

## STONEWALLS - REVISITED

### *Speaking of the Kennedys* ©

*With the masses of data now easily accessible via the Internet-*

## **What is the Current Documentation Status for Lady Mary Kennedy?**

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### **The Issue**

One of the most hotly contested “Stone walls” in the early days of the Agnew Association was the lack of *any documentary evidence* for the proposed “royal descent”.

This depended solely on the claim that the wife of the first Sheriff of Lochnaw was daughter to James Kennedy of Dunure whose wife was Lady Mary, a daughter of King Robert III. The Agnew of Lochnaw family history<sup>1</sup> refers to her without any given name or dates (implying in Vol . I, of the Second Edition marriage in 1426) and defining her only imperfectly in the context of her father, “Sir James Kennedy”, consistently omitting the defining designation “The Younger” and in at least one place even “of Dunure”.

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### **I. The More Recent Literature**

Few printed texts in the past 20-25 years have referred to the Agnew Family other than to repeat the longtime “canned history” although some have offered a bit more on a possible Irish origin alluding in passing to the McDonald connection suggested by Hector McDonnell in his little known 1993 paper in the *Glynns*. A handful of papers from Celtic scholars in the 1980-90’s made the O’Gneevs/O’Gnimhs somewhat better known though still in the derisive English term of “bards”.

The Internet is flooded with the claimed royal descent and associated “pedigree” entirely through the electronic appending of old material in more “box filler” family trees on the burgeoning genealogical websites and chat boards. But these are supported *only* by material from *The Hereditary Sheriffs of Galloway* and quotes therefrom repeated in *The Book of Agnews- no new data have appeared.*

The website The Peerage (<http://www.thepeerage.com>) is typical of these sites that include anything suggested or uploaded. They masquerade as authoritative with pedigrees in the standardized formats and formal appearing citations but should never be confused with compendia of scholarly repute like the *Scots Peerage* or the earlier editions of *Burke’s Peerage*

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<sup>1</sup> Hereditary Sheriffs of Galloway<sup>2nd</sup> Ed Vol I, 236-8; 40, Vol II, 430; 1893

which were painstakingly checked and updated. This Mary Kennedy page from The Peerage website is typical of the current crowd sourced genealogy site products:

### Mary Kennedy<sup>1</sup>

F, #184222

Last Edited=

14 Jun 2007

Consanguinity Index=0.2%

Mary **Kennedy** is the daughter of [Sir James Kennedy of Dunure, younger](#) and [Lady Mary Stewart](#).<sup>2</sup> She married [Andrew Agnew, 1st of Lochnaw](#) in 1426 at [Scotland](#).<sup>3</sup>

#### Children of Mary Kennedy and [Andrew Agnew, 1st of Lochnaw](#) \*

1. [Gilbert Agnew](#)<sup>4</sup>
2. [Patrick Agnew](#)<sup>4</sup>
3. [Andrew Agnew, 2nd of Lochnaw](#)+<sup>4</sup> b. 1427, d. 1483/84

#### Citations

1. [[S156](#)] Mary Virginia Agnew, *The Book of the Agnews* (Pennsylvania, U.S.A.: n.n., 1926), page 376. Hereinafter cited as *Book of the Agnews*.
2. [[S157](#)] Sir Andrew, of Lochnaw Agnew, *The Hereditary Sheriffs of Galloway* (n.n.: n.n., 1893), page 271. Hereinafter cited as *The Hereditary Sheriffs of Galloway*.
3. [[S1609](#)] Jimmie Robbins, "re: Agnew Family," e-mail message to [Darryl Roger Lundy](#), 9 February 2006 and 5 June 2007. Hereinafter cited as "re: Agnew Family."
4. [[S157](#)] Sir Andrew, of Lochnaw Agnew, *The Hereditary Sheriffs of Galloway*, page 430.

Note patent nonsense here. Patrick and Gilbert, both stated in records and widely recognized as illegitimate, *cannot* be sons of Mary or *any* lawful wife. It is what "illegitimate" means!

In contrast two erudite works appeared in the 1990's on topics that should have discovered pertinent data if it had surfaced in recent decades. The first appeared in the New England Historic and Genealogical Society's scholarly journal, *The Record* in 1998<sup>2</sup> and traced an early New England immigrant's descent from King Robert III. Because leaders in the Great Migration included members from a number of noble and armigerous families of the British Isles the society's experts include some widely recognized specialists in both royal and medieval genealogy who frequently publish corrections to long standing accepted royal descents.

This paper investigates the descent of Archibald Dunlop (born Glasgow 1672, died 1713, Stratford, Conn.) a descendant of King Robert III through Princess Mary, reputed mother of Mary, proposed wife of Andrew Agnew of Lochnaw. No such daughter is mentioned but the date of her marriage to Sir James Kennedy the Younger of Dunure is stated as circa **1405**, in common with The Scots Peerage, the Magna Carta Sureties, etc. rather than the date of circa 1403 favored by some earlier sources.

The other recent compendium is *The Descendants of King Robert I of Scotland*. This is not intended to be a specific and authoritative interpretation. Rather its goal is to show all recorded descendants with attached dates and places together with detailed source and page references to permit one to judge the validity of each statement and connection. It would seem telling in view of the number of times "Princess" Mary Kennedy has been reported in both the *Sheriff's* volume

<sup>2</sup> Scherer, JL *NEHGS Record*, 152:191; 1998.

and the *Book of Agnews* along with secondary citation from these sources that *she is not listed as among the descendants of King Robert I* which she assuredly would be if she existed. Her absence from this 2009 compendium of more than 2100 pages and more than 27,000 literature citations indeed suggests that she has not been recognized outside the two Agnew works.

I find that Sir Andrew's too often fanciful prose spins a needlessly disjointed tale across a dozen pages. After reviewing the various elements of the story against a large number of sources from the 18<sup>th</sup> century to the present, I am still unable to identify a single reliable *independent documentation* or confirmation for the Agnew thread in the narrative. *It is extraordinary!*

Sir Walter Scott knew his countrymen well indeed when he wrote;

“Oh what a tangled web we weave, When first we practise to deceive!”

The whole of the James Kennedy the Younger of Dunure and Lady Mary Stewart's progeny – in fact all of Lady Mary's four marriages and intervening betrothal – remain a tangle of widely differing dates, numbers of offspring and improbabilities as he presents them. And the ancillary issues are equally snarled.

Clearly, the time has come – indeed, is long overdue - for a careful review and analysis of *any* “hard data” sources that can be gleaned from the scanty citations in these two works- particularly from the *Hereditary Sheriffs of Galloway* since the American text contains only cuts and pastes from the Scottish original.

## **II. Analysis of the Claims and Sited Sources**

Basically the details of the claims are scattered across pages 234 to 238 and 243-246 in Volume I and on Page 430 in Volume II of *The Sheriffs of Galloway* although there may be a few brief reprises elsewhere.

For the purpose of gleaning all details it is imperative to examine the exact statements and citations in the original volumes and track them back to the source. In their absence alternate possible sources should be searched for supporting or refuting claims.

Because the *Sheriffs'* history has not been readily available to most readers, short extracts will be included in discussions but a selection of full pages are being supplied as a separate section so readers can also judge points in a fuller context and print them out for reference later. For those of you with the interest and computer/printer capability the full text of each volume of *The Hereditary Sheriffs of Galloway* can be downloaded in PDF form at the following URL's:

Volume I <http://archive.org/stream/hereditarysherif01agne>

Volume II <http://archive.org/stream/hereditarysherif02agne>

Among the various copies listed those from the Allen County Library provide good quality images.

Chap XII. Early Years in Galloway: Lochnaw Castle and Interaction with the Douglas and Stewarts. 1366 – 1424

The Mary Kennedy story is embedded in the turmoil and crosscurrents of internal struggles against Douglas' iron-handed control of Galloway - between the Black and Red branches of that ruthless and powerful family, the fading power of the former dominant families and the determined efforts of the Stewart heirs of Bruce to achieve supremacy.

Sometime in the 14<sup>th</sup> century the first sheriff's grandfather is said to have acquired the Lochnaw property and occupied the small castle in the loch there. In several places in Chapters 11 and 12<sup>3</sup> Sir Andrew states that "... in the reign of David II he got the keeping of the king's castle of Lochnaw"<sup>4</sup> and was made Heritable Constable thereof", with a further reference to appointment as Sheriff of the County of Wigtown, suggesting these were contemporaneous.

The part of that saga pertinent to Mary Kennedy starts on page 234 with the call by Archibald Douglas, for Galloway landholders to bring in their commissions for confirmation or face confiscation. For whatever reason Agnew was slow to comply and Douglas sent troops to fetch him. Through a ruse the raiding party was routed but Douglas promptly responded in force and, after a short siege, old Lochnaw castle fell, was stripped, burned and the battlements toppled. The Agnews were allowed to leave unmolested and, according to tradition retired to Larne in Ireland.

But on pages 235-36 the narrative continues introducing how the dispossessed Agnew became acquainted with those royal persons that led eventually to his son, Andrew's fortuitous marriage with King Robert III's granddaughter, Mary Kennedy.

Traditionally it is said that the Agnews when driven from Lochnaw retired to their lordship of Larne.<sup>2</sup> Possibly they did, if they still possessed it. Though we believe that their journey was much shorter, whether by land or water, and merely across Loch Ryan to their lands of Croach.<sup>5</sup> But however this may have been, the constable lost little time in repairing to Court to lay his grievances before the king. Robert III. doubtless expressed much sympathy, but could give him no assistance, whether with money or men. He, however, allowed him to remain at Court, whether with or without an appointment, where he was fortunate enough to attract the favourable notice of the Princesses Margaret and Mary. He assisted probably at the marriages of both—the elder to Archibald Douglas, son and heir of his terrible lord; the latter to George, first Earl of Angus (the date of which is 24th May 1397), and afterwards to a Kennedy of Dunure.

<sup>3</sup>Pp 208, 209, 218, 224, 231 et seq.

<sup>4</sup> McKerlie notes that there is no record of a royal castle at Lochnaw and the age and construction suggest it is of Norse origin.

<sup>5</sup> Confirmation of possessions in the time of David II and their holding Croach in the time of Robert II/III is another issue that needs to be reviewed but only at a later date.

This description and account of their reception and participation in court affairs is supported by a footnote that reads as follows:

2"The Agnews of Lochnaw being dispossessed by Archibald the Grim, and their lands given to William Douglas, emigrated beyond his influence to Ireland. But not liking their new place of abode, the father and son removed to the Court of Robert III at Perth, the former becoming a member of the royal household, and the latter having the good fortune to attract the notice of the king's daughter Margaret."  
*Chron. of Lincluden*, 63

I was astonished and delighted to find that there *was* apparently independent evidence for the time at King Robert's court and the volume title suggested it might be more nearly contemporary with the events recorded. Thanks to the continuing digitizing of out-of-copyright books the text of the *Chronicles of Lincluden as an abbey and as a college...* is available on line.

However, it proved to be a Victorian (1888) work by William M'Dowall, who was most likely from Galloway or with Galloway connections. The cited page 63 reads:

1 Sir Andrew Agnew, in his valuable work, A History of the Hereditary Sheriffs of Galloway, furnishes some very interesting information respecting the relationship which one of his ancestors of the same name bore towards the Princess Margaret. The Agnews of Lochnaw having been dispossessed by Archibald the Grim, and their lands been given by him to William Douglas of Leswalt, they emigrated beyond his influence to the West of Ireland ; but not liking their new place of abode, they, father and son, repaired to the court of Robert III. at Perth, the former becoming a member of the royal household, and the latter having the good fortune to attract the favourable regard of the King's daughter, Margaret, about the time she was married to Archibald Tyneman. "Though not inclined to love the name of Douglas, young Agnew was sincerely attached to this lady, and had soon cause to be grateful for her good offices." When, as Duchess of Touraine, she acquired supreme rule at Thrieve, her young protege, Andrew Agnew, who had feared both her father-in-law and husband, accepted service in her household, and that all the more gladly because there was in it also " a fair scion of the house of Dunure, a daughter of the Duchess's sister, the Princess Mary," for whom he cherished a strong affection. His suit was promoted by the Duchess; the youthful couple were wedded in due course ; and their kind patroness gave back to the happy bridegroom his patrimonial estate, having first provided Douglas of Leswalt with an equivalent elsewhere. " When the good Duchess of Touraine died, respected and beloved through all the province," among the long string of mourners who attended the lady to her grave " none more sincerely lamented her decease than her former esquire, Agnew of Lochnaw " (PP- 52, 53, 56, 57-65).

As can be seen clearly the highlighted cited footnote was quoted exactly as written by M'Dowall in the *Chronicles of Lincluden*. It simply omits the introductory sentence and much of the remainder of the full paragraph thereby obscuring that the source is Sir Andrew's own first edition of the Hereditary Sheriffs.

In neither the Law nor Science is it "cricket" to support your evidence by citing yourself!

As stated earlier in the review of recent literature, all modern statements on the Mary Kennedy connection go back to the Agnew History. Now it can be seen that the same can be said for at least this citation in the second edition.

### **The Tangled Web – A Genealogical Review of the Claimed Origin of a Mary Kennedy of Royal Descent**

Princess Mary Stewart (also called Mariota) was the younger daughter of King Robert III.

Her older sister was Princess Margaret Stewart, who married Archibald (the Tyneman) Douglas - successor to Archibald the Grim, Lord of Galloway - and later named the Duke of Touraine (Turenne) for his service to the French king. After her husband's death she became Lady of Galloway in her own right in which capacity she aided Andrew Agnew in becoming Constable of Lochnaw.

Their brother, James, became King James I, and confirmed in 1431 the original 1426 Agnew charter granted by the Duchess.

Princess Mary was married four or, perhaps five, times and bore numerous children becoming ancestress of the heads of many leading families in Scottish history.

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#### **A. The marriages and progeny of Princess Mary Stewart**

##### 1. History from the *Hereditary Sheriffs of Galloway 2<sup>nd</sup> Edition, 1893*

To judge all the evidence in context, the history of these marriages as recounted in the Hereditary Sheriffs must be reviewed first since therein rests the claim of the royal descent through a Mary Kennedy. This is interspersed over many pages and woven into the broader history of the time. The following brings together those segments that specifically deal with Mary Kennedy's origin and history.

“He (Agnew) assisted probably at the marriages of both—the elder to Archibald Douglas, son and heir of his terrible lord; the latter to George, first Earl of Angus (the date of which is 24th May 1397), and afterwards to a Kennedy of Dunure.”.....

At the battle of Homildon “fought in Northumberland 14<sup>th</sup> September 1401, (Douglas) received 5 severe wounds and was taken prisoner, as well as his brother-in-law, Angus. ....

“Earl Douglas was released by his captor.....

“Douglas's brother-in-law Angus, less fortunate, died whilst a prisoner, and the hand of the Princess Mary being free, she

gave it to James, son of Sir John Kennedy of Dunure.” *HSG vol 1, page 236-237*

“James and the princess had three sons, - John, Gilbert and James-and probably one daughter only, as their married life extended little over four years.” *HSG vol 1, pg 238*<sup>6</sup>

“Some time before this James Kennedy, husband of the duchess's sister, the Princess Mary, had been killed in a family quarrel, and she had remarried Sir William Edmonstone of Kincardine,<sup>7</sup> leaving her children to be brought up by their grandfather at Dunure; and it may be well supposed that they, and especially the only daughter, were frequent visitors of their aunt at Threave. Here her young equerry availed himself of his opportunities of pressing a successful suit. Her interest in this may partly account for the haste of the kindly duchess in effecting the restoration of Lochnaw to the intended bridegroom.” *HSG vol 1, page 244.*

“The signing of the charter above mentioned was almost immediately followed by the marriage, and the happy couple repaired to the Rhynns to re-establish themselves in the old home. On their inspection, however, of the old king's castle ,it proved to have had so severe a shaking when in the grip of the Black Douglas, that it was easier to build another than to repair it.” *HGS, vol 1, page 245*

“ Andrew, First Hereditary Sheriff of Galloway, m 1426 dau. of Sir James Kennedy of Dunure ; had issue : - Andrew; Gilbert; and Patrick—the last written *filias naturalis*.. Died 1455.” *HSG vol 2, page 430*<sup>8</sup>

[Editor's Note: The terms "natural son" or "filias naturalis" are often misinterpreted. In early contexts both "natural son" and "filias naturalis" meant illegitimate. Latin Genealogical Word List at [https://familysearch.org/learn/wiki/en/Latin\\_Genealogical\\_Word\\_List](https://familysearch.org/learn/wiki/en/Latin_Genealogical_Word_List) defines *naturalis* as natural, illegitimate]

## 2. Consolidated Data from the Current Accepted Authorities

Birth date of Princess Mary Stewart is unknown. She died 1459

### First Marriage

Date: 24 May 1397  
 Spouse: George Douglas, First Earl of Angus  
 Died after 14 September 1402 of plague while English prisoner

<sup>6</sup> At this point a footnote is inserted “In all peerages and genealogies extant – Douglas, Wood, Pitcairn, and *the History from Charters* – all daughters are omitted for four generations, though there notoriously were many.”

<sup>7</sup> Again a footnote is inserted here “It is somewhat of a coincidence that by her third marriage the Princess Mary became the ancestress both of the Dukes of Montrose and of Grahame of Claverhouse, whilst by her second she was that of the Earls of Cassilis and Sheriffs of Galloway.

<sup>8</sup> Note that Sir Andrew errs here and fails to identify Gilbert, too, is illegitimate. See Charter 447 of 1451

- Children:
1. William Douglas, who succeeded as 2<sup>nd</sup> Earl of Angus
  2. George Douglas. 4<sup>th</sup> Earl of Angus
  3. Mary Douglas married Sir David Hay
  4. Elizabeth Douglas mar. Sir Alexander Forbes, 1<sup>st</sup> Lord Forbes

#### Second Marriage

Date: 1405  
 Spouse: Sir James Kennedy the Younger  
 Killed before 8 November 1408 in quarrel with illegitimate (some reports say “disinherited”) brother, Gilbert

- Children:
1. Sir John Kennedy, hostage for redemption of James I. Later arrested by the King for “inconsiderate speeches against King’s government” and kept in at Sterling castle where he died after 1434. Circumstances surrounding the events remain a mystery.
  2. Gilbert 1<sup>st</sup> Baron Kennedy who succeeded
  3. James born 1405 or 1406, Bishop of St. Andrews, Chancellor of Scotland

#### Third ?Marriage

Date: before July 1409 Papal Dispensation to Marry  
 Spouse: Sir William Cunningham of Kilmaurs  
 Still living August 1413

*Scots Peerage* “There is no clear evidence the marriage took place but it is not improbable.”

#### Third or Fourth Marriage

Date: Before 1416  
 Spouse: Sir William de Graham  
 Died before 1425

- Children:
1. Sir Robert Graham, 1<sup>st</sup> Laird Fintry, Provost of Dundee
  2. Patrick Graham Archbishop of St. Andrews
  3. William Graham of Garvock
  4. Henry, presumed died young, s.p.
  5. Walter who had a charter reserving life-rent for his mother, Mariota Stewart, Countess of Angus, dated December 1450

#### Fourth or Fifth Marriage

Date: 1425  
 Spouse: Sir William Edmonstone  
 Died:?

Children: 1. William Edmonstone who succeeded as Baronet of Duntreath

### 3. Notes and Comments.

#### Marriage Customs and Practices of the Period

The HSG states that “the hand of Princess Mary being free, *she* gave it to James, son of Sir John Kennedy of Dunure”. This is certainly unlikely as high status women were political pawns who were bartered off for land and power. Some older widows with personal holdings and strong male family members to back them could successfully defy pressures to remarry to a man chosen by the family for its best advantage. However, at Angus’ death Princess Mary would most probably have been a scant 20 years old with 4 small children and, so, more likely to do as she was told.

The marriages and descents recounted in the HSG are convoluted, incomplete and demonstrably inaccurate. There seems no obvious reason why he completely ignored the 3<sup>rd</sup> (or 4<sup>th</sup>) marriage to Sir Robert Graham (the longest in duration and certainly the most prolific with 5 sons) and skipped straight to the Edmonstone one. However, Sir William Edmonstone had more prestigious connections than were evident. His mother was the daughter of King Robert II and half-sister of King Robert III and therefore close kin to Princess Mary (half 1<sup>st</sup> cousin) so there must have been a Papal Dispensation that was not mentioned.

It was usual to wait at least 3 months before any remarriage to insure the widow was not pregnant by the deceased husband. The Cunningham Papal Dispensation only eight months or less after James Kennedy’s death – given the traditional delay plus the travel time to the Vatican – would eliminate a posthumous birth for Mary.

If a contract had been signed before or after the Dispensation, in the eyes of the Church, the Cunningham alliance could have been regarded as a valid marriage without further rites or actions. The five years between the Dispensation in 1409 and the Graham marriage - Cunningham still being alive until at least 1413 - gives some credence for an actual marriage or the existence of a church impediment. There were no lengthy delays between the other remarriages.

#### Kennedy Evidence

A number of Kennedy family histories have been published; some still currently available date back to the 1600’s. None of these descents for the Scottish Kennedy family shows a Mary of this parentage and generation. As recently as October 1986, the present Marquis of Ailsa himself, confirmed that after checking his various records he was unable to find any reference to this Mary and that their records show that Mary’s alleged father, James Kennedy had only three sons.

#### Medical Realities

Even today with the very advanced state of medicine compared to the 19<sup>th</sup> century let alone the primitive state in the Middle Ages, it is rare for a woman to have 12 or more children survive to adulthood.

There are a few notable exceptions in history for a woman – always of high status - with the best available food and shelter plus almost unlimited assistance to produce 12 children who reach adulthood. Such a result would also require a supply of healthy, well-nourished wet nurses who are never exposed to those with infections and skilled medical attendants - probably midwives - who learned through observation practical means of avoiding infection and controlling hemorrhage would be required. Certainly the medical practitioners of the day were ignorant of the means for safe delivery.

The most renown was Juliana, Countess of Stolberg-Wernigerode<sup>9</sup>, mother of William the Silent who succeeded in freeing the Dutch from Spain. By her first husband she had 3 boys and 2 girls, 5 children *born* in 5 calendar years although the first boy died 2 days after birth. However, that 5 years does *not* include the 9 months of gestation for the first child. So there were 5 pregnancies in 5 years and 9 months. Within 2 years she remarried William, Count of Nassau and had 12 children over the ensuing 19 years, 11 of the 12 surviving to adulthood. Five were boys and 7 were girls, with one dying young.

Her first child was born when she was 17 and the last at age 44. Within her first family when she was young the average time between births was 14 months. For her second family the average time between births was 20 months. Between individual births the time was as little as 12 months when she was in her teens and as much as 3 years for the last.

Another exceptionally prolific mother of children who lived to be adults was Empress Maria Theresa of Austria. Of the 16 children born to her over 19 years and 10 months 13 lived to maturity. Her shortest time between births was 13 months and the longest 23 months with an average of 15 ½ months. For the empress as well as the countess, a 12-13 month spread between births was generally followed by a longer time before the next birth. Successive closely spaced births tend to increase the likelihood of stillbirth or perinatal death, complications in the child and hemorrhage, etc. in the mother.

As can be seen the timing is quite similar between the two women and they are roughly comparable to Princess Mary in reproductive history and social status for their respected eras.

On the basis of data above it should be possible to estimate whether a 4<sup>th</sup> viable singleton Kennedy child is feasible. If we assume on average a minimum of 15 months for between birth intervals of 4 Kennedy children plus 9 months gestation before the first birth and the average minimum 3 months between marriage and first conception we have  $(15 \times 3) = 45 + 9 + 3 =$  *minimum* total of 57 months for 4 births.

Even assuming a *January* 1405 marriage with James' death "before November 8, 1408" that only gives 3 years and 9 months or 41 months of marriage. This is far, far short of 57. In fact even another full year would still render a viable 4<sup>th</sup> birth unlikely.

#### Charter Data that Undercut the Claimed Marriage

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<sup>9</sup> Wikipedia

a. *Andrew Agnew's earliest charter*, was dated 14 October 1426, by which two burghers of Innermessan, a burgh of barony in County Wigton, namely Gilbert M'Cambil and Nevin M'Gilvar, convey to him, his heirs and assigns, the mill with toft(s) and croft(s) between the streams at Innermessan. Neither spouse nor specific heirs are mentioned.<sup>10</sup>

b. *The charter of 10 November 1426* from the Duchess confers to Andrew Agnew for his service the office of Constable of Lochnalle (Lochnaw) together with the 4 mark and 20 pence(?) lands of Lochnaw and lands of Granchquher within the barony of Leswalt and the County of Wigton and the Offices of Bailey of Leswalt Barony with its annexes to the said Andrew and the legitimate male heirs of his body whom failing, to Patrick Agnew the said Andrew's natural son and his legitimate heirs whom failing, to said William Douglas his heirs and assigns in fee : - excepting and reserving only the lake of Lochnaw.<sup>11</sup>

The above charters, together with the confirmatory charter of William Douglas conceding the offices etc. to Andrew Agnew, were all confirmed by King James I at Perth, 31 January and 1 February 1430/31.

c. The king, James II, in Edinburgh 25 May 1452, granted the Office of Sheriff of Wigtoun to Andrew Agnew for the whole of his lifetime and, after his decease, to Andrew Agnew, his son and heir apparent, and the legitimate male heirs of his body which failing, to Patrick, natural son of the elder Andrew Agnew and his legitimate heirs etc.; which failing to Gilbert, natural son of Andrew Agnew senior and his legitimate male heirs of his body in fee and heritage forever, except failing, return to the king and to his successors.<sup>12</sup>

It is noteworthy that in none of these charters from 1426 to 1451 is there reference to or provision for a wife. Neither is a *legal* heir mentioned between 1426 and 1431 although illegitimate sons are included to inherit in the absence of a legal son. The son and heir apparent, Andrew, was clearly born after 1431 so Andrew *may* have married and his wife died before the 1451 grant of the shievrality. Certainly with land involved in the Lochnaw grant a legal wife or even a betrothed woman of any status with marriage impending would be mentioned to cover her *terce*. The heir apparent in 1451, Andrew, *may* even have been legitimized rather than a legally born son.

In any event the total absence of a spouse in the early charters plus the inclusion of only *natural*; *i.e.* illegitimate, sons as potential heritors would seem to completely undercut the supposed 1426 marriage to Mary Kennedy *or anyone else* prior to 1432.

### Land and Housing Deterrents

Andrew Agnew acquired his first recorded land holding a month before **the** first charter from the Duchess when, on 14 October 1426, two burghers of Innermessan, Gilbert M'Cambil and Nevin M'Gilvar, conveyed to him a mill or mills with a croft (cottage) and toft (20 acre farm plot) between the streams in Innermessan. These would have provided some income, especially the mill, but in the period, return would have been mostly "in kind", not cash. When Andrew Agnew received his first charter from the Duchess on 10 November 1426, he acquired 2

<sup>10</sup> Chart 185 [25 Jac. I]

<sup>11</sup> Charter183 [25 Jac. I]

<sup>12</sup> Chart 447 [15 Jac. II]

properties, Lochnaw, a 5 merk land and a second less valuable 4 mark holding<sup>13</sup>. Together these would equal about 2 moderate farms which would rank him at the level of yeoman. The dwellings were at Innermessen and would represent modest farmhouses with outbuildings while the castle at Lochnaw was old and not habitable. This was a modest footing indeed and, judging from the lack of additional charters, remained so for 25 years until he became sheriff. Even this did not add to his land holdings, which in the period, was the yardstick of social status. At that time his prospects improved sharply because the office of sheriff was notorious for its many sources for enrichment. He did not live long enough to reap much although his son, the second sheriff, should have prospered handsomely.

Overall the first Andrew Agnew for most of his life would have had modest resources, at least 3 sons to raise and a substantial drain from any construction of the fortified dwelling, i.e. at minimum a tower house, that the times demanded.

### SUMMARY AND CONCLUSIONS

1. There is NO independent literature to support the existence and marriage of a Mary Kennedy as described in the Agnew history.
2. The history of the marriages of Princess Mary show a 4<sup>th</sup> child of the marriage with Sir James Kennedy is very unlikely.
3. The Marquis of Ailsa finds no support for the existence of a Mary Kennedy in the records of the Kennedy family.
4. Based on medical realities the ability to produce a viable singleton 4<sup>th</sup> child within the period of the Kennedy marriage is not only unlikely, but highly improbable.
5. The absence of mention of a wife or provision for one in a charter involving land acquisition which is the norm in charters of this period and *de rigueur* for wives of high status – with the added inclusion of illegitimate sons to provide heritors - certainly eliminates the possibility of any legal marriage in 1426 and probably before 1432 .

Andrew Agnew had only limited resources, a ruined castle to rebuild or replace, at least 1 *natural* son to support in 1426 through 1432 so that it would be years, not months, before he could maintain a noble wife in even modest circumstances. No family of repute would tolerate the embarrassment.

**Conclusion: Existence of the supposed Mary Kennedy or marriage to Andrew Agnew appears remote.**

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**An Invitation to Readers: Please send comments, corrections, rebuttals, or additional evidence, *pro* or *con*, to the Discussion Section, or if you prefer, you may contact me directly at [gman48@msn.com](mailto:gman48@msn.com)**

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<sup>13</sup> Marks are not land measures but values of the return from the property.