

EARL WILLIAM TO EARL PATRICK: A SURVEY OF THE HISTORY OF ORKNEY AND SHETLAND FROM 1468 TO 1615

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It is difficult to avoid the word 'transition' when speaking of the period from 1468 to 1615. It is an era which really does seem, at least at first sight, to have a genuine beginning and end. Things are different before and after. There are crises at the start, and at the finish. In the period 1468 to 1472 first the Norwegian royal lands, then those of the Sinclair earldom, and finally those of the bishopric, come to have a Scottish allegiance. At the end of the period 1610-1615 the second Stewart earl is dead, the earldom itself is dead and buried, the castle of Kirkwall — its centre since the late 14th century — has been reduced to rubble, the law has become Scots Law, the royal and bishopric lands have been completely reorganised, and the former have been erected into a stewartry under the crown, which is to exercise for many years thereafter a much stronger control than had ever been possible in the fifteenth and sixteenth centuries.

What happened in between? Was there some identifiable process leading inexorably from the circumstances of 1468 to those of 1615? What is the story — what are the main themes — of the period? The era is one packed with incident, and in such circumstances the search for some all-embracing motive force might find only something so broad as to be meaningless, but it is possible to look for real elements of continuity and evolution. Such as? One is the efforts of the Scottish crown to find some appropriate way of governing Orkney and Shetland. Another is attempts by forces, within the islands and without, to counter the crown's intentions in order to bring power to themselves. The forces involved in these two processes interact, sometimes murderously, with each other; and the whole culminates in the Stewart earldom, its rise and utter collapse. In both cases events become turbulent and complicated, sometimes tediously so; but behind all the mayhem I believe there is a detectable consistency of approach to the peculiar circumstances of time and place.

One might also suggest another theme — the 'Scottification' (Clouston's pejorative term - 1932: 292) of the Northern Isles. In institutional terms the existence of this is difficult to deny. However it could be argued that Scottification, or Scotticisation, had been in progress for centuries before, at least since the succession of Scottish families to the earldom. The same could be said for the political drift of the islands from Norwegian to Scottish hands — that the events of 1468-72 were not a 'crisis' at all, but merely the recognition of a process which had been going on apace. And the 'crisis' of 1610-15 was brought about, not by a sudden Scottish desire for uniformity within the realm — though the notion certainly appealed to James VI — but

by the embarrassing and unpardonable behaviour of one man — Earl Patrick. I believe that the period did begin and end with a crisis; that we can trace themes which lead us from the first to the last; and that Scotticisation was a necessary consequence of events. It was natural, and accepted, that the problems of the period should be addressed in a Scottish way.

Let us look first at attempts to govern Orkney and Shetland from Edinburgh. It is clear from the first that the Scots were not unaware of the problems which the Norwegians and Danes had experienced in their time. As Barbara Crawford points out, 'the main theme running through the history of the earldom of Orkney is of the theoretical claims to control by the kings of Norway and the *de facto* independence which the earls seem normally to have possessed' (Crawford 1985: 233). James II and James III were clearly determined that they would not be as powerless as the Danish king had been in the face of William Sinclair's continued refusal to do him homage. William had moreover made a thorough nuisance of himself in Scotland during the attempts by James II to confer with Denmark on the questions of the Annual of Norway and the Northern Isles, and it was clearly felt necessary to curtail, as far as possible, his power with regard to the islands. He was forced to part with his earldom of Orkney, whose lands were then added to the holdings of the kings of Scots as part of the *pro rege* lands (Crawford 1976: 158-167; 1985: 233-9). William Sinclair had already made remarkable preparations to offset this and the prices he exacted were not inconsiderable. The whole story demonstrates the remarkable tenacity of the Sinclair family as a whole in maintaining their position in the islands for seventy years after they ceased to be earls. In particular I shall return presently to the question of earl William's 'conquest lands' — the lands which he and his illegitimate son Sir David Sinclair of Sumburgh acquired independently of the earldom, buying them up from the udal proprietors. These were themselves to form a theme running through much of our period.

The Scottish answer to the problem of who should represent the crown in Orkney and Shetland also shows a consciousness of what had been done before — namely the employment of the bishops. About 1420, Erik of Pomerania had used Thomas Tulloch as his representative in an attempt to put the young William Sinclair in his place; now William Tulloch and then Andrew Pictoris were employed as tacksmen of the *pro rege* lands (Crawford 1976: 159; Anderson 1982: 18-20). And the bishops did more than draw the revenues. The curtain walls of Kirkwall castle, added in the 15th century to the original tower house probably erected by the first Sinclair earl, are said to have borne a stone with arms including a mitre (Barry 1805: 228).

This ascendancy of the bishops was of short duration. The death of William Sinclair and the transfer of Bishop William Tulloch to the see of Moray opened the way for a confrontation — between William Sinclair's grandson Henry, Lord Sinclair, and Bishop Andrew Pictoris. Both were extremely able and noteworthy men. Henry Sinclair's reputation as man of

affairs, scholar and soldier, is well-known. Andrew Pictoris (or Schindeler, or Maler, or Dr Andreas) was a fascinating character, who was 'in the forefront ... of James [III]'s supporters during the flash-points of that interesting monarch's career' (Smith 1989). For that reason Henry Sinclair's attempts to achieve power for himself, beginning in the mid 1480s, did not become fully effective until after the king's death ten years later; and even then they were not unconditional.

The picture seems to be that of two royal servants fighting for the royal favour in respect of the 'lordships' (*dominiorum*) of Orkney and Shetland. Henry's interest in these is first noted in the exchequer return of 1484. Significantly, this is the period of James's recovery from his worsting at the hands of the duke of Albany. Admission to the revenues of Orkney and Shetland may have been one of the prices the king felt he had to pay for Henry Sinclair's support. In 1485 Henry's title is effectively described as a subtack from Bishop Andrew, but there then followed a period where the exchequer records are silent as to who is in control. The king, stronger again, may have changed his mind. Henry Sinclair did not finally become tacksman in his own right until May 1489, and even then there are several reasons to suppose that the government of James IV was no more enthusiastic than its predecessor about the advance of the Sinclairs in the Northern Isles.

In 1486, shortly after Henry's first appearance in the exchequer records, Kirkwall was erected into a royal burgh — *blenche ferme*, and with the most unusual grant of the cathedral building, a decision whose effects are still felt today. In 1490 the bishopric was erected into a regality, and five years later bishop Andrew and his successors received the island of Burray and a number of skats formerly due to the earl. This grant was ratified by the king on his declaring himself of perfect age in 1498 and specifically excluded from the earldom lands in the renewal of Henry Sinclair's tack in 1501 and other renewals thereafter. Henry Sinclair's tack of 1489 was for thirteen years, a length of time which suggests the final confirmation of a conventional 19-year tack which had come into effect six years before. It was hedged round with the threat of alternative tacks to the earl of Bothwell, his brother-in-law, and John Hepburn, prior of St Andrews, Bothwell's uncle.

When I first examined this episode in my book *Robert Stewart* (Anderson 1982: 20-1), I took the view that Henry Sinclair had got more-or-less everything he wanted, and the concessions to burgh and bishopric were forlorn attempts by the crown to save something from the wreckage. The rediscovery of Bishop Andrew has forced me to modify this view. The charter of regality makes specific mention of Andrew's service to the king's parents, and he received royal gifts at the same time. Moreover Henry Sinclair was never able to reclaim the skats and rents the bishop had taken from the earldom. Bishop Andrew, for his part, felt safe enough to travel to Europe in 1494 (Smith 1989: 96).

The rivalry between Lord Henry and Bishop Andrew took another form in Shetland. This was the struggle between their respective illegitimate sons, Sir David Sinclair of Sumburgh and Henry Phankouth, archdeacon of Shetland, over the presentation of the latter's successor in office. Sir David Sinclair may well have typified everything that the kings of Scots were seeking to avoid in their governance of the Northern Isles. Like his father, Sir David had been the servant of two masters, the monarchs of Scotland and Denmark, and in the dispute he was probably backed by the king of Denmark. He presented his friend Magnus Harwood to the benefice. James IV sent stern letters to all concerned, confirmed the aged Andrew's charter of regality, and appointed a younger man, Edward Stewart, to take on the practical duties of the see. James was however careful not to upset the balance which had been achieved between Sinclair power in the north and he avoided too obvious a support for the bishop's regality jurisdiction (Smith 1989: 97-8). The old bishop's young understudy did not remain in the north for long after Pictoris died — probably about 1505 — though his arms were placed on Mons Bellus, the bishop's palace which was built at Birsay around this time (Anderson 1982: 73). For ten years or so thereafter there seems to have been relatively little friction between the bishopric and the tacksman. Henry Sinclair spent the last ten years of his life restoring islands devastated by famine (Thomson 1984).

Lord Henry Sinclair was killed at Flodden. From then until 1541, a period of almost thirty years, the tack of the *pro rege* lands remained in the Sinclair family in the person of Margaret Hepburn, Lord Henry's widow. The question of who drew the revenues and exercised the accompanying jurisdiction during these years is however more complicated and the family story is one of internecine strife between the Northern Isles and Caithness branches, culminating in the death of the earl of Caithness at the battle of Summerdale in 1529. This unrest came to an end with the brief emergence of Oliver Sinclair of Pitcairns, the last member of the family to enjoy anything like the old powers in Orkney and Shetland. His power was also leasehold, and it was short-lived, but he provides a definite link between the Sinclairs and the new Scottish families that were to appear in Orkney and Shetland. He represented the Ravenscraig/Roslin branch of the family, and as such was closely related to both sides at Summerdale. He was cousin to the late earl of Caithness, and to Henry and Sir William Sinclair.

Oliver Sinclair sought control of the tack — at first through the rehabilitation of the victor of the battle, James Sinclair of Brecks, and latterly in person. In June 1535 Sinclair of Brecks was legitimated, knighted, and received his rather curious charter of the islands of Sanday and Stronsay. He committed suicide barely a year later, but Oliver maintained support for his side in the dispute. In 1539 Brecks's chief companions at Summerdale were granted a respite, and when Oliver became tacksman one of these, James Sinclair's brother, Edward Sinclair of Strom, was one of his deputies. Just as

in the case of Lord Henry's tack, the crown was favouring the Sinclairs purely as one element in a balanced system within the islands.

The rehabilitation of the Summerdale victors was not unconditional. Lady Sinclair had her tack renewed in 1536, the same year Kirkwall's status as a royal burgh was confirmed, and there was a grant in feudal form to James Irving of Sabay. And in 1540 an able bishop, Robert Reid, was appointed to the see of Orkney. James Sinclair's suicide however probably served as an invitation for Oliver Sinclair to become involved on his own account, though he did not become tacksman till 1541, after he had visited Orkney with the king. His ascendancy was short-lived; he fell with the humiliation at Solway Moss in 1542 and James V's subsequent death. But his appointment was significant in two ways. He was the first sheriff, as opposed to lawman or foud, and he was expected to pay a much more realistic tack duty for his privileges; 3000 merks was more than four times what his predecessors had paid, and a great deal more than the £1000 given as the value in the jointure of James V's first queen, Madeleine de Valois (Anderson 1982: 24-31). It also seems highly probable that he compiled the first estimate of the money income from Orkney and Shetland. This was given as £9750 per annum for Orkney, and £4210 for Shetland, indicating that from a royal point of view the earlier duties had indeed been modest. This total is just short of 21,000 merks, of which Oliver's duty would be one seventh (*ER*, xxi: 325-7).

Oliver Sinclair did not however profit from this arrangement. There now followed probably the most successful time of central rule in Orkney and Shetland during the whole of the period. From 1542 till about 1558, the royal and earldom lands — and probably the conquest lands as well — were ruled directly in the name of James V's widow Mary of Guise, who inherited them as her portion. Her governor, the obscure M. Bonot, received possession of Kirkwall Castle in 1543; he was still in control sixteen years or so later (Anderson 1982: 31). Though this period was a troubled one in Orkney and Shetland as a result of English and Highland invasions, it seems to have been administratively uneventful. It was brought to an end by the deaths of Robert Reid and the regent herself, and the scene was set for radical change.

For the years 1560-5, from the death of Mary of Guise to the first appearance of Robert Stewart, the revenues of the lands went directly to the crown. It was now in the bishopric that major changes in landholding in the north took place. Bishop Bothwell, under strong pressure from his relatives Gilbert Balfour of Westray and Sir John Bellenden of Auchnoll, feued off large chunks of the bishopric estates, both to them and to some lesser fry, including Sir John Bellenden's own brother Patrick. Adam Bothwell was the nephew of one Bellenden justice clerk, and the cousin of another. He was also stepson of Oliver Sinclair, the former tacksman. Both John Bellenden and Oliver Sinclair were major vassals of the commendator of Holyrood, Lord Robert Stewart. It is this Sinclair-Bellenden-Bothwell-Stewart connection which leads us from the Sinclairs, through their eclipse during the years of

Mary of Guise, to the Stewarts (Anderson 1982: 29-41). The Sinclairs were a spent force, though they still had one or two minor cards to play.

Robert Stewart first received a feu of the lands of Orkney and Shetland in December 1564, and he clearly felt that he would imminently be created earl. The royal favour had however been bought by subservience to Darnley, and the queen's disgust at her husband had its corresponding penalties for her brother. Robert was forced, in the aftermath of his sister's fall in 1567, to go to the north to seek to enforce his grant. In due course he realised his earldom ambition, but he had a far from restful career. Robert Stewart destroyed a Scottish policy with regard to the Northern Isles which was not to be resurrected for over 70 years. The 1472 annexation of the earldom and lordship had included a proviso that they were not to be alienated except to legitimate royal offspring, and since that time they had been treated as leasehold estates and as a widow's portion. Robert acquired them as a feu.

In the past there has been some indignation expressed at this apparent contravention of an act of parliament, that of 1567, by the privy council. This is a somewhat legalistic viewpoint. Parliament was free to object to the ignoring of its wishes; and anyone familiar with Scottish acts of parliament knows that they may be re-enacted again and again to keep them from desuetude. Robert himself may not have been legitimate, and his character may have left something to be desired, but he was of the blood royal. Moreover the acceptance of his right to a feu indicates a greater confidence on the part of the Scottish crown regarding its power in the islands — on the one hand its right to alienate what was undoubtedly a royal possession; on the other the assurance that the feu had only one undoubted master, the king of Scots. Whether this confidence was justified is another matter, and it is noteworthy that among the allegations against Robert in 1575 was the charge that he had done homage to the king of Denmark — precisely the kind of thing that the old policy was designed to avoid (Anderson 1982: 84-5). But it is more important to ask whether this allegation was taken seriously. Robert certainly did try to open some sort of negotiation, but the Danes themselves were lukewarm. In fact, although Robert faced much opposition in his time, the charges against him were almost always about misrule. There was never any serious suggestion that the feu should be rescinded or, after 1581, the earldom abolished.

For Robert's first seven years or so in Orkney and Shetland, affairs in the south were too turbulent to interfere with his activities in the north. It was not until the regency of the earl of Morton that the voices of his enemies — in particular the Bellendens — were heard, and he was compelled to come south where he spent two years in ward, in Edinburgh and Linlithgow. The fall of Morton and the emergence of the young king as a force in his own right brought a recovery in Robert's fortunes and his advancement, nearly seventeen years after his first appearance on the scene, to a resurrected earldom of Orkney and lordship of Shetland. Only six years later however,

the Bellendens again found the ear of the central authorities. Robert was effectively removed from the earldom, replaced by his son, and forced to part with large sums of money (Anderson 1982: 112-117; 1992: 18-21).

What lay behind this? To discuss the aims of the Stewart earls in the context of the period from 1468 to 1615 it is necessary to go back again in time and trace the second of the themes which I mentioned at the beginning — the ‘attempts by forces, within the islands and without, to counter the crown’s intentions in order to bring power to themselves’. The Sinclairs may have been the strongest single element in the islands in the early part of our period, but as a family they were already riven. Earl William had had three sons by his two wives, and on his death about 1476 the family properties — in Caithness, in southern Scotland, and in the Northern Isles — were broken up between them. The Ravenscraig lands went to Oliver Sinclair of Roslin, and the earldom of Caithness went to Oliver’s full brother, another William. In Orkney and Shetland the Sinclair estates — that is to say the conquest lands acquired by William Sinclair — went ultimately to his grandson, Henry, Lord Sinclair. He, in acquiring the *pro rege* lands as well, achieved control of the whole lands held by the last earl. In addition he wrested Ravenscraig from the Sinclairs of Roslin and was recognised as ‘chief of that blude’. The Roslin and Caithness branches were nevertheless to continue to play a prominent role in what followed (Crawford 1985: 243-6).

Although on Henry’s death his tack was inherited by his widow, his brother, Sir William Sinclair of Warsetter, ‘to all intents and purposes stepped into his ... shoes’ (Clouston 1932: 285). This was probably due to the youth of Henry’s son William — he did not die until 57 years later. With Lord Henry’s widow in nominal possession of the tack and actual control in the hands of Sir William Sinclair of Warsetter, matters were peaceful until some time after 1522, when the conflict flared up which led to the battle of Summerdale. The antagonists were the mature William, Lord Sinclair on the one hand, and on the other the sons of Sir William, the illegitimate James of Brecks and Edward of Strom, the legitimate Magnus Sinclair of Warsetter. The road to Summerdale begins when dissension between the two sides boiled over at Easter 1528, when Lord Sinclair was holding justice courts in Kirkwall Castle. Sinclair of Brecks and his brother of Strom broke in on the proceedings, killed three of their own nephews and seven of Lord William’s servants, took him prisoner, and forced him to surrender the house. Lord Sinclair pursued his cousins before the council demanding return of the castle. The council permitted him to enlist the earl of Caithness’s help in recovering it by force. On 7 June 1529 the pair tried to carry out this threat. Their expedition landed in Orphir, and made its way up over the hills into Stenness where it met the Orkney and Shetland Sinclairs at Summerdale. The result was utter rout. 30 Caithness men, including the earl, were killed on the field, 100 during the pursuit that followed, and 22 seamen were coldly butchered on the tide mark. By the time James and Edward Sinclair had

finished their extirpation, more than 300 had been killed in Orkney and Shetland (Anderson 1982: 21-5; Thomson 1987: 133-8).

What were they fighting about and why? Firstly the actual control of the lands held under Lady Sinclair's tack — the royal, earldom and lordship lands; secondly the conquest lands, independent of the others but in fact included with them in Lord Henry's rental. Lord William's mother held the tack continuously from the death of her husband till her own demise in the late 1530s, but after Summerdale there was an attempt to replace her with the stronger figure of the earl of Moray, suggesting that actual exercise of the tack was a contentious issue (Anderson 1982: 25). This failed, and we find James Sinclair of Brecks as 'Justice', holding the jurisdiction associated with the tack, which Lord Sinclair viewed as his right and had been seeking to exercise in Kirkwall in 1528. Regarding the conquest lands, it seems clear from the very title of the senior Orkney figure in the conflict, Sir William Sinclair of Warsetter, that he and his branch of the family had them in their possession. The estate of Warsetter does not appear in the early rentals as a unit in itself, but seems to have been created out of surrounding lands in order to provide a *bu*, or headfarm, for the conquest estates in Sanday (Marwick 1952: 17; Anderson 1992: 28). It was probably these estates which were referred to in the charter to James Sinclair of Brecks of the lands of Sanday and Stronsay. The Warsetter Sinclairs had sat down in the conquest lands, and the Caithness Sinclairs never forgot or forgave their loss.

The conquest lands are of great interest in charting the declining fortunes of the Sinclairs during the period. The tack of the royal lands was just that, a lease of lands which were indisputably the king's. The conquest lands were different. They were regarded by Lord Sinclair and his descendants as their rightful possession, and at any uncertain juncture in the course of Orkney and Shetland affairs, they saw an opportunity to press for their return. In 1541 when James V granted his tack of the islands to Oliver Sinclair of Pitcairns, Lord Sinclair secured a commission to him 'to tak cognition Quhat possessiouns landis and rowmes ... umquhile Henry Lord Sinclair, Sir David Sinclair and utheris had within the saids lordschippis of Orknay and Zeitland ...' In March 1567, when it was clear Robert Stewart was claiming a very broad infetment of the lands of Orkney and Shetland, Lord Sinclair obtained another commission, though this 'be occasion of civil werris tuik not effect'. In November 1581, three months after Robert was created earl, another Henry, Lord Sinclair, son of William, petitioned parliament about his rights, narrating the whole sorry story. This came to nothing, and there was no further agitation on the topic (Crawford 1985: 252-3). There is no doubt that when George Sinclair, earl of Caithness, invaded Orkney in 1614, he had at the back of his mind the fate of his grandfather 85 years before (Anderson 1992: 118). But there is no evidence that he sought, even in the hour of his triumph, to press the old claims, probably because the conquest lands were by now inextricably bound up with the *pro rege* lands.

Caithness had, as we shall see, other irons in the Orkney fire. But the Sinclair claims on the conquest lands were dead.

At what point did they die? Some of the conquest lands do seem to have descended to branches of the Warsetter Sinclairs, including Warsetter itself. But in fact all the families which descend from Sir William Sinclair of Warsetter — Brecks, Strom, Brough, Ness, Essinquo, Flotta etc. etc., seem to have been udallers in their own right, rather than the beneficiaries of successive divisions of the conquest lands. The greater part of the conquest lands seem to have become part of the *pro rege* lands, and I would surmise that this happened at the time of Oliver Sinclair of Pitcairns. The circumstances of his receipt of the tack of Orkney and Shetland are obscure, but they do point to grandiose aspirations. The greatly increased duty, much the same amount as that later paid by the Stewart earls, may have resulted from James V's view of how much Orkney at least was worth following his visit there. But it also suggests that it included all the land in Lord Henry's rental of 1500 — royal, earldom, lordship and conquest. Perhaps Oliver hoped ultimately for the resurrection of the Sinclair earldom, but his fall lost all for himself and the family as a whole. In 1544 he was in dispute with Lord Sinclair, over the latter's lands in Shetland (Anderson 1982: 30; Crawford 1978), which sound like the conquest lands amassed there by Sir David Sinclair of Sumburgh.

But Oliver Sinclair, though he had acute financial problems for much of the 1540s, was not finished yet. He arrived in Orkney again with bishop Bothwell, bringing with him echoes of all the old causes. His presence was noted by the Caithness Sinclairs, who concluded a contract with Magnus Halcro of Brough, chantor of Orkney, an ecclesiastical opponent of Adam Bothwell; the latter promised to assist any invasion by the earl of Caithness. Adam Bothwell in turn sought Oliver Sinclair's support. In part this may have been because of Sinclair's involvement in this whole Scottish carve-up of the bishopric lands. But it was also because the actual surviving Summerdale faction, the Sinclairs of Strom, were riven among themselves. This was ostensibly on the question of the reformation brought by Bothwell, though Bothwell himself saw the influence of Sir John Bellenden in the opposition towards him of the Sinclair of Strom sons, Henry and Robert. They had publicly humiliated him, and their father Edward, the Summerdale veteran, was not prepared to restrain them. The religious issue may be a red herring; Oliver himself was described by Knox as an 'enemy to God', which suggests that he would not have been favourable to Bothwell's reforms (Anderson 1982: 35-7).

But before we look at these later activities, it is as well to recapitulate on just what had happened to the lands of Orkney and Shetland on the eve of Adam Bothwell's arrival in 1560. In 1468, in the Orkney and Shetland game of monopoly, there were perhaps 7 types of square on the board. Very briefly, these were as follows: the crown estates, or *kingsland*; the earldom lands of Orkney; the lordship lands of Shetland; the conquest lands; the udal lands; the

bishopric lands; and the kirklands. The story of the period 1468-1564 is that of the gradual simplification of this picture. The impignoration and subsequent appropriation of the earldom effectively united the royal, earldom and lordship lands. The conquest lands were also added to this, about 1540. Thus there were now only four types of territory — *pro rege*, bishopric or *pro episcopo*, udal, and kirkland. The story of the last fifty years or so of our period is that of the tension between the Stewart earls, whose clear intention was to simplify this picture still further, and the lesser landowners, who were seeking to carve their own smaller slices out of what was available, particularly in the bishopric and kirklands. The latter's activities made the picture complicated again.

Robert Stewart's intention was to obtain a feu of the *pro rege* lands, add to them control of the bishopric lands and such kirk and udal land as he could get hold of. This may sound too simple, implying a definite systematic programme. I do believe he had such a programme, and in fact he achieved quite a high proportion of this, though there were a number of complicating factors. The excambion with bishop Bothwell, whereby the latter parted with his temporalities in exchange for the estates of the abbey of Holyrood, is well-known; but it was not by any means the whole story. Robert Stewart arranged a further excambion with Sir John Bellenden, exchanging the lands of Birsay for the barony of the Kerse on the south bank of the Forth; but it became clear that Bellenden felt that he had been cheated, and the opposition of the family was to return to plague Robert twenty years later (Anderson 1982: 39-41; 1992: 18-20).

Robert was forced to fight off an invasion by Patrick Bellenden, and feu out further lands from the bishopric. The feuing of Bothwell and Robert Stewart created a whole new class of proprietors on the Orkney scene — feudal lairds on the Scottish pattern, who were to continue to flourish after the fall of the Stewarts — in some cases right down to the present century: the Balfours, the Bellendens, the Moodies, the Gordons of Cairston, the Hendersons of Holland, the Monteiths. Oliver Sinclair of Pitcairns was also prominent among the recipients of the Bothwell infeudation. He received lands in Eday, which he passed on to Edward Sinclair, his brother. However Edward Sinclair of Eday provides a continuing link with later events. In 1576, in financial straits, he granted a bond to the Edinburgh merchants Henry Hathaway and his wife Jonet Fockhart. This was bought up in 1601 by the earl of Caithness, who made the Eday Sinclairs his clients and used them as a stick with which to beat Patrick Stewart (Anderson 1992: 61).

By that time, the Sinclairs in Orkney had declined into a number of small udal families, mostly descended from Sir William Sinclair of Warsetter. In Shetland the situation was rather different. However obscure some of the branches there had become, they had not forgotten their exalted ancestry, nor how William Sinclair had built up estates in the Northern Isles independent of the crown. Two main figures attempted to amass large udal estates on their

own account during the 1590s. These were Hugh Sinclair of Brough and the most significant of all the Scots who came in on the coat-tails of the Stewart earls — Laurence Bruce of Cultmalindie. Hugh Sinclair of Brough, son of Henry, grandson of Edward Sinclair of Strom, was the senior representative in Shetland of the Sinclairs who stood in direct line from the last Sinclair earl. In the year before his death he acquired no fewer than 15 grants of udal land, representing 25 or so separate lots, divided among his two families of sons, who on his death were each offered an embarrassment of assistance by both Patrick and the Bruces.

The other notable Sinclair line in Shetland is that which probably descended from a previous earl through Henry Sinclair of Havera and his son Ola. The two lines appear to have fallen out, in Shetland, in 1602. Matthew Sinclair of Ness, a great-great-grandson of William Sinclair of Warsetter, of the Orkney Campston line, was murdered at Dunrossness. The perpetrators were almost certainly Francis Sinclair of Uyea and Robert Sinclair of Ramnageo, but Earl Patrick was anxious to pin the crime on Adam Sinclair of Broo, one of their cousins through the Haveras. Broo was quick to seek 'ane condong essaye agreabill to his bluide and rank', a clear reference to his ancestry. Patrick appears to have incriminated Sinclair of Broo in order to enlist the support of the Uyea branch in his struggle to attain control over the whole Sinclair family in Shetland, a struggle he was waging against the Bruces of Cultmalindie and Symbister. The Shetland Sinclairs were still important and wealthy enough to excite the interest of Patrick Stewart, but two points indicate they were a spent force. The first is the sheer obscurity of the murder of Matthew Sinclair. Whatever use Patrick may have sought to make of it, it seems to have been a family squabble between the Orkney branch and an older Shetland branch represented by Francis Sinclair, a notorious wastrel. The second is the ill-luck the family had suffered in losing its senior members to early death (Anderson 1992: 67-76).

When Robert Stewart himself died, his position, at its zenith in 1581, had declined markedly. He had been forced to recognise the claims of the Bellendens; he had excited the discontent of Adam Bothwell, still pursuing him before the courts; and the king, probably on Bellenden advice, had effectively confiscated the earldom and granted it in fee to his son. Patrick spent his first seven years as earl, from 1593 to 1600, in a state of some uncertainty, partly because the king would not serve him heir to his father and partly because James wanted the income of the bishopric for his own purposes, notably that of the queen's maintenance. The 1590s, and in particular 1595, was a period in which the whole question of income from Orkney and Shetland was re-examined. Although at one point it was said that James was going to 'challenge' the earldom of Orkney, and Clerk Register Skene was hinting at increasing the duties, in the end Patrick was confirmed in his dominions, earldom and bishopric, in March 1600, apparently for no greater price than that of putting his affairs in order (Anderson 1992: 18-20, 46-59).

Patrick Stewart remained unchallenged only for five years. At the end of that time his notorious activities, coupled with the king's strong views on the virtues of episcopacy, resulted in the restoration of the bishopric. It was never James's intention to employ James Law as Andrew Pictoris had been — after a brief period in charge after Patrick's fall, he was superseded in his control of the crown lands — but it was intended that he at least try to influence Patrick. The earl had succeeded in falling out with all the major members of his two main groups of natural followers — his vassals of Orkney and the udallers of Shetland. He had quarrelled with members of his own family, and was ignoring the advice of Sir John Arnot and others, as well as the courts which were trying to bring him to book (Anderson 1992: 77-9). His rule shows no consciousness of the past, of the policies followed by his Scottish or Norwegian predecessors, of anything other than a desire to extend his power and wealth in Orkney and Shetland to the uttermost. Yet if he was not himself conscious of the power wielded by the Norse earls at the expense of their royal overlords, he nevertheless showed the continuing dangers for good government of a man of pretension in the area. It was for this reason that when he fell, the earldom disappeared for more than 70 years.

There were still those who sought an earldom in the north, most notably Patrick's brother John, and in a strange sense he found one — that curious dignity of Carrick, in Eday, the island which was the home of the greatest of the Orkney Sinclair opponents of Patrick (Anderson 1992: 143). But he had little influence on events; from the death of Patrick until the advent of the earls of Morton later in the century, government in Orkney and Shetland was in the hands of tacksmen and sheriffs.

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