

The Regality of Spyny

Some Background to its Creation.

In old Scots Law, a Regality could only be created by the King himself and he achieved this by granting lands to a subject, *in liberam regalitatem*. A Baron of Regality had civil jurisdiction, within those lands specified, equal to that of the *King's Sheriff* and this regularly gave rise to clashes and disputes regarding authority. The Baron was allowed to hold *Regality Courts* at which he could hear every type of case known in civil law, save that of *treason*, which cases were reserved to the King in person.

In 1437, the King of Scotland was James I, but, on the night of 20 February, he was assassinated in the Blackfriar's Priory at St Johnstone (Perth). Behind the murder was Sir Robert Graham who had been an energetic enemy of the King and who wished to see Walter, earl of Atholl (K. Robert II's younger son by Euphemia of Ross, and step-brother of the infamous Alexander Stewart, *the Wolf of Badenoch*) on the throne. The crown now passed to James I's six-year-old son, James II,¹ but since he was a 'minor', the reins of power were held by others until the boy came of age in 1449. Now, aged 19 years, one can imagine the sighs of relief that the lad must have let loose after having survived some 12 years of *troubled minority*. He set off on a course to pursue many of his father's policies, and, in a fairly short reign (he died aged just 29 years), and at the grave expense of the Clan Douglas who had been party to his father's murder, James II was to become as powerful in his kingdom as any of his predecessors had been.²

John of Winchester was royal agent through and through. He had come north in 1424 in the train of King James I when the latter was released from his lengthy imprisonment in England. The king returned with his wife, the Lady Joan Beaufort, daughter of John, 1st Earl of Somerset, and niece of Henry

Beaufort, bishop of Winchester. It is very possible that John of Winchester was Joan's personal chaplain. His closeness to the royal couple led to a rapid rise in church circles - in 1425, vicar of Alyth; c.1434, provost of Lincluden; a canonry of Moray and the deanery of Aberdeen. In 1432, he was at the Council of Basel, possibly as an observer on behalf of the king. James I was very much 'a man's man' - strong, athletic, skilled in the knightly attributes. But he was also, for his day at least, something of an intellectual and the poetry he wrote, inspired by his wife, in his own *King's Quair* is still appreciated by scholars of the 'modern era'. But, most outstanding of all was his ruthless efficiency and determination to re-establish royal authority across the land. It is difficult to imagine that any individual would enjoy favour with this monarch who did not share the same attributes and strategies.

Even after the king's humbling of the Highland chieftains and, in particular, Alexander, Lord of the Isles, at Inverness in 1428, the northern parts of his kingdom were not secure and the long-term pacification that was the king's intention eluded him.

In the last years of the old king, James I's, reign, John Winchester had risen to a position of influence, if not power, in the royal household. It is generally accepted that it was through the king's 'influence' that John was appointed to the provostry of the collegiate church of *Lincluden*, founded in 1389 by the Black Douglases, until recently the most deadly enemies of the king. This act reveals the degree of trust that John enjoyed of the king but, more importantly, it reveals the nature of the future Bishop of Moray. To be 'posted' into this seething hot-bed of anti-royalist feeling shows us that the king had identified him as a man of supreme talent and integrity who enjoyed his complete confidence - a man whose influence could be depended on to spread the king's authority in this challenging part of the kingdom. Not long after John's appointment to the provostry (c.1434), Columba Dunbar, the then bishop of Moray, died in his castle at Spyny some weeks before 7 November 1435.³ The bishop had been very active in the

royal household and was a much-trusted advisor and diplomat. As such, he would have known John Winchester well, and, being already a member of the Chapter at Elgin, John would have shared in Columba's plans for both his cathedral and diocese.

As sad an event as Bishop Columba's death was for the king, it provided a heaven-sent opportunity to have 'his man' elected to the see. John's undoubted talents, which in the king's eyes had suited him for Lincluden, were ideally matched for what was a similar task in Moray, only on a substantially larger scale. No doubt the king hoped that by such a move he could finally bring the 'king's peace' to Moray.

Winchester first appears as bishop-elect on 7 November 1435⁴ and his election was confirmed by the Pope at Easter 1436. Rather than journeying to Rome, Winchester was consecrated bishop at *Cambuskenneth Abbey*, near the Royal Castle of Stirling, on the *Feast of the Ascension* (9 May) 1437⁵. This date is of great significance since, by then, his royal patron, King James I, was dead and buried. It is most likely that the Queen travelled the short distance from the castle to the abbey for what would have been a magnificent ceremony and it is very possible that she would have brought her young son with her - it would have been an ideal opportunity for the young king to be shown (as still alive!) to the high officers of all three 'estates'. However, it may have been a great trial for the young boy, particularly because of the unsightly red birth-mark that covered half his face and of which he was very uncomfortable on public occasions throughout his life.

John Winchester emerged as one of the major figures in the politics of James II's minority. He remained steadfastly at the Queen's side during these turbulent times. Her young son was often taken from her and placed in the custody of powerful families, such as the Livingstones, for his *weel being*.

But John was never far away from the boy and is frequently a witness to Crown charters of this era. He was a regular attender at Parliament also.

Winchester's position, power and influence were recognised even by the Douglas clan who took every opportunity presented by the minority to wheel-and-deal their way back into positions of great power in the country. Their activities were particularly pronounced in the bishop's own lands. The seventh earl Douglas had his son, James, provided to the precentorship of John's cathedral in Elgin.⁶ The eighth earl was even more ambitious on behalf of his sons Archibald and Hugh. He saw them created *earl of Moray* and *earl of Ormonde* respectively, giving the family a huge power-base extending from the River Spey to the Black Isle. The castles of these two brothers were but a short distance apart across the *Chanonry Ferry* at Ardersier, a strategic route from the south to the north. Even though the two earls courted the bishop and made generous gifts to his cathedral, John studiously maintained his distance from the Douglas faction.

Winchester's standing was already of the highest in the days of King James I and, when James II came of age and took up the reins of royal power and authority, he lost little time in rewarding the bishop for his unswerving loyalty. As we have seen, on 24 July 1451, the king raised the 'ville' of *Spyny* into a *burgh of barony*, giving the bishop a way to challenge the monopoly of nearby Elgin. Only three months later, on 8th November 1451, the king erects and creates the ***Regality of Spyny*** encompassing all of the diocesan lands and property and thus placing the bishop amongst the greatest powers in the kingdom - second only, within his Regality, to the king himself. In the king's confirmation of these two grants, dated 15 August, 1452,⁷ we are further told that the bishop was to pay the king, each year at the Feast of the Nativity of John the Baptist (24 June), at Inverness, one red rose.



*Above: A lonely tomb for so great a man! John Winchester's tomb
in Elgin Cathedral.*

It is too easy to pass over these two charters of King James II, paying only scant attention to them, but, in fact, they are of major significance to the position and standing of both the monarch and the bishop in the power structure of the northern lands. The bishop's position as the spiritual lord was virtually unchallengeable within the vastness of his diocese. No one - sheriff, baron, earl, even the king himself - could challenge him in the exercise of his spiritual authority, and, because of Scotland's unique situation in not yet having a metropolitan archbishop, the only course of appeal against a bishop lay in the distant, complicated and exhaustively expensive options available in the Papal Curia. Occasionally a Papal Legate or Nuncio would visit the country and be able to provide judgement in disputes. On occasions, the Pope appointed one of the Scottish bishops to

the position of Legate, but this was more in the form of *primus inter pares* with the responsibility mainly of calling and chairing Synods. What is clear is that Scottish history has benefitted greatly from the great mass of materials held in the Vatican Archives - much more than for other provinces - accumulated because of the significant number of causes that were referred to the Curia since there was no metropolitan archbishop to deal with them in Scotland.

The bishops of Scotland, as elsewhere, along with the king, were set aside from and above mere mortals by the act of *consecration* known as **Anointing**. King Alexander II had first sought this prestigious blessing from the Pope, but a jealous King Henry III of England opposed the move, "unwilling to see his northern neighbour given exactly the same shielding *sanctity* as himself."⁸ It was not until the coronation ceremony of King David II, in 1329, that the first Scottish king was consecrated (anointed). In the *spiritualia* of his diocese the bishop was absolute master, but the secular *regalia* was held by him of the king, as did any baron.

The original intention of King James I was that John would be the vector of his royal authority across the northern lands, and this cause was energetically advocated by his son when he came of age. But the bishop would be hindered and challenged given his existing status and position within the secular world. It was not as a simple 'pat-on-the-back', in return for the bishop's loyalty during the king's minority, that King James II created the Regality of Spyny. It was an act that strapped a sword of state to the bishop's side, to wear along with his crozier! The bishop would now rank with the highest in the land. This was, in effect, only one step short of the *palatinate jurisdiction* held by the Bishops of Durham over the north-east of England.

As an interesting aside, the bishopric of Moray was to be held, in time, by Andrew Stewart (1482-1501), who was the youngest son of Queen Joan Beaufort, (widow of King James I, whom John Winchester had accompanied north on his return to Scotland), by her second husband, James Stewart of Lorn.

It will interest (disappoint?) some readers to know that none of the Barons of Spyny, both before and after the Reformation of 1560, ever matriculated arms in the Lyon Court.⁹ There are some 'suggested' arms to be found elsewhere on the internet, but these are pure figments of someone's imagination, and certainly not acceptable under Heraldic Law.

In the political game of chess that the king was required to play, his flank - always exposed to challenges from the North - was covered if he could secure loyal individuals in the two seats of power in the province - the Earl

and the Bishop of Moray. For long, this was the 'key' to the throne of Scotland and the stability of the realm!

Following the Second Reformation (1560) all church lands were returned to the Crown. It would appear that the kings enjoyed the income of the Regality for some years before, on 6 May 1592, James VI bestowed the whole barony of Spynie (as it had been held by the bishops of Moray) on his vice-chancellor and counsellor Alexander Lindsay, fourth son of David, 10th Earl of Crawford, to be enjoyed by him and his heirs in perpetuity.¹⁰ The barony has been dormant since 1671.

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- ^{1.} James was a twin but his (slightly older) brother, Alexander, died before he reached his first birthday. [\(back\)](#)
 - ^{2.} For an expansive history of the reign of James II see - McGladdery, C. (1990) *James II*. Edinburgh: John Donald (Birlinn Ltd.) [\(back\)](#)
 - ^{3.} Bishop Columba was the third son of George, earl of March, a cousin of the Dunbar earls of Moray, and a kinsman of King James I. [\(back\)](#)
 - ^{4.} *Apostolic Camera and Scottish Benefices 1418-1488: Obligationes et Solutiones* p.22 [\(back\)](#)
 - ^{5.} Watt *Fasti Ecclesiae Scoticae Medii Aev: ad annum 1638* p.215 [\(back\)](#)
 - ^{6.} 30 May 1441 - aged 16 years and described as administrator in spirituals of the Aberdeen diocese when appointed Bishop of Aberdeen. At the same time he was provided by the Pope to precentor of Moray. [Burns, J.H. (1962) *Scottish Churchmen and the Council of Basel*. p.71] He seems never to have been consecrated Bishop. [\(back\)](#)
 - ^{7.} *Registrum Episcopatus Moraviensis*, no.194, p.225 [\(back\)](#)
 - ^{8.} Ross, A. (1990) *Monarchs of Scotland*. Moffat: Lochar Publishing. p.60 [\(back\)](#)
 - ^{9.} Personal communication from Ms Lorna Irving, Secretary to Lyon Office, dated 21 March 2019. [\(back\)](#)
 - ^{10.} RMS, 5, 1727 [\(back\)](#)



[Return to top of page](#)

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