN ap Caradoc; slain 1081; are omitted. From 1005 to 1081, the throne of Gwynedd was held by force.

GRUFFYD. THOMAS, of Tatsfield in Surrey, d. 1363. OWEN "of the Red Hand" (called Owain de Galles by Froissart) murdered in France 1378 by a Scotsman.

ANGHARAD, who left issue. OWEN "of the Red Hand" (called Owain de Galles by Froissart) murdered in France 1378 by a Scotsman.

- (39) Edling is from Aetheling (A.L.W., Glossary, p.999). Aethel means noble in the sense of royal (as did originally German adel, another illustration of the point that nobility is simply kinship, real or ritual, to royalty); with the suffix -ing, denoting a son or descendant, Aetheling is literally "royal son". C.f. the probable origin of the word "king" (chapter on Succession among the Northmen, note 13).
- (40) Between the fifth and ninth centuries, fourteen kings apparently succeeded from father to son without interruption. See table at note 38 above.
- (41) See note 15 above. In historic times, there were several examples of such a succession, for some of which see table at note 38 above. Rhodri Mawr (killed 878) inherited the throne of Gwynedd through his mother. Merfyn Frych (died c. 844) King of Gwynedd in right of his wife. In these cases the remoter agnatic males of the royal house were not extinct (indeed, they continue today in such Welshmen as Clough Williams-Ellis), only the males of the immediate "true family" of the kingly house.
- (42) Venedotian Code, Book i, cap. v, 1, 2, 5 (A.L.W. p.4).
- (43) Gwentian Code, Book i, cap. v, 1, 2 (A.L.W. p.306).
- (44) Dimetian Code, Book i, cap. v, 1, 3, 4 (A.L.W. p. 169).
- (45) Old Welsh Laws, Book ix, cap. xxxix, 2 (A.L.W. p.543).
- (46) Old Welsh Laws, Book xiv, cap. xxxi, 1 (A.L.W. p.739).
- (47) For classificatory system, see chapter on Succession among the Picts.
- (48) Old Welsh Laws, Book xiv, cap. iii, 15 (A.L.W. p.684). Although the Cymry were Christianised during the Roman period, and do not seem to have retained any pagan custom of predecessor-slashing, fosterage continued among them up to a comparatively late period, and is noticed in several of their old laws. See, for instance, A.L.W. pp. 393, 541, 588, 584, 715. If the youths whom King Gruffydd ap Llewelyn slew ("Source Book of Welsh History" p. 46) were princes of the Blood Royal, it might

conceivably indicate some trace of the pagan custom (perhaps from outside Wales).

(49) For this rule of law, see notes 20 and 35 above. For instances of the actual practice of succession to the throne by husbands or sons of heiress-princesses, see note 41 above.

(50) Professor H.M. Chadwick, chapter on "The British Kingdoms", in his "Early Scotland" (1949) p. 146.

(51) ibid., p. 142.

(52) ibid., p. 142.

(53) See notes 3 and 38 above.

(54) Skene, "Picts & Scots", pp. xcv, 15-16, A.O. Anderson, i. p. clvii. See also Y Cymmrodor, vol. ix pp. 172-173; and Sir John Rhys, "Celtic Britain",

(55) See table at note 38 above.

(56) Sir John Rhys, "Celtic Britain". A.O. Anderson, i. pp. 444-445.

(57) Skene, "Celtic Scotland", i. p.160n. It is evident from the content of his note, and from the dating of the generations, that Aidan was Dyfnwal's great-grandson (not grandson), presumably through his maternal grandmother. See also A.O. Anderson, i. p.13. Chadwick, "Early Scotland", p. 152, points out of King Aidan mac Gabhran that "This king's ambitious scheme of conquest against the Picts and the English can hardly have been undertaken without British support. And he himself personally must have been under British influence. For he called one of his sons Arthur; and other British names, e.g. Rigullan and Morgan, were current in the royal family in his time, or shortly after". According to Welsh tradition, Aidan mac Gabhran was at the battle of Ardderyd.

(58) So far as it is known to us from the Welsh sources examined above.

(59) The new king, Domhnall (Dyfnwal) mac Aed, was son of the Picto-Scottish king Aed (son of Kenneth mac Alpin), and there are good reasons for supposing Aed's mother and both Aed's grandmothers to

have been Pictish princesses (though it is just possible that Aed's maternal grandfather was a King of Strathclyde married to a Pictish princess). See chapter on Succession among the Picts, note 39.

A study of the relationships of this new Cumbrian king, Domhnall (Dyfnwal) mac Aed's kinsman St. Catroe (see A.O. Anderson, i. 441: "the form of the name is probably Welsh", *ibid.* i. 432n) and of St. Catroe's cousin Bean ("Beoan from Britain", *ibid.* i. 433n) might possibly throw light on the family background of King Domhnall's mother. Domhnall was presumably chosen as King of Cumbria in preference to his brother, King Constantine of Alba, in order to prevent the two realms from becoming merged. On the other hand, there is of course the possibility that Domhnall mac Aed became King of Cumbria in right of his wife, just as Merfyn Frych from Man became King of Gwynedd in right of his wife: though such husbands seem usually to have been related to the royal house already.

(60) They were at the battle of Carham together, as allies, shortly before King Owen's death.

(61) It is based on A.O. Anderson, "Early Sources of Scottish History", A.O. Anderson, "Scottish Annals from English Chroniclers", W.F. Skene, "Chronicles of the Picts and Scots", W.F. Skene, "Celtic Scotland", Sir John Rhys, "Celtic Britain", and Rev. John Anderson, "Dunbar, Earl of Dunbar", (in Scots Peerage, vol. iii).

Stokvis, op. cit., p. 225, gives a list of these kings, and includes "Anderach" (?Anarawt) mac Domhnall, whom he makes succeed in 976, but the writer has so far been unable to identify this king elsewhere.

CHAPTER 5.

THE BEORNICIAN SUCCESSION.

THE BEORNICIAN SUCCESSION.

Beornicia was the country from Tyne to Forth, whose ruling house were Angles. Until the 9th century it formed part of the greater kingdom of Northumbria, that extended as far south as the Humber. Its original royal house were Woden-born Scyldings akin to the royal house of Wessex (see the collation of its traditional genealogies by Professor H.M. Chadwick, "The Origin of the English Nation", pp. 56 et seq.). A.M.H.J. Stokvis, "Manuel d'Histoire et de Généalogie" (Leyden 1889), vol. ii pp. 211-212, gives a reconstruction of the sequence-pattern of the dynasty, from which it would appear that the Beornician kingship was limited to the male line of the old pagan sacral royal house of Ida: although Scandinavian comparisons would suggest that in this case the ealdormen might be drawn from the female line relations as well as the agnates of the dynasty<sup>(1)</sup>. But it is equally possible that in fact they followed the principle, found also among the Welsh<sup>(2)</sup>, whereby succession passed through the female line on the failure of all males (of suitable age) within certain limits, for when distant agnates (e.g. King Ceonred) succeeded in preference to near males (e.g. King Osric II) who were possibly not of age, it would be necessary to know what their female-line kinship was, before it could be certain that agnation was an essential qualification<sup>(3)</sup>. And there is reason to believe that the Scylding kings of Wessex inherited Kent through an heiress, although the remoter male-line of the Kentish dynasty was not extinct<sup>(4)</sup>. However, it is not so much the early kingdom of Northumbria, as the later earldom of Beornicia, that might be expected to have had some possible influence on the origins and background of the Scottish laws of succession.

For, after a series of wars with Scandinavian invaders, only Beornicia remained in the possession of the Christian Angles and "the chief power north of the Tyne came into the hands of a certain Eadulf of Bamburgh, who did not take the kingly title, but accepted the overlordship of Alfred the Great perhaps in 886"<sup>(5)</sup>. Eadulf's line continued to rule Beornicia under the kings of England, whether as high reeves or ealdormen, or as earls. After the battle of Carham in 1018, the Picto-Scottish kings

(who may possibly have had a female-line descent from Eadulf, though evidence is lacking) annexed Beornicia north of the Tweed. The southern or English part of Beornicia (Tyne to Tweed) eventually became the district of Northumberland, while the northern or Picto-Scottish part of Beornicia (Tweed to Forth) eventually became known as Lothian, the earldom of Dunbar or the March. With certain exceptions, the descendants of Eadulf held the earldom of Northumberland (English Beornicia) until 1157, and the earldom of Dunbar (Scottish Beornicia) until 1434. It may be noted that, although the administration of Beornician territory was normally in the hands of descendants of Eadulf, they were chosen from both the male and the female line. Nor is there any evidence to shew whether any principle of succession, other than fitness within the family, prevailed at certain periods: although it is of course possible that the eldest-born descendant of Eadulf at any given moment had some preference in the selection.

The following tabular pedigree illustrates the sequence of ritual and political rulers of Beornicia of the house of Eadulf<sup>(6)</sup>. Three of its links are based on strong probabilities<sup>(7)</sup> and are inserted only for historical interest, since they are not vital to the actual succession.

THE HOUSE OF BAMBURGH:  
RULERS OF BEORNICIA.

(1) EADWULF, ruler of Beornicia, held Bamburgh c. 870-912.

(2) EADRED, ruler of Beornicia, held Bamburgh from 912.

(3) OSWULF, ruler of Beornicia, comes of all NORTHUMBRIA, held Bamburgh until 965.

(5) WALTNEOF, comes of Beornicia, held Bamburgh 975-1005 [ (4) EADWULF YVELCILD was comes 965-975 ].

(6) UCHTRED, ruler of Beornicia, comes of all NORTHUMBRIA, held Bamburgh 1006-1016.

(7) EADWULF CUDEL, comes of Beornicia, held Bamburgh 1016-1018 [he was defeated in 1018 by the King of Scots, who annexed Lothian, i.e. Beornicia north of Tweed].

(8) EADRED, comes of Northumberland [i.e. English Beornicia, from Tyne to Tweed] held Bamburgh 1018-1038.

(9) EADWULF, comes of Northumberland, held Bamburgh 1038-1041.

GOSPATRICK (in whose time King Harold's brother (11) Tostig was comes of all Northumbria 1055-1065).

EALDGYTH

MALDRED (brother of Duncan I, King of Scots, & grandson of the conqueror of Scottish Beornicia).

ELFLAED = (10) SIWARD, comes of all NORTHUMBRIA, held Bamburgh 1041-55 [of the Danish House of the White Bear].

EALDGYTH = LIGULF, the Northumbrian Regn (murdered 1080, and avenged by Eadwulf Rus).

(12<sup>o</sup>) OSWULF, comes of Northumberland, held Bamburgh 1065-67 (ruled English Beornicia under the Earl of Meercia's brother (12<sup>o</sup>) Meercat, who was comes of all Northumbria 1065-1067).

UCHTRED.

EADWULF <sup>Rus</sup> (avenged Ligulf by slaying (15) Walcher, Bishop of Durham, who held Northumberland 1076-1080).

(13) GOSPATRICK comes of Northumberland [English Beornicia] held Bamburgh 1067-1072; fled to Scotland & was appointed comes of Scottish Beornicia, where he held Dunbar.

MALDRED held Winton c. 1084.

UCHTRED d. before 1120/9.

DOLFIN, of Raby 1131.

(14) WALTNEOF, comes of Northumberland, held Bamburgh 1072-1076.

MAUD of Northumberland = DAVID I, King of Scots, d. 1153.

(19) EUSTACE fits John, of Alnwick, castellan of Bamburgh until 1135.

(17) LIGULF, vicecomes of the Northumbrians, held Bamburgh (after the forfeiture of (16) Robert de Mowbray, comes of Northumberland 1081-95) until c. 1118, and also held Swinton in Scottish Beornicia before 1098.

DOLFIN, ruler of Cumberia 1092.

GOSPATRICK, comes of Scottish Beornicia, held Dunbar, d. c. 1138.

WALTNEOF, of Alledale, 1126.

MALDRED, of Raby, d. by 1183.

ROBERT, of Raby, held Winton, d. c. 1242.

(20<sup>o</sup>) HENRY, comes of Northumberland 1139-1152.

MALCOLM V, King of Scots, d. 1165.

(21<sup>o</sup>) WILLIAM THE LYON, comes of Northumberland 1152-1157, afterwards King of Scots, d. 1214.

(22) WILLIAM de Vesci, vicecomes of Northumberland 1157-1169.

(18) UDARD, vicecomes of Northumberland, held Bamburgh and Swinton c. 1118-c. 1132.

GOSPATRICK, comes of Scottish Beornicia [Lothian] d. 1166 (ex quo the Dunbars, who held the March earldom with Dunbar [in Scottish Beornicia] until 1434).

WALTNEOF, held the Queensferry c. 1155. (female line heirs were the Mowbrays of Barnbougle).

GEOFFREY de Nevill, d. 1242.

ROBERT de Nevill, vicecomes of Northumberland 1258, castellan of Bamburgh, d. 1262 (ex quo the historic Nevills, who held Winton & Raby until the forfeiture of the Northern Earls in 1569).

ALEXANDER II, King of Scots, d. 1249, leaving issue.

MARGARET [natural daughter].

EUSTACE de Vesci, of Alnwick, killed 1216.

WILLIAM of Bamburgh, d.s.p. (his lands in 1133 "formed the ancient endowment of the Northumbrian shrievalty").

(20<sup>o</sup>) ADAM, vicecomes of Northumberland (under (20<sup>o</sup>) Henry, "the King Designate" of Scots), d.s.p.

JOHN "the Viscount", living 1168. JOHN "the Viscount", living 1203.

JOHN le Viscount "Percius", d.s.p.m. 1244.

RAMETTA "la Vescountesse".

ERNULF of Swinton c. 1140. GOSPATRICK of Swinton c. 1170 (ex quo Swintons of the Ilk & Lords Elphinstone).

‡ See note 3.

From the point of view of the Scottish laws of succession, the only question of importance in this paper on the legal history of succession to ritual dignities, is whether the Beornician influence that went to the making of King David I's realm could have tended to favour the heir male as opposed to direct succession through females on the failure of nearer males. Whatever the principles, if any, that governed succession to the highest positions in Beornicia, it is quite clear from the foregoing tabular pedigree of the house of Eadwulf that female-line succession was more the rule than the exception. Indeed, the twelfth century Scottish house advanced repeated claims to English Beornicia (Northumberland) on the grounds of their descent in the female line from Earl Waltheof, son of Earl Siward who had in turn married a brotherless daughter of the line of Eadwulf.

NOTES TO CHAPTER ON THE BEORNICIAN SUCCESSION.

- (1) See note 6 below, on Eadwulf of Bamburgh's ancestry; also chapter on Succession among the Northmen, note 26.
- (2) See chapter on Succession among the Cymry, note 16.
- (3) Among the Irish, it seems possible that female kinship could promote a distant agnate before nearer agnatic branches, on the failure of qualified males of the royal "true family". See the case of Florence MacCarthy Mor, cited in the chapter of Succession among the Gaels. Similarly, in the tailzie of the Constabulary of Dundee and Royal Banner Bearing of Scotland, on 2 March 1541/2, the Banner Bearer's near female-line kin but more remote agnates, the Scrymgeours of Sonahard and Kirkton, were advanced before such nearer agnates as the Scrymgeours of Fardill and others (Dudhope Peerage Case, 1952, Print of Documents, pp. 80-84).
- (4) See chapter on Succession among the Northmen, note 30.
- (5) For the house of Bamburgh, see John Hodgson's "History of Northumberland", also the Victoria County History of Northumberland. Eadwulf's death is recorded in "Ethelwerdi Chronicorum", liv. iv: "912 ... obiit Atholf in Northhymbriis oris, qui tum praeerat actori oppidi Bebbanburgh conducti": see Monumenta Historica Britannica, vol i p. 520, also pp. 680-681.
- (6) The ancestry of Eadwulf himself is not known. He must have been of high Beornician birth, to have formed the nucleus of resistance betwixt Tyne and Tweed at such a period. A 14th century transcription (Bib. Cott. Claudius D. vii) gives a pedigree that omits numerous generations and purports to trace Eadwulf from Ecgfrith son of Oswiu (presumably the Beornician kings who reigned c. 642-685). On the other hand Ecgfrith is made grandfather (a chronological impossibility, but presumably "ancestor") of Ella, whose daughter Etheldreda is made Eadwulf's mother. If this was the King Ella (Aelle) who reigned in Northumbria c. 863-868

(who is said to have put Ragnar Lodbrok to death in a snake-pit, and to have perished with a blood-eagle carved on his back by Ragnar's sons), it would account for the prestige of Eadwulf's house in Beornicia, and for his possession of Bamburgh. Simeon of Durham firmly denies King Aelle's royalty: "Northumbrani constituerunt sibi regem non de regia stirpe, vocabulo Ella" (ii. p. 391), "et tyrannum quondam Ella nomine, non de reguli prosapio progenitum, super regni upicem constituerunt" (ii. p. 105), "Ellam, alienigenam regii seminis" (ii. p. 377). But this seems improbable: the kingly dignity was never otherwise assumed by Anglo-Saxons who were not of sacral descent. It seems more likely that Aelle was either as remote a cadet of the Northumbrian royal line, as Harold was of the Wessex dynasty (and that his ancestor had been passed over as a minor after Ecgfrith's death at Nechtansmere, just as Harold's ancestor was passed over as a minor at the accession of Alfred the Great), or that Aelle was only a female-line descendant of Ecgfrith, and thus not reckoned by Symeon's informants to be of the old royal house. The MS. genealogy however is of little value save as a possible indication of the source of Eadwulf's and Ella's position in Beornicia. King Ecgfrith was great-great-grandson of Ida, King of Beornicia 547-559, who is said to have founded Bamburgh.

(7) The identification of Eadwulf, father of the Northumbrian sheriff Ligulf, with Eadwulf Rus, was originally suggested by J.H. Round. See the present writer's footnote in Burke's 'Landed Gentry', 1952 ed. p. 2459: "No other Edulf is known who could have founded an Anglo-Saxon line of hereditary Vicecomites so soon after the Norman Conquest. Liulf, son of Edulf, and the early 12th century Bamburgh family would have had a difficult time in administering turbulent Northumberland had they not belonged to the popular old Bamburgh house, who had already slain three alien administrators. Like Edulf Rus they had interests in Scottish Bernicia, and the bulk of their lands (held in chief of the crown) lay in the heart of Bamburghshire, between the ancient Earls' stronghold and the lands restored to the Earls' Dunbar descendants". The genealogy is discussed in J.H. Round's "Odard the Sheriff", pub. in the GENEALOGIST,

New Series v. p. 25, in George Swinton's "Swintons" (ibid. xv. p. 133), in J.H. Round's and Sir George Sitwell's articles of the same name (ibid. xv. p. 205, xvi. p. 14), and (for the Le Viscount family of Embleton in Bamburghshire) in Edward Bateson's "History of Northumberland", 1895, vol. ii pp. 10 et seq. See also Palgrave, "Collected Works", vol. vii pp. 562-613.

Helias son of Huctred, to whom Waldeve (Waltheof) son of Gospatrick gave Dundas c. 1180, was probably son of the Uchtred son of Gospatrick who witnesses (Melrose Charters) temp. King David I. The lands of Dundas formed a close part of the Dalmeny and Barnbogle inheritance of Waldeve's line as lords of the Queensferry; Helias fitz Uchtred's son was named Gospatrick; and the Dundas arms (Silver a lion Gules) are those of a close cadet of the Dunbar family (whose coat was Gules a lion Silver), since they are differenced only by reversing the same colours. On the other hand, it is just possible that Helias fitz Uchtred was son of Waldeve fitz Gospatrick's sister Gunnild, who married Uchtred, son of Fergus, prince of Galloway (Reg. of the Priory of Wetherhal, 386). The grant of Dundas is printed at p. lv of the Rev. Walter Macleod's "Dundas of Dundas" (1897), where however the lords of the Queensferry are confused with their cousins the earls of Dunbar, for whom see the Rev. John Anderson's article on Dunbar in SCOTS PEERAGE, vol iii.

In this article, the Rev. John Anderson (then Assistant Curator Historical Department, H.M. General Register House) attributes to King Duncan's brother Maldred a younger son, also called Maldred, "who is claimed as the ancestor of ... the Nevills, Earls of Westmorland and Warwick". Since then, the descent of the Nevills from this second Maldred has been established by Sir William Gibson, "The Manor of Winlaton", Archaeologia Aeliana, 4th ser., vol. xxiii, 1945, p. 8 et seq., and by G. Andrews Moriarty, "The Origin of Nevill of Raby", New England Historical & Genealogical Register, vol. cvi, 1952, p. 186 et seq. The name Maldred is almost unknown outside this family, which was certainly of high birth and held estates in both Northumbria and Scotland, as did the Dunbars.

CHAPTER 6.

SUCCESSION AMONG THE NORTHMEN.

SUCCESSION AMONG THE NORTHMEN.

Although the Northmen were not among the dynastic houses whose succession merged to form the realm that became Scotland in the 12th century, their various dynasts and descendants were so closely connected with Scotland during the formative years of her customary law, that it may be worth considering briefly their pattern of succession to ritual dignities, and the background whence these dignities emerged. The Northmen held Man and the Outer Isles until 1266, and an allied dynasty continued to hold the South Isles for two or three centuries more, while another allied dynasty ruled Orkney until the middle of the 15th century. Yet another allied dynasty, settled in Northern France and then in England, was closely inter-married with the Scottish royal house during its formative period, and Anglo-Normans played a great part in the unification of Scotland under one law<sup>(1)</sup>.

1. THE NORSEMEN.

Among the Norse we come perhaps closest in date (in the British Isles) to examples that illustrate some of the conclusions towards which this examination of ritual succession has been tending: that kings are the kin of gods, and that earls are the kin of kings, also that matrilinear traces are widespread in Europe (rather than a peculiarity of the Picts).

At the time of their conversion to Christianity during the 10th century<sup>(2)</sup> the chief royal houses of the Northmen appear to have been the various branches of two great dynasties, the Skiöldungs and the Ynglings. So far as can be understood from the sagas, the Skiöldungs were originally the pagan sacral dynasty whose sacred capital was Lethra (Lejre) on the Danish island of Sealand and who claimed descent from Skiöldr or Scyld, son of the god Woden<sup>(3)</sup>, while the Ynglings were originally the pagan sacral dynasty known as the "Peace Kings of Uppsala" who claimed descent from Frey, son of Niördr, the male embodiment of the ancient goddess Nerthus<sup>(4)</sup>. The main difficulty lies in disentangling the two dynasties before the end of the ninth century, for they were much inter-married and reigned in different generations in the same kingdoms as each other: so that it is not absolutely certain in all cases which dynasty was which,

especially in Ireland, at York and in the Hebrides<sup>(5)</sup>. After the ninth century, the Skiöldungs reigned in Denmark, Sweden and probably in Russia, while the Ynglings reigned in Norway, Orkney, Normandy and probably also in Dublin, Waterford, Limerick, Man and the Hebrides. The Anglo-Saxon<sup>(6)</sup> and Danish kings of all England (though not all the local Anglo-Saxon and Anglo-Danish dynasts) were apparently Skiöldungs, and the Norman kings of England were Ynglings. Some of these Skiöldung and Yngling dynasts remained pagan as late as the eleventh century<sup>(7)</sup>, and their recent sacral background must have influenced their attitude to ritual dignities and family emblems very strongly during the generations immediately preceding the evolution of territorial earldoms and organised heraldry<sup>(8)</sup>.

In their succession to family land, the ancient Norsemen had no single heir, but divided the deceased's lands among his whole next of kin: as we still do in intestate succession to moveables. Family land was land held on the ancient udal tenure under God alone: and for land to become udal it had to have been inherited by the fourth generation<sup>(9)</sup>: an arrangement that recalls the four generations that went to make up the "true family" among the Welsh and the Gaels<sup>(10)</sup>. Once land had become udal it was inalienable, "and if sold to any one outside the family, the latter had a right of redemption at a price one-fifth less than the appraised value, if they or one of them gave public notice of a claim within twenty years to the Thing, and this right to redeem did not become forfeited till after the expiration of sixty years' undisputed possession in the new owner without notice of any claim given"<sup>(11)</sup>. An examination of saga-time genealogies shews that lands often passed through daughters in ancient times, and latterly all daughters certainly shared with all sons in the division of udal lands<sup>(12)</sup>.

The dignity of king appears to have originally been personal rather than territorial, and all the members of a royal family were kings. Professor Munch is probably right in deriving the word king (Old Norse konungr) from kon, meaning kin, with the suffix -ung or -ing signifying descendant: i.e. "son of the (sacral royal) kindred"<sup>(13)</sup>. Just as there was no single heir to lands, that passed to the whole next of kin, so there appears also to have been no single heir to kingship. This system continued perhaps longest among the Norse princes of Russia, the Rurikids

(who were almost certainly Skiöldungs), all of whom bore the style of knaes (possibly derived from the same kn root as konungr: see Appendix on the Single Heir). By the dawn of history there were some twenty-nine fylker or local kingdoms in Norway, with no over-king. On a local king's death one or more of the sons might remain in the family fylke, to perform the priestly sacrifices in its temple and to be its battle-leaders<sup>(14)</sup>, reigning as kings in the district rather than ruling as kings of it<sup>(15)</sup>, while the other sons would take their share of the fortune and set up as roving sea-kings or else acquire land by conquest or marriage to be their kingdom elsewhere<sup>(16)</sup>. The sagas reveal strong traces of matrilinear succession in ancient times<sup>(17)</sup>, coupled with the slaying of the king's predecessor by conquerors qualified by royal birth<sup>(18)</sup>: a well-known feature of so many pagan sacral kingships in other parts of the world<sup>(19)</sup>.

The kings were simply the descendants of the gods, presumably the families who had incarnated the deities of ancient times. There seems little doubt that the early kingship had been sacrificial, and that the royal families had been those that provided the ritual martyrs who embodied the ancestral deity sacrificed "himself to himself" at such shrines as Uppsala and Lethra<sup>(20)</sup>. Lands appear to have been annexed to the service of each temple<sup>(21)</sup>, and to this extent the king in each district (probably in earlier times, his priestess-queen) must perhaps be regarded as a single heir: though there were often co-kings in a district, and their brothers appear to have either founded new temples in new districts, or else married the heiress of some outland temple<sup>(22)</sup>.

The Norse myth of the Creation held that jarl and carl and thrall had been created separately<sup>(23)</sup>, and kings belonged to the genus of jarl. Professor Hjalmar Boyesen<sup>(24)</sup> tells us that "there is in the earliest Germanic times no sharp distinction between the titles 'earl' and 'king'." However, during the second half of the ninth century the Yngling king Harald Fairhair set about the conquest of all Norway. "Wherever he went, Harold pursued the same policy. The old kings who acknowledged his over-lordship he reinstated as his earls in their former dominions"<sup>(25)</sup>. Soon after 900, King Harald Fairhair is said to have divided the kingship once more, amongst his own family, reserving only the new over-kingship to one of his sons. According to Professor Boyesen, King Harald laid

down that "the royal title should be inherited by all his direct descendants in the male line, legitimate or illegitimate birth making no difference. To the sons of his daughters he gave earldoms"<sup>(26)</sup>. Once again, it may be observed that, while kings were the kin of the gods, earls were the kin of kings<sup>(27)</sup>.

Throughout the formative period of Scots Law, the Scottish kings and magnates were closely related to the much more recently Christianised Norse, and in the reverence or superstition accorded to matters of ritual (especially when secularised and therefore a matter of private belief) a man may be as much influenced by his mother as by his father<sup>(28)</sup>. The possibility of such influence must therefore be borne in mind in assessing such ritual matters as the Scottish royal attitude to the dignity of earl and towards the symbolism and sacredness of family emblems at the dawn of heraldry. As for the Norse law or custom of succession to dignities, insofar as (like the over-kinship) they were not indefinitely divisible, the qualification for succession appears to have been a combination of birth, conquest and marriage. At first sight, it appears that the birth qualification was often limited to the male line, as among the Anglo-Saxon Skiöldungs, the Russian Skiöldungs, the Dublin Ynglings and (after Harald Fairhair) the Norwegian Ynglings. But it is not impossible that in fact they followed a principle similar to that of the Welsh<sup>(29)</sup>, whereby succession in the female line was permissible on the failure of all males within the limits of the "true family" (i.e. second cousins). Thus, there is reason to suppose that the Skiöldung kings of Wessex succeeded to Kent through an heiress of the equally Woden-born kings of Kent, on the failure of the near male-line of that dynasty<sup>(30)</sup>, and the evidence about the Dublin kings is incomplete<sup>(31)</sup>. Certainly, the Norwegian Yngling succession passed through the female line by the 12th century<sup>(32)</sup>.

For the purposes of any influence the Norse customs might have had upon the succession laws of Scotland, however, the only point that concerns this paper is whether the Norse custom excluded female-line succession to dignities. That this was not so, is illustrated by the following tables<sup>(33)</sup> taken from the Skiöldung and Yngling royal genealogies in (1) their own formative period of semi-legendary saga, and (2) the formative period when Scotland was being united under one law.

I. IVARR WIDE-FATHOM, Skiöldung king at Lethra,  
also king at Uppsala (8th century).

||  
Princess AUD (married Rörrik)

||  
HARALD HILDITONN, Skiöldung king at Lethra (killed by his  
nephew and successor c. 770), probably ancestor of Swedish  
and Russian dynasties.

II. OLAF TREE-HEWER, Yngling      EYSTEIN THE TERRIBLE  
King in Vermaland (sacrificed      King in Heidmark  
by his people in famine:  
? c. 710)

ERIC AGNAR'S-  
SON, king in  
Vestfold

||  
HALFDAN WHITELEG, King of the = Princess ASA of  
Upplanders, conquered      Heidmark  
Raumariké, died c. 750

||  
Princess HILD of =  
Vestfold

||  
EYSTEIN FRETR, King in  
Raumariké, died c. 780.

||  
GODFREY, King in Heid-  
mark.

||  
HALFDAN THE STINGY, King in Vestfold, died c. 800

ALFARIN of  
Elfhome in  
Vingulmark.

||  
GODFREY THE PROUD  
King in Vestfold  
Raumariké, &c.,  
King in Agdir by  
slaying his predec-  
essor there and  
marrying his  
daughter; killed  
810.

||  
HARALD REDLIP      IVARR, Jarl of the  
King of Agdir,      Upplanders, ances-  
slain by his      tor of Jarls of  
successor.      Orkney, Dukes of  
Normandy and Kings  
of England.  
||  
ASA, Princess  
of Agdir  
married to  
her captor.

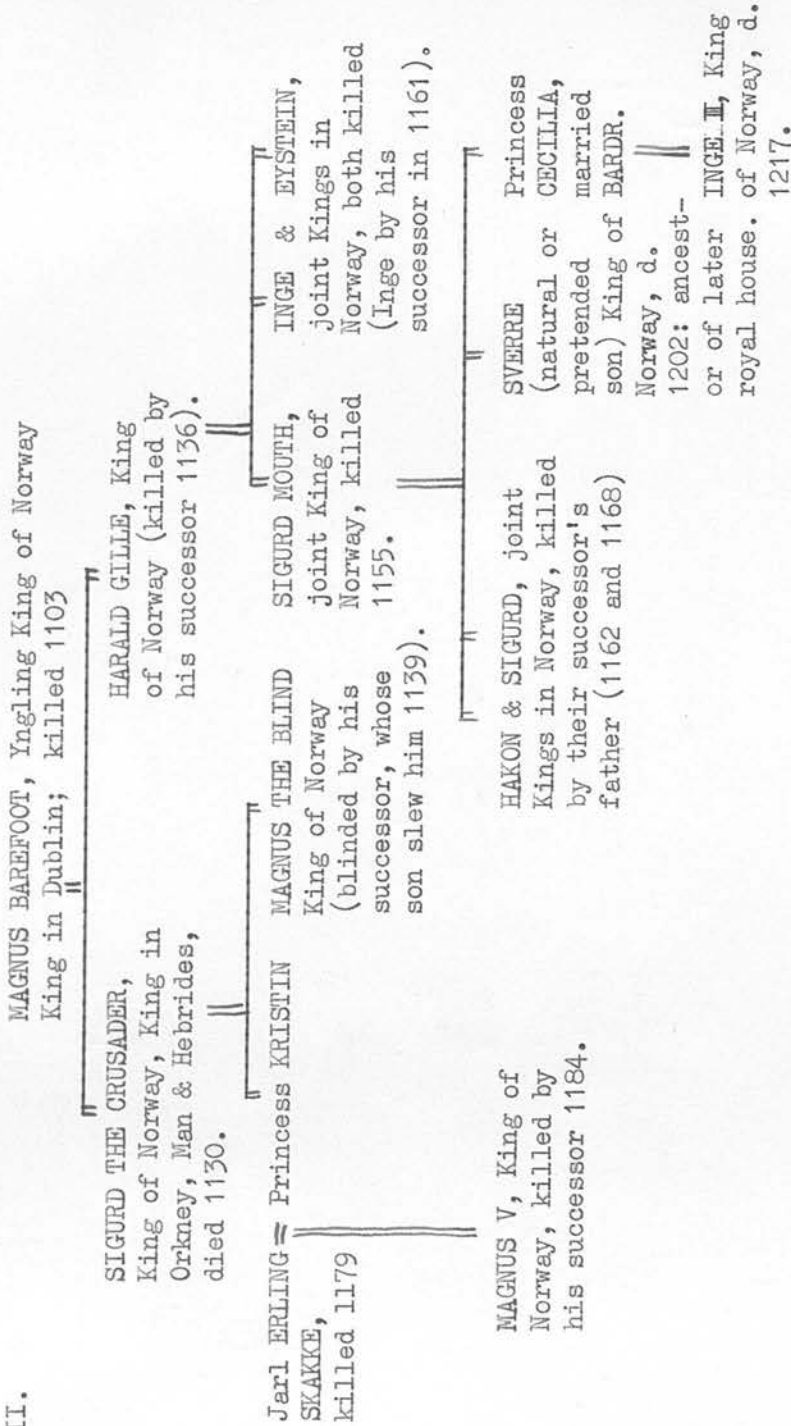
||  
ELFHILD =  
(First Wife)  
heiress of half  
Vingulmark.

||  
OLAF GEIRSTADA-ALF  
King in Vestfold  
810-840.

||  
HALFDAN THE BLACK, King in Agdir  
from 827, whose son HARALD FAIRHAIR  
was first over-king of all Norway.

||  
King RANALD HIGHER-  
THAN-THE-HILLS,  
? ancestor of the  
Norse kings in Ireland.

## III.



## IV. THORFINN THE BLACK, Yngling Jarl of Orkney, died c. 1065.

PAUL, Jarl in Orkney with his brother  
 HAKON, Jarl in Orkney with his cousin  
 (whom he slew), died c. 1126  
 PAUL THE SILENT,  
 Jarl in Orkney,  
 kidnapped 1137.  
 ERLENDE, Jarl in Orkney with his brother  
 St. MAGNUS, Jarl in ORKNEY  
 with his cousin, who slew  
 him c. 1117.  
 Lady GUNNHILD = KOL, d.  
 1099  
 HARALD, Jarl in  
 Orkney with his  
 brother, d. 1131.  
 KALI-RANALD, Jarl in  
 Orkney, murdered 1158.  
 ERLENDE, Jarl in  
 Orkney, killed 1156.  
 Lady INGICERD = ERIC  
 HARALD UNGI, Jarl in  
 Orkney (killed by his  
 cousin Jarl Harald 1198).  
 Lady MARGARET = MADACH, Earl  
 of Atholl  
 HARALD, Jarl of Orkney  
 died 1206.

## V. SVEN FORK-BEARD, Skjöldung King of Denmark, died 1014.

HARALD IV, King of  
 Denmark, died 1018  
 KNUT THE GREAT, King of  
 Denmark, England, &c.,  
 died 1035.  
 SVEN ASTRID'S-SON, King of Denmark,  
 died 1076: ancestor of the later  
 Kings of Denmark.  
 HARALD, King  
 of England,  
 died 1039.  
 HARTHAKNUT, King of  
 Denmark and England  
 died 1042.  
 SVEN, King of  
 Norway, died  
 1036.  
 Princess ASTRID = Jarl ULF, died 1028: of  
 the Swedish royal house

These tables perhaps sufficiently demonstrate that Norse law is hardly likely to have influenced the Scottish law of succession during its formative years, in any sense that excluded succession in the female line.

## 2. THE NORMANS.

During the ninth century, the Northmen or Normans repeatedly raided the north of France, and the territory around what became Rouen was ceded early in the tenth century by the Frankish king Charles the Simple to the Yngling jarl Rolf the Ganger, who became count of Rouen and whose descendants were known as dukes of Normandy. Rolf the Ganger, a pagan of sacral royal descent, was baptised, but he and his descendants seem to have retained certain pagan ideas for several generations<sup>(34)</sup>. In 1066, his descendant Duke William conquered England. Following the usual Norse practice (perhaps originating in ancient ideas derived from matrilinear succession, for which see note 17 above, but typical of incoming dynasties in countries all over the world as a means of establishing continuity) Duke William's son King Henry I married into the Anglo-Saxon Blood Royal: and this immediately made him brother-in-law of the King of Scots, whose mother had been an Anglo-Saxon princess<sup>(35)</sup>. The Normans became even more closely connected with Scotland during the twelfth century, when the Norman ancestors of the Bruces, Cummins, Hays, Lindsays, Haigs and Montgomeries (to name only a few still existing families) settled in Scotland as public servants introduced by the Scottish kings<sup>(36)</sup>. The following table demonstrates the Nordic and more especially Norman element in the immediate genealogical background of William the Lyon, King of Scots during the formative years 1165-1214:

SIWARD, Danish Earl of all Northumbria (slew his predecessor as Earl of Beornicia, his wife's uncle) descended from the pagan "House of the White Bear", d.1055.

AELFLED, daughter of Ealdred Earl of Beornicia.

LAMBERT, Count of Lens in Artois, younger son of Eustace, Count of Boulogne.

ADELAIDE, sister of King William I of England, & natural daughter of Robert the Devil, Duke of Normandy.

RODULF de Warenne, in Normandy, living 1074.

BEATRICE, niece of Gunnor, Duchess of Normandy.

HENRY I, King of the West Franks (France) d. 1060.

ANNE of Russia, daughter of (the Skiöldung) Juroslav Grand Prince of Kiev.

HERIBERT IV, Count of Vermandois (Carolingian) of male-line of Charlemagne). d. 1080.

ADELE, heiress of Valois.

MALCOLM CEANN-MOR, King of Scots killed 1093.

ST. MARGARET, sister of Edgar Atheling, the King-Elect of the Anglo-Saxons.

WALTHEOF, Earl of Northumberland (Beornicia) & Huntingdon, beheaded 1076 (regarded as a martyr: miracles at his tomb).

JUDITH

WILLIAM, Earl of Surrey (styled Count de Warenne) mortally wounded 1088.

GUNDRED, sister of Gerbod the Fleming, Earl of Chester.

HUGH THE GREAT, Count of Vermandois, died 1101.

ADELAIDE, heiress of Vermandois.

DAVID THE SAINT, King of Scots, died 1153.

MAUD

WILLIAM, Earl of Surrey (styled Count de Wareme), died 1138.

ISABEL of Vermandois, widowed Countess of Meulan and Leicester.

HENRY, King Designate of Scots, died 1152.

ADA de Warenne (37)

WILLIAM THE LYON, King of Scots, died 1214. (married ERMENGARDE, daughter of RICHARD, Vicomte de Beaumont in Maine, by CONSTANCE natural daughter of HENRY I, King of England & Duke of Normandy).

ALEXANDER II, King of Scots.

The Normans never actually reigned in any part of Scotland, and it would be beyond the scope of this paper to discuss the ramifications of their laws of succession, which were intricate, for they were great lawgivers. But there seems no doubt that the Regiam Majestatem, that had such an influence on mediaeval Scots Law<sup>(38)</sup> was derived from the Anglo-Norman treatise attributed to Ranulf de Glanville, Justiciar of England, though possibly the work of his even more famous nephew Hubert Walter, afterwards Archbishop of Canterbury and Chancellor of England<sup>(39)</sup>. It would appear that the Normans were among the first to abandon the classificatory system that favoured brothers and even cousins, and to prefer the heir general in succession to dignities. The following tables will demonstrate their preference for heirs female as opposed to more distant heirs male:

I. RICHARD THE FEARLESS, Duke of Normandy, died 996.

RICHARD THE GOOD, Duke of Normandy, died 1027 (grandfather of King William the Conqueror).	ROBERT, Count of Evreux (afterwards Archbishop of Rouen) died 1037.
--	---

RICHARD, Count of Evreux, died 1067.

WILLIAM, Count of Evreux, died 1118.	AGNES = SIMON de Montfort.
--------------------------------------	----------------------------

AMAURY de Montfort, Count of Evreux, died 1137.

II. WILLIAM de Percy, held 28 knights' fees of old feoffment and more than 8 knights' fees of new feoffment in 1166 (besides 4 fees of the bishopric of Durham), died c. 1175.

WILLIAM, Earl of Warwick, died childless 1184.	= MAUD de Percy, co-heiress, died c. 1203	AGNES de Percy, co-heiress, died c. 1203	= JOCELIN of Louvain, younger son of Godfrey, Duke of Lower Lorraine.
--	---	--	---

HENRY de Percy, between whom and his brother the fief was divided.

RICHARD de Percy, ancestor of the Earls of Northumberland.

It is no doubt to the Norman division between co-heiresses, when there was no brother to be the single heir, that the Scottish system of heirs portioners is due. For the succession of the eldest daughter to the caput baroniae or earldom, see G.E.C.'s "Complete Peerage", vol. iv, Appendix H: "Earldoms and Baronies in History and Law and the Doctrine of Abeyance": which may be summarised, "the eldest daughter had a preferential claim to the esnechia, that integral part of the tenure which carried with it, according to the nature of the fief, either the right to the name of earl or the right or duty of representing all the service due from the barony of a baron"<sup>(40)</sup>. This represents the state of the Anglo-Norman law at the dawn of feudalism in England.

Finally, it may be observed, from the ritual point of view, that "the Norman 'comtés' were only founded for near relations of the Duke"<sup>(41)</sup>.

NOTES TO CHAPTER ON SUCCESSION AMONG THE NORTHMEN.

(1) See Professor R.L. Graeme Ritchie, "The Normans in Scotland" (1954).

(2) Harald Bluetooth, Skiöldung King of Denmark, was converted to Christianity in 960. The Yngling king Olaf Tryggve's-son, who forcibly converted Norway, was killed in 1000. Vladimir, the polygamous pagan (probably Skiöldung) Grand Prince of Kiev, who became St. Vladimir, was baptised in 988.

(3) Ingenious attempts have been made, by collating various dynastic pedigrees of branches of the House of Woden, to demonstrate that Woden or Odin was a great king who lived during one of the early centuries of the Christian era. But Lord Raglan informs the writer that Woden was undoubtedly a storm-spirit who must be equated with the storm-spirit Vata in Vedic India: although the clothing and appearance (and other "stage props") of Woden are so well described that the part of Woden appears to have been played in sacred ritual pagan drama, probably by royal personages of the House of Woden. The kings of the House of Woden no doubt originally embodied him, and it is of course possible that some were named after the deity they incarnated.

In early times, the royal family were probably hereditary martyrs, for the incarnation of Woden seems to have entailed being sacrificed in due time by hanging on a sacred ash tree and being speared so that royal blood fell to the ground: see for instance Odin's words in the Hávamál poem in the Verse Edda: "myself a sacrifice to myself". In this connection, it is perhaps worth noting the nobility of feature of the ancient man (? king) found ritually hanged, his body having been preserved by the Tollund bog in Jutland (see for example the illustration in B. Branston's "Gods of the North", 1955); and that the regalia inherited by the Wessex branch of the House of Woden evidently included a sacred spear (known in Christian times as the spear from Calvary, and said to have been given as a holy relic by King Athelstan to his brother-in-law, the Emperor Otto).

When dying abed by mischance, it seems possible that later members of the family were "marked unto Odin" by wounding with a spear-point (see Heinskringla", trans. William Morris and Eiríkr Magnússon, 1893, vol. i, pp. 21, 22), and later Norse dynasts sought "death by weapon" so as to be

claimed as his own by Woden in Valhalla (ibid., p.21). Professor Hocart "The Life-Giving Myth" (1952), p.150, points out that "the Indian king was expected to die fighting: the time of life is not specified, but he must forestall disease". So too it appears to have been with the later Woden-born dynasts.

The widespread custom of keeping a living example of the family "beast" is sufficiently well-known: thus Henry III of England kept three leopards at the Tower (the nucleus of the present London zoo), the Kings of Scots had a "Lion's den" in each of their royal palaces (for the king of beasts travelled with the Court of the king whose emblem he was), and until the Communist coup d'etat the Dukes of Krumau kept a bear at Krumau (the bear having been the "beast" of the mediaeval predecessors of the Schwarzenbergs at Krumau). It may therefore be worth noting that Woden's sacred birds were ravens, and that ravens remain on the permanent establishment of the stronghold of London, fortified by King Alfred the Great (a Christian, but a Skiöldung whose ancestral "beast" must have been Woden's raven). After his marriage to St. Margaret's daughter, King Henry I of England was careful to stress his connection with the preceding dynasty.

(4) For the goddess Nerthus, see Professor H.M. Chadwick, "The Origin of the English Nation" (1924), passim, and especially his chapter X, "The Cult of Nerthus" at p. 236. Professor Chadwick suggests "that the tragic ends of the early Swedish kings may really have been due ... to a custom of kingly sacrifice".

The words "Frey" and "Freya" mean "Lord" and "Lady" in much the same sense as Christians use the words "Our Lord" and "Our Lady", though of course applied by the Norse to pagan deities. Christopher Dawson, "The Age of the Gods: a Study in the Origins of Culture in Prehistoric Europe and the Ancient East" (1934) at pp. 281-282, writes of the ancestral deities of the Yngling dynasty: "According to Tacitus, the Angles and the other peoples of the far north worshipped the Great Mother under the name of Nerthus - the prototype of the later Njördr. The goddess had her dwelling in a sacred grove in an island in the ocean, and at intervals she was brought forth by her priest to travel through the land in a waggon drawn by oxen. ... In later times in Scandinavia, the place of the goddess

was taken by Njórdur and his son Frey or Freyr, whom the Swedes worshipped as their divine king, and whose reign was marked by the Frith Frothi, the Peace of Freyr, which secured the fruitfulness of the earth and of men. The centre of his cult was the great sanctuary at Upsala, where his ithyphallic image was placed, and whence, like Nerthus, he was carried forth in a waggon through the land accompanied by a priestess who was his human spouse. The ceremonies at Upsala were accompanied by phallic rites and ritual prostitution as well as by the sacrifice of human victims who were probably the representatives of the god himself, whose death was necessary for the life of Nature. In times of famine and distress the Swedes were wont to sacrifice the king himself, the human representative of the god, in order to restore the fertility of the land, and legend relates how the body of the great King Halfdane the Black was divided into four parts and buried in the different quarters of the land to preserve the prosperity and plenty which had accompanied his reign. Thus the later kings of Sweden were the successors and representatives of Freyr, and their office had the same sacred character that was so typical of kingship in the Archaic civilisations. As in Mesopotamia, so also in Sweden, the ruler was a priest king and the vicegerent of a god, and his royal demesne consisted of the sacred lands of the great temple of Freyr at Upsala". It must be remembered that Halfdan the Black was a contemporary of King Kenneth macAlpin, three centuries after St. Columba, and that the pagan religion described was established at Upsala until as late as 1083, still within living memory at the time of the appearance in the Teutonic realms of Western Europe of an intricately-organised system of family emblems in the form of heraldry.

Perhaps the clearest picture of the family background and traditions of the Yngling dynasts is Snorri Sturlusson's Story of the Ynglings in his 12th. century "Heimskringla" (see edition cited above). Of King Aun of Uppsala, one of their legendary ancestors, we are told that "he was a wise man, and held much by blood-offerings ... he made a great sacrifice for length of days, and gave Odin his son, and he was offered up to him. ... Then he made yet another great sacrifice for the lengthening of his life, and offered up another of his sons; but Odin answered him that he should live on ever, even so long as he gave Odin one of his sons every

tenth year ..." Whether or not Woden had in fact supplanted Niðrdr at Uppsala so early, comparison with divine kingship elsewhere suggests that the Yngling sacral kings at Uppsala were sacrificed to the god whom they incarnated, every tenth year: and that the practice of substituting other victims to save the king's life began, as usual, with the king's sons.

The last Yngling king at Uppsala is said to have been Ingialdr Ill-Ruler (? fl. 7th century), slain by the Skiöldung king Ivarr Wide-Fathom of Lethra, from whose time Uppsala passed to the Skiöldungs. Ingiald Ill-Ruler's son King Olaf Tree-hewer is said to have established himself in Vermaland, but (see "Heimskringla" p. 66) he was sacrificed by his people in a time of famine. His descendant, King Halfdan the Black (died c. 862-4) was dismembered after death so that the quarters of his divine body could bring prosperity and abundance to four different realms. His son it was that united Norway.

(5) There seems no doubt that the dynasty that united Norway, the dukes of Normandy and the jarls of Orkney were all Ynglings; and there seems no doubt that the dynasties that united Denmark and Sweden were Skiöldungs. It seems probable that the Rurikid dynasty of Russia descended from Rørik, son of Halfdan (Margrave of Frisia c. 782), son of King Harald Hilditönn of Lethra, and were therefore Skiöldungs (see N.T. Belyayev, Seminarium Kondakovianum, ii, Prague 1929, and ibid. vi, 1933; also Professor George Vernadsky, "Ancient Russia", 1948, pp. 337-341, 365-368). But considerable doubt exists about the Norse kings of Dublin, Waterford, Limerick and the Hebrides.

The Norse kings in Ireland were formerly supposed to have belonged to the House of Ivarr Boneless, King at York from 867, who was a son of Ragnar Lodbrok and therefore a Skiöldung. Certainly the Norse kings in Ireland were often also kings at York, but the probability seems that they only descended from Ragnar Lodbrok in the female line. For Olaf Tryggvesson's Saga says that Ivarr Boneless "had no child because (so it was said) he had not the desire nor the faculty for that"; and A.O. Anderson (i. pp. 298, 299, 304) makes it clear that the Norse kings in Ireland belonged in fact to the House of Ivarr Godfrey's-son (ibid. pp. 293, 304). He suggests that this Godfrey's father Ranald was a son of Halfdan the Black, son of Godfrey the Proud (killed 810), on the basis of MacFirbis's account of the expulsion of Ranald with his sons to Orkney by his two younger brothers, in which account Ranald is called brother to Halfdan the Black. But

this is chronologically impossible (Ranald's grandsons were founding cities in 853, but Halfdan the Black was only born in about 809, the year before his father's death) and elsewhere MacFirbis calls Ranald "son" of Godfrey instead of "son" of Halfdan the Black. It seems probable that he should have written "grandson" and "nephew" in these cases. For while there is much to be said for A.O. Anderson's identification of King Ivarr's ancestor Godfrey Conung with Godfrey the Proud (Halfdan the Black's father), Mr. Arnold Andersen, the Scandinavian genealogist, writes: "Modern scholarship tends to the view, and I like it very much, that Ragnvald the Mountain-High or Ranald Higher-than-the-Hills is the missing link. That he was a tremendously important Yngling prince is attested to by the fact that Thiodolv dedicated his Ynglingatal to him. He was a famous Viking, and his deeds were widely celebrated. He was a grandson, not a son, of Godfrey the Proud, but such telescoping of generations was not at all uncommon. If we accept this view we are not any longer forced to wonder about what happened to so promising a prince" (letter to the writer). It should perhaps be added that Halfdan the Black was born shortly before Godfrey the Proud's death, and there is therefore no reason to doubt that Ranald Higher-than-the-Hills (son of Godfrey the Proud's elder son, Olaf Geirstada-Alf) may have been older than his own uncle. In this case, the date of Ranald's expulsion to Orkney may have been about 840, after the death of Olaf Geirstada-Alf (who, "Heimskringla" tells us at p. 72, "took the kingdom after his father: he was a mighty man and a great warrior"): his young uncle, Halfdan the Black, had been king in Agdir since 827. If the general conclusions of Dr. A.O. Anderson and Mr. Arnold Andersen are right, the Norse kings of Ireland were Ynglings, like the jarls of Orkney and dukes of Normandy, and the over-kings of Norway.

The Hebridean kings present several genealogical problems, though the likelihood seems to be that they were an allied dynasty of Ynglings (as is perhaps implicit in their onomastics) akin to the Norse kings in Ireland. They first appear in the two brothers, Kings Magnus and Godfrey (see A.O. Anderson, i. pp. 476-479): Magnus appears c. 966-976 and Godfrey was killed in 989. They were sons of Harald, who had not been identified, though it has been suggested (Stokvis, "Manuel d'Histoire et de Généalogie", ii. p. 283, following Munch) that this Harald might have descended from King Harald of Limerick (fl. 876). It may perhaps be worth observing that the exiled King Eric Blood-Axe of Norway came to Orkney in 937 and then became King at York before being slain in Viken in 954, and that his son King Harald Graycloak (born 928, killed 976) was of just the right age and standing to have fathered the Hebridean kings Magnus and Godfrey. Mr. Arnold Andersen has been so kind as to comment: "Your suggestion that the Yngling Harald who founded the Man & Hebrides line was Harald Erikson Greycloak is a good one, and one to which no serious objections exist. Nothing confirms it specifically, but I personally prefer the difficulty of assuming his presence where he might have been but is not known to have been to the difficulty of postulating another Yngling of the same name, who is otherwise completely unknown".

The next difficulty presented by the Hebridean dynasty is the parentage of King Godfrey Crovan, who conquered Mann from King Fingal Godfrey's-son in 1075. The name-pattern of Godfrey Crovan's line fits closely into that of his predecessors, and he died on the island of Islay. The probabilities seem in favour of

Munch's suggestion that Godfrey Crovan's father Harald the Black "of Ysland" was in fact "of Islay", although Munch seems in error in suggesting that Harald the Black was son of the Hebridean king Godfrey Harald's-son killed in 989. As Godfrey Crovan's son Olaf had his life cut short in 1153, the generations would be far too long. It seems more probable that Harald the Black was son of Godfrey Haralds-son's son King Ranald (died 1005) or of Ranald's son Olaf. The latter seems the most likely identification, in which case Godfrey Crovan would have been first cousin of the King Godfrey who sheltered him but whose son he deposed.

The MacLeods claim descent from Leod (Liotr), said to have been a brother of King Magnus, last Manx king of the line of Godfrey Crovan (see Canon R.C. Macleod of Macleod, "The Macleods of Dunvegan"). Certainly King Magnus owned Glenelg in the thirteenth century, and King Magnus's father King Olaf held the island of Lewes from 1187, and the lordships of Glenelg and Lewes were in the hands of the MacLeods from their first appearance in history: while the MacLeods of Dunvegan quartered the galley (borne by the Manx kings) as late as the seventeenth century. But, if it was not a female-line descent, it may perhaps be suggested (from the appearance of the name Ivarr in the traditional MacLeod pedigrees: see the same work) that Leod's father may perhaps have been, not King Magnus's brother, but a son or descendant of his uncle Ivarr (for whom see A.O. Anderson, ii 313, 467).

The third main difficulty presented by the genealogy of the Hebridean dynasty, lies in the ancestry of Somerled (killed 1164). Professor Eoin MacNeill, in "The Irish Kingdom in Scotland", suggests that this family were Norse: and it seems clear that they were either Norse dynasts with Gaelic royal blood in the female line, or the reverse. "Scots Peerage", vol. v p. 28, suggests that the traditional pedigree of Somerled may be acceptable back as far as his great-great-grandfather "Imergi" (two of the three links, Gillebride and Gilladomnan, are identifiable from other sources), and that Imergi was "very probably the Iehmarc of the Saxon Chronicle, one of the three kings who submitted to Canut when he invaded Scotland in 1031". There seems little doubt that King Iehmarc was the Norse king of Dublin (1035-8 and 1046-52) who was defeated in Man in 1061 and who died on pilgrimage at Rome in 1065. He probably had an Irish mother, for he bore the Gaelic name of Echmarcach ("Horse-Rider") which the Norsemen attempted to pronounce Margadr: if he was Somerled's ancestor, the dynasty appear to have been Ynglings like Somerled's wife Raghild, grand-daughter of Godfrey Crovan of Mann

(subject, of course, to the reservations above about Godfrey's ancestry). In view of King Echmarcach's Irish name, and the appearance of a hand on fifteenth century Macdonald seals of Arms, it may be worth noting in passing that King Echmarcach's coins bore a hand (see Lindsay's "Coinage of Ireland"). Traditional pedigrees, besides skipping generations, sometimes interpolate into a male line various ancestors who were actually in the female line: and it may well be that the House of Somerled had such a female-line descent from Godfrey mac Fergus, toiseach of the Hebrides, who died in 853 (A.O. Anderson, i. p. 284). It is possible that this Godfrey was a member of the Picto-Scottish royal house, but it seems most likely that such a relationship was in the female line, and that it is he who was King of Oriel (see Stokvis ii 255) and is referred to in 836 in the Annals of the Four Masters: "Godfrey, Fergus' son, lord of Oriel, went over to Scotland to reinforce Dalriata, at the bidding of Kenneth, Alpin's son" (A.O. Anderson, i. p. 267). The royal house of Oriel claimed descent from one of the "Three Collas." Godfrey mac Fergus certainly appears in the mediaeval genealogy of the Clan Donald (see Skene's "Celtic Scotland", vol. iii app.).

(6) For the remote Scylding or Skiöldung tradition of the royal house of Wessex, see the chapter on "King Aethelwulf's Mythical Ancestors" in H.M. Chadwick's "The Origin of the English Nation". The English tradition, however, made Scyld (Skiöldr) the ancestor of Woden, rather than his son.

(7) Sven, King of Sweden 1081-1083, was a pagan, and was known as Blot-Sven from his revival of the ancient sacrifices. He was slain in 1083, after which Sweden became finally Christianised.

(8) Heraldry was apparently fully-fledged by about the second quarter of the twelfth century (see Chapter on the Heir at Law to Arms). NOTE: Since the foregoing was written, the writer's attention has been drawn to the fact that the Norse Udal system of land tenure was itself of sacred origin. See G. Gathorne Hardy, "Norway" (1925), pp. 32, 196, 198, 199, 215, especially 244-6, 253, 254, and passim; Knut Liestøl. "The Origin of the Icelandic Family Sagas" (Oslo 1930), trans. A.G. Jayne; G. Turville-Petre, "Origins of Icelandic Literature" (Oxford 1953); Magnus Olsen, "Farms and Fanes of Ancient Norway" (Oslo 1928).

(9) Deemster R.D. Farrant, "Mann: Its Land Tenure, Constitution, Lords Rent and Demmsters" (1937), pp. 9, 14. J. Storer Clouston, "A History of Orkney" (1932)

at p. 11, takes the view (evidently derived from Professor A. Bugge) that "not till a family had owned their property for six generations ... did it become their odal". From the point of view of this paper, however, it does not signify whether the qualifying period was four or six generations: the principle of land becoming almost inalienable family land after being held for a period by the "true family" remains the same. Discussing the system in Orkney, Storer Clouston writes, at p. 263: "Strongest of all the factors making for permanence was the odal land system. In effect this amounted to a strict entail upon the whole descendants of the original owner. They could, it is true, resign their rights in favour of another member of the family without difficulty, and to a large extent this did take place. ... But until the family became thoroughly impoverished (as happened to most in the 16th century), the property was practically closed against purchase by a stranger, for each member of the family had the right of redeeming any parcel sold. In consequence one finds cases as late as the 17th century of a purchaser having to meet a series of subsequent claims and buy out the claimants one after another. Two of the most noteworthy results, so long as the odal system really flourished, were the retention of their land by the same kin for century after century, and the formation, every now and then, of a cadet landed branch, who settled at a fresh 'head house' on their share of the family estate. This would inevitably cause some economic weakening of the parent stem, but on the other hand the network would be spread the wider". For the abolition of the Norse Law in Orkney and Shetland (or rather, its gradual replacement by Scots Law tempered to the usages of the past locally) see Professor W. Croft Dickinson, "Source Book of Scottish History" iii pp. 273-275.

(10) See chapter on Succession among the Gaels, note 22: also chapter on Succession among the Cymry, note 18.

(11) Deemster Farrant, *ibid.*, p. 9, pp. 13-14. See also note 9 above, for Orkney as late as the 17th century. In Mann, it seems possible that the conversion of udal farm-lands (descendible to the whole next of kin) into quarterlands of descent (descendible to the single heir, but with certain safeguards of udal type) was perhaps originally effected by evolving the system of Manx bargane-eirey from the Norse system of bronderfyd (c.f. also the "upgestry" of Orkney and Shetland). Norse lands remained udal when they passed by bronderfyd: "i.e. when

the purchaser received the grantor to keep him in bad and good circumstances and feed him 'until fire and pyre' (until he died)," provided the land was already udal. The use of the words "fire and pyre" shews how the custom came down from pagan times. Among the Manx, quarterlands remained "inheritance land" when settled on a single heir by bargane-eirey, and it was formerly common provision of such a deed that the heir should keep and feed till his death the ancestor who settled the estate on him (see Farrant, op. cit., pp. 10-12, 17-18).

Deemster Farrant argues convincingly that the udallers paid skat to the Sovereign for the freedom and use of the common-lands (for pasturage, peat &c.) beyond their own enclosed lands, and he points out that towns and burghs paid no skat for they were surrounded by a dyke and their privileges did not extend to the hill or unenclosed waste (ibid. pp. 54-66). From this he traces the Lords Rent in Mann. On the other hand, the "Heimskringla", vol. i p. 20 says: "All over Sweden men paid Odin skat, to wit a penny for every head, but he was bound to ward their land from war, and to sacrifice for them for a good year". Doubtless this summarises the duties of a pagan sacral king among the Norse, as seen in twelfth-century retrospect.

(12) Farrant, op. cit., referring to udal lands in Norway, writes at p. 9: "the sons, and later the daughters, all succeeded to the inheritance on the death of the owner". Storer Clouston, op. cit., writes at p. 162: "by odal law, all the sons had shares (and in time the daughters came to have half-shares)". We are told of Sven Fork-beard, Skiöldung King of Denmark at the close of the tenth century, that he was ransomed from the Jomsvikings through the Danish women giving up their jewels for him, and that he therefore ordained that in future daughters were to inherit land in the same way as sons. But the female share in Norse landed inheritance in fact appears to be immensely ancient, and the stories of daughters only being admitted to a share in later times may be the usual historical reasoning of an increasingly patriarchal society to explain matrilinear survivals (not unlike that of the late Lord Justice Clerk in the case of Maclean of Ardgour v. Maclean, referred to above). On the other hand, such conquerors as Harald Fairhair may have attempted to establish purely patrilinear succession, without lasting success. But Professor H.M. Chadwick, "The Origin of the English Nation", p. 312, writes of ancient Scandinavia: "we sometimes find daughters' husbands receiving a share in their fathers' kingdoms even when there are sons"; and he

gives a number of very early examples.

Early Manx entries relating to Intacks show a large number of women, often unmarried, and Deemster Farrant (*ibid.* p. 64) writes of the Intacks that we might "surmise that these were the lands of the younger brothers and sisters of the eldest son which were to be their respective lots, 'according to the estimation of neutral men' (Norwegian Law Book, liber 5, cap. 2, art. 63)". By the seventeenth century Manx quarterlands descended to the single heir, but it is to be noted that the Manx Statute of 1662, in declaring bought quarterlands to be lands of inheritance in the future, "provided and reserved that such lands should be subject in the hands of the heir to a charge equal to the value thereof in favour of the next of kin".

(13) Munch, "Det Norske Folk's Historie", 1-124, cited by Professor Hjalmar Boyesen, "A History of Norway", p. 27n. C.f. the Latin word generosus that signified high birth or descent. Just as the udal division of land among sons and daughters is perhaps more easily comprehensible if we compare it to our own system of dividing the moveable succession among the whole next of kin, so also is the Norse attitude to kingship more easily understood if we compare their "kings" with our "princes". Indeed, the system continues among those Germanic families all of whose sons bear the style of prince.

(14) E.g. the two cousins, Tryggve Olafs-son and Godfrey Björns-son, Kings in Viken in 962. See also Boyesen, *op. cit.*, p. 291 et seq.: "In accordance with established custom, the three sons of Magnus Barefoot were proclaimed kings, and the land was divided between them. There is, however, a probability that this division pertained chiefly to the royal estates, from which the kings derived their principal revenue, but did not involve a division of the country itself into separate kingdoms. Eystein was at the time of his proclamation fourteen years old, Sigurd thirteen, and Olaf three or four. They were all illegitimate, but had been acknowledged by their father". King Sigurd went forth on Crusade, while King Eystein remained at home, "building churches, encouraging trade and industry, and improving the laws". All this was in the twelfth century, long after the unification of all Norway, and the coming of Christianity: in saga-time, innumerable examples are to be found.

(15) C.F. the limited functions and powers of the Norse Rurikid princes in the

different Russian states, described below at note 29 to the Appendix on the Single Heir.

(16) Thus were founded the kingdoms of Dublin, Waterford, Limerick and the Hebrides, and the earldom of Orkney.

(17) See, in particular, H.M. Chadwick, "The Origin of the English Nation", pp. 307-320, in which he comes to the conclusion that matrilocal marriage plays a decidedly important part in Northern tradition. This is of course not the same thing as contingent succession in the female line, though it often precedes it. As for female-line succession on failure of the immediate male line, there are many examples in the sagas. Professor Chadwick (*ibid.* p. 312) writes: "In the North however we never, so far as I am aware, hear of a daughter being passed over in favour of a more distant relative in early times. If we may trust the traditions of Ivarr Vithfathmi and his family, the daughters' descendants even preserved the family name (Skiöldungar). ... In particular we may note the history of the Ynglingar during the five generations preceding Harold the Fair-haired. During the time specified, members of this family, which is said to have come from Sweden, are represented as obtaining at least six provinces in Norway through marriage, viz. Söleyiar, Heithmörk, Vestfold, Vingulmörk, Agthir and Sogn. In most of these cases there seems to be no adequate ground for doubting the truth of the tradition". For apparent matrilinear survivals, see also Frazer, "The Golden Bough", ii pp. 282-283, where he cites a number of marriages to widowed queens, even stepmothers, that "are intelligible if we suppose that old Saxon as well as old Danish law gave the kingdom to him who married the late king's widow".

(18) For the pattern of slaying the king's predecessor, it is only necessary to examine the genealogy of the Yngling kings of Norway from the ninth to the thirteenth century, but many examples are to be found in the sagas. An attitude of mind that shews ancestral traces of matrilinear succession coupled with the slaying of the king's predecessor is perhaps revealed by the great Jarl Sigurd of Orkney's approach to the events that led up to the battle of Clontarf in 1014. Jarl Sigurd hung back long, and only engaged on the enterprise on condition that if they killed the high-king Brian, he should have his former queen "and be king of Ireland afterwards" (A.O. Anderson, i. p. 534). Similarly the Danish king Knut

consolidated his conquest of England by marrying Emma, widowed queen of King Ethelred the Unredy. In these cases, the throne hardly depended on marriage to queens who had only been consorts, but the practice indicates a vague survival of matrilinear succession ideas.

Incidentally, the background of the wife promised to Jarl Sigurd of Orkney should he kill King Brian Boroma and become king of Ireland, illustrates the close connection between the Norse and the Gaelic dynasts. She was Queen Gormfhlaith, sister of King Maelmordha of Leinster: and is thus described by Dr. R.A.S. Macalister, "Ancient Ireland", p. 213: "The bewildering matrimonial complications of that remarkable person, the lady Gormfhlaith (pron. 'Gormley') are signs of the extraordinary times in which she lived. They can best be set forth in tabular form. She was - (1) Sister of a king of Leinster. (2) Wife of Olaf, the Norse king of Dublin, and mother by him of Sitric Silkenbeard, ... and of a lady called MaelMuire, a name (meaning 'servant of Mary') which shows that she was at least nominally Christian. (3) Wife of MaelShechlainn, afterwards king of Ireland, and mother of his son Conchobar; but by him put away. (4) Wife of MaelShechlainn's great rival Brian, who likewise put her away. ... MaelShechlainn, having rid himself of Gormfhlaith, next proceeded to marry his own stepdaughter, MaelMuire (see No. 2 above); thus becoming brother-in-law of one of the chief leaders of the Dublin Norsemen. To add to the muddle, this same MaelShechlainn was the son of Domhnall, king of Ireland, and his kinswoman Donnfhlaith: and this Donnfhlaith also married the Norse king Olaf, and by him was the mother of another of the Norse kings of Dublin, who thus was MaelShechlainn's half-brother" (this was King Iron-Knee or Gluniarain, killed 989). These intricate marriage-relationships closely resemble those in Ancient Egypt and elsewhere, where the rightful king had to be married to the rightful queen, and (taken together with Gormfhlaith's husband Brian having been the first of his line to be a high-king of Ireland, and with Jarl Sigurd's considering marriage to Gormfhlaith as well as the slaying of Brian necessary to the conquest of that high-kingship) seem to make an investigation of the direct female-line of the various Queens of all Ireland possibly worth while. However, the likelihood appears to be that Jarl Sigurd's attitude was simply a survival from a forgotten system in Scandinavia.

As usual, predecessor-slaying was accompanied by the preventive slaying of

potential heirs (c.f. King Eric Blood-Axe's treatment of his brothers), and by fosterage. The sagas are full of accounts of fosterage, and Chadwick (op. cit., p. 313) observes that "it appears to have been an extremely common practice in the North to send one's children to others, to be brought up". At the time that Professor Chadwick wrote "The Heroic Age" (1926), the ritual origin of predecessor-slaying was not well understood, yet he found himself obliged to comment at length on the number of cases he had come on of the slaying of kinsmen (see pp. 346 et seq., 359 et seq.; this work should be read in conjunction with Lord Raglan's "The Hero"). In "The Origin of the English Nation", Chadwick gives a number of instances from Saxo's stories of Scandinavia, "where the kingdom is acquired by killing the king and marrying his daughter" (p. 312).

(19) See Frazer, "The Golden Bough", ii. p. 281 et seq., iv p. 193. At ii p. 280n, Professor Frazer writes: "In treating of the succession to the kingdom in Scandinavia, the late K. Maurer, one of the highest authorities on old Norse law, also remarked that 'some ancient authorities (Quellenberichte) profess to know of a certain right of succession accorded to women, in virtue of which under certain circumstances, though they could not themselves succeed to the kingdom, they nevertheless could convey it to their husbands'. ... See K. Maurer, Vorlesungen über altnordische Rechtsgeschichte, i. (Leipzig, 1907) pp. 233 sq." Frazer gives also a number of cases where princes "slew their predecessors, married their widows, and then sat peacefully on the throne" (the story of Hamlet is a case in point, from the semi-legendary realm of Denmark). In its most extreme form, the pagan sacral royal custom of predecessor-slaying by a prince who marries the matrilinear and matrilocal widowed queen is illustrated by the legend of Oedipus: where the king seeks to kill his son, who is however fostered, slays his father, becomes king, and marries his mother, the queen.

(20) See notes 3 and 4 above, also Frazer, "The Dying God", passim.

(21) See note 4 above. In Iceland, each group of kinsmen and dependents were settled around the temple erected by their chief, the godi or priest-lord. It was by virtue of their pagan priesthood that these gðdar formed the rulers of the Icelandic republic. For the suggestion that in Mann "we find our priest-lords or Godar in the owners of the Treens, each of which, of an average number of ten to each parish, had its temple looking to the mother temple, which would

be served by the principal Godi, the chosen one, or Key, for the Godord," see Farrant, op. cit., p. 49. Christian chapels appear to have replaced the pagan temples: "on each of the Treens, whose boundaries often coincide with some natural division, such as a river, a glen, or a ridge, it is commonly supposed that a chapel called a Treen Chapel existed, and is still frequently found in ruins" (ibid.). It may be noted that "each Treen contains within itself a number seldom exceeding, but often less than, four enclosed farms called quarter-lands", in the Isle of Mann.

(22) See the Yngling pedigree below, at note 33.

(23) In the Rigsmal-saga. For the ritual significance of this, see Professor A.M. Hocart, "Caste".

(24) Boyesen, op. cit., p. 27. The Jarls of Hlade, for instance, claimed descent from a son of Woden (see Stokvis, ii. p. 321) but never styled themselves Kings rather than Jarls, even during the periods between 965 and 1030 when they were supreme in Norway.

(25) Ibid. p. 54.

(26) Ibid. p. 70. As the "Heimskringla" puts it (at vol. i p. 131): "King Harald summoned a Thing of many men in the South-country, bidding thereto all the Upland-men. Thereat he gave his sons the name of king and established by law that all his very kin should each take the kingship after his father, but all they who were come of him on the distaff side should be held for earls". A king's progeny were often numerous, for the Norse kings were still polygamous in the tenth century. The "Heimskringla" (vol. i. p. 114) tells us that King Harald Fairhair "had many wives and many children. ... folk say that when King Harald wedded Ragnhild the Mighty he put away from him nine of his wives. ... King Harald's children were nourished ever whereas their mothers' kin dwelt". In view of note 54 to the Chapter on Succession among the Gaels in this paper, it may be worth noting that Professor Boyesen (op. cit. p. 68) says that the mother of Eric Blood-Axe, whom Harald Fairhair selected to succeed him as over-king of Norway, was "the only one of King Harold's wives who was of royal birth" (Ragnhild the Mighty, daughter of King Eric the Younger in South Jutland). But it is not clear why Professor Boyesen writes this, since the "Heimskringla"

(i. p. 114) includes among King Harald's wives "Swanhild, daughter of King Eystein". As she is given as mother of an Olaf Geirstada-Alf and Ragnar, it would be of interest if there is evidence that this entry in the "Heimskringla" is in error: from the point of view of note 5 above.

(27) Similarly, the jarls' kin in Orkney appear to have been the gödings of the twelfth century, evidently ancestors of the roithman families of the fifteenth and sixteenth centuries: see Storer Clouston, *op. cit.* The Norse godar were hereditary priest-lords: see note 21 above.

(28) Thus Duncan, Earl or Mormaer of Caithness, married Gro, daughter of the Yngling jarl Thorstein the Red (killed c. 890); Thorfinn the Black, Jarl of Orkney (died c. 1065) was a maternal grandson of the Picto-Scottish king Malcolm II and thus a first cousin of King Duncan I; Ingibjorg, mother of King Duncan II and first wife of King Malcolm Ceann-mor, was a daughter of the jarl Finn Arnason; and in the Maid of Norway the realm of Scotland had an Yngling for Sovereign. On the other hand, it must be remembered that Scottish kings and nobles (like their Norse and Irish counterparts) were fostered as children, and that historians are often mistaken in describing their "childhood homes" and parental influence.

(29) See Chapter on Succession among the Cymry.

(30) Oman, "England before the Norman Conquest", p. 388. Egbert, King of Wessex and over-king of England, was son of Ealhmund, King of Kent, whose wife or mother probably belonged to the old Kentish royal house, among whom the suffix -bert was popular. The remoter male line of the old Kentish royal house, moreover, do not appear to have been extinct in Ealhmund's time, as Eadbert Pryn was a contemporary of Egbert. In the ninth century, the kingdom of Kent seems to have become the appanage of the heir to the throne of Wessex (then the over-kingship of England).

(31) Agnatic succession was of course anyway the Irish practice, and seems to have been followed by the Norse kings there. However, it seems possible that the Dublin kings who reigned at York were connected in the female line with the house of Ragnar Lodbrok that had founded the York kingdom. But the genealogical pattern is not yet thoroughly established.

(32) It might possibly be regarded as having passed through the female line as early as the tenth century, when Harald Fairhair's great-grandson (on the distaff

side) Hakon of Hlade made himself ruler of Norway: but he and his sons and grandson, though Woden-born, continued to bear their ancestral style of Jarl (see note 24 above).

(33) These tables are based on "Heimskringla" in general, Stokvis vol. ii chapters III and IV, A.O. Anderson, "Scots Peerage" and G.E.C. (especially vol. x app. A.). The following general table, attached to this note, represents an attempt to reconstruct the Yngling genealogy for the purposes of observing their general background and succession pattern, but it has not been possible to compile a satisfactory pedigree of the Norse kings in Man, Ireland and the Hebrides, and it should therefore be appreciated that the following table is largely conjectural in respect of these kingdoms. The genealogy of the Ynglings in Norway, Orkney and Normandy is more readily ascertainable, though dates are only approximate and Orkney history in the thirteenth and fourteenth centuries is hard to piece together.

Manx dynastic history is also obscure during the thirteenth and fourteenth centuries. In 1275 the Manx attempted to establish King Godfrey, son of their last King Magnus, but he was defeated and slain by the Scots. Ranald, King of Mann (died 1229) had left a daughter, married to the Gallowegian Thomas (natural son of Alan mac Roland, lord of Galloway) who was still living in the custody of King Edward I of England as late as 1296. The same King Ranald's sister Africa had married John de Courcy, the conqueror of Ulster (died c. 1219), who according to Giraldus Cambrensis had no legitimate issue. However, a certain Africa of Connacht (whom Munch suggested was the previous Africa's grand-daughter) was one of the two claimants to the Isle of Man in 1293, and as heiress of the Isle of Man quitclaimed all her rights in 1304 to Simon, 1st Lord Montagu, whose grandson William Montagu, earl of Salisbury established himself as King or Lord of Mann in about 1333. His son sold the island "with the crowne" in 1392 to William Scrope, afterwards earl of Wiltshire, from whom it was conquered by King Henry IV of England in 1399. King Henry gave the kingdom of Mann in 1406 to Sir John Stanley, afterwards a Knight of the Garter, and a generation later the laws of the island were confirmed by his son "Sir John Stanley, by the Grace of God King of Mann and the Isles, and by the best of the Commons of the Isle of Mann". Thomas III, King of Mann from 1504 (2nd Earl of Derby), is said to have abandoned the style of king in favour of that of "Lord of Mann", saying that he would rather

be a great lord than a petty king. At the death in 1736 of James II of Mann (10th Earl of Derby), the earldom of Derby passed to the distant heir male but the sovereign lordship of Mann passed to his late aunt's grandson James, Duke of Atholl. It will be observed that the island passed as a result of female claims in the fourteenth and in the eighteenth centuries, presumably following its own laws. It is not only of interest because it formed for so long a part of the same kingdom as the Hebrides, and because Manx is a form of Gaelic, but more especially because Mann was the last of the many sub-kingdoms of the British Isles to survive under a separate dynasty. See Speaker A.W. Moore, "History of the Isle of Man" (1900), vol i, especially chapter vii, which however makes the mistake of supposing that Mary, Queen of Mann and Countess of Strathearn, had some claim to the island: she was in fact daughter of Eoin of Argyll, King in the Hebrides, and widow of King Magnus of Mann, who died in 1265 (see G.E.C., xii, p. 382).





(34) It is of course, at that date, hard to distinguish paganism from certain forms of heresy. See Hugh Ross Williamson, "The Arrow & the Sword" (1947). For a tabular pedigree of the Norman dukes, see preceding note. William "the Red King", grandson of Duke Robert the Devil, appears to have been closely linked with pagan survivals as late as 1100.

(35) The following table illustrates how the Anglo-Norman kings set about becoming "the kindred of St. Edward".

AETHELRED THE UNREDEY, Anglo-Saxon  
King of England (of the House of Woden:  
probably a Skiöldung) 978-1016.

EDMUND IRONSIDE, Anglo-Saxon King of England, killed 1016.      EDWARD THE CONFESSOR, Anglo-Saxon King of England (ST. EDWARD) 1042-1066.

EDWARD THE EXILE, died 1057.

EDGAR, King-Elect 1066, died after 1126.      St. MARGARET married MALCOLM III, King of Scots killed 1093.      WILLIAM THE CONQUEROR, Anglo-Norman King of England 1066-1087.

EDGAR, King of Scots 1097-1107      ALEXANDER I, King of Scots 1107-1124      DAVID THE SAINT, King of Scots 1124-1153, ancestor of the Scottish royal house.      MAUD married HENRY I, Anglo-Norman King of England 1100-35.

MAUD  
"of the kin of St. Edward", ancestress of the English royal house.

(36) See Professor R.L. Graeme Ritchie, "The Normans in Scotland", cited above, also Lewis C. Loyd, "The Origins of Some Anglo-Norman Families", ed. by C.T. Clay & D.C. Douglas for the Harleian Soc. (1951). Two minor emendations may perhaps be suggested to p. 371 of "The Normans in Scotland": Simon Fraser gave the church of Keith to Kelso in Malcolm IV's reign (Cart. Kelso, no. 85); William de la Haye (de Haia is charter-Latin for de la Haye, not "de Haye" as it is so often written), the Erroll ancestor, was King's Butler to Malcolm IV as well as to William the Lyon (Diplomata, no. 25), and derived his surname from la Haye-Hue (Haia Hugonis, now la Haye-Bellefond, and sometimes called la Haye-Comtesse)

which marches with Soules near St. Lo. His son David de la Haye sealed with the same arms (3 scutcheons) as the seigneurs of la Haye-Hue, and he himself was nephew of Ranulf de Soules (see "Genealogists Magazine", March 1955).

(37) The armorial background of King David I's daughter-in-law, Ada de Warenne, was the chequered coat borne by the Counts of Vermandois at the dawn of heraldry: which chequered coat was also adopted by the Warenne family after their Vermandois marriage. For this group of chequered coats, that included the twelfth century Counts of Vermandois and Meulan and Earls of Worcester, Leicester, Surrey and Warwick, and whose common ancestor was Hugh the Great, Count of Vermandois (died 1101), see G.E.C. vol xii app. J., also vol. ix app. A (note the Mortimer arms). The Clifford connections might repay examination from this point of view. The chequered coat appears on the seal of Hugh the Great's son Ralph, Count of Vermandois. The House of Warenne, descended from Hugh the Great's daughter Isabel (mother-in-law of the Scottish king-designate Henry), bore the chequered shield gold and azure. In Scotland there is a group of chequered coats (Stewart and Lindsay and Boyd). The Boyds claim to be, but are not proved to be, cadets of the Stewarts. Certainly, their early lands in Renfrew fell in the Stewart sphere of influence. The first Lindsay to adopt a chequered coat, it is suggested in "Scots Peerage" (vol. iii pp. 7-9), may have been William de Lindsay, who was Steward to the Steward of Scotland at the beginning of the thirteenth century (it is appropriate that at recent Coronations the Earls of Crawford have acted as deputies for the Great Steward of Scotland). But the chequers do not appear on any Lindsay seal (in place of the older Lindsay arms) before the time of Sir Alexander Lindsay of Crawford (fl. 1304), who is believed to have married a sister of James, Steward of Scotland. This Scottish group of chequered coats all display the chequers on a fess, and their mainspring seems undoubtedly to have been the Steward of Scotland. The fess chequy appears on the earliest Stewart armorial seals, from c. 1170. It may possibly therefore be suggested that Walter fitz Alan, first hereditary Steward of Scotland (son of Alan, Sheriff of Shropshire, son of Flaald, hereditary Steward of Dol in Brittany) owed his favour with Kings David I and Malcolm IV to some connection with King David's daughter-in-law (King Malcolm's mother) Ada de Warenne. Walter fitz Alan's father was married to Aveline de Hesding (presumably his mother), and Walter himself married Robert de Croc's widow Eschyne de Molle, apparently daughter of Thomas de Lundin and sister of Malcolm,

the first Doorward of Scotland (see "Scots Peerage", vol i, p. 11).

(38) The Regiam Majestatem appears to have been regarded as standard Scots Law, though requiring amendment in 1425 (see statute 1425, cap. 54), and in 1607 Sir John Skene, Lord Clerk Register Curriehill, presented his printed version of the Regiam Majestatem to Parliament, for publication among the laws of Scotland. See ~~—~~ Lord Cooper's comments in his edition of the Regiam Majestatem for the Stair Society. See <sup>also</sup> Chapter on Heirs at Law to Baronies, note 28.

(39) See Dict. Nat. Biog. sub RANULF DE GLANVILLE. Hubert Walter may possibly have been a member of the great Norman house of Malet (see Lord Dunboyne, "Hubert Walter and his Family", 9 July 1955: address delivered at 1955 Festival of the Friends of Canterbury). Hubert Walter's brother Theobald, Butler of Ireland, founded the remarkable Anglo-Norman house of Butler in Ireland, still Marquesses of Ormonde, Earls of Carrick, Viscounts Mountgarret and Lords Dunboyne.

(40) For this in Scotland, see Professor W. Croft Dickinson's intr. to "the Court Book of the Barony of Carnwath": also the chapter below on "The Heirs at Law to Baronies".

(41) G.E.C. vol viii, p. 214n., sub LOVEL.