

Whether the impetus for settlement was political or economic, or a mixture of both, there is no doubt that the Norwegian settlers retained close links with Norway. The relationship of the Norwegian king and the earls of Orkney was at times difficult and ambiguous, but until 1468–69 the Norwegian Crown always maintained some sort of political authority in Orkney and Shetland. In contrast the Hebrides were ceded to Scotland by the Treaty of Perth in 1266 for a payment of 4,000 marks and an annual payment of 100 marks in perpetuity<sup>6</sup>.

By the 1460s, the annuity for the Hebrides known as 'the annual of Norway' had fallen into arrears. The annual of Norway and all arrears were discharged by the contract of 8 September 1468 arranging for the marriage of Margaret, daughter of Christian I of Denmark, Sweden and Norway, to James III of Scotland. Christian undertook payment of a dowry of 60,000 florins, of which 10,000 were to be paid in cash: the 'lands of the Islands of the Orkneys' were to be pledged for the balance, specifically reserving to the Crown of Norway the right of redemption<sup>7</sup>. Christian was able to provide only 2,000 Danish florins, and on 28 May 1469 Shetland was pledged on the same conditions for the remaining 8,000 florins<sup>8</sup>. These two documents form the basis of the Scottish Crown's right to Orkney and Shetland<sup>9</sup>.

On 17 September 1470, James III and Earl William Sinclair entered into a contract of excambion, whereby Earl William was granted the castle of Ravenscraig in Fife with the surrounding estates in exchange for his castle of Kirkwall '*et toto jure ejus comitatus orchadie*'<sup>10</sup>. There is some confusion as to what land and estates came into the hands of the Scottish Crown by the 1468–69 pledge and the 1470 excambion, but there seems little doubt that the earl resigned his claim to the title, while retaining certain family estates referred to as 'the conquest lands', as distinguished from the earldom estates which were part of the original grant from the Norwegian Crown and may have passed with the 1468–69 pledges<sup>11</sup>. The earldom itself was formally annexed to the Crown on 17 February 1471/72, with a condition against alienation except 'to ane of ye kingis sonis of lauchfull bed'<sup>12</sup>.

Despite the restriction on alienation, the title and earldom estates were repeatedly granted, confiscated and regranted until some element of stability was introduced by a Crown charter of 12 February 1707, confirmed by Act of Parliament<sup>13</sup>, granting a redeemable wadset of the whole earldom of Orkney and lordship of Shetland to the Earl of Morton. The earl's rights were made absolute and the wadset discharged by Parliament in 1742, the earl receiving a Crown charter conveying the earldom estates, duties and others heritably and irredeemably on 12 June 1742. Those estates were sold to the Dundas family in 1766.

<sup>1</sup> Many authorities of antiquarian interest only have been omitted, but further references can be found in eg W J Dobie 'Udal Law' in *Sources and Literature of Scots Law* (Stair Soc vol 1, 1936) pp 445–460, and W P Drever 'Udal Law' in 15 *Encyclopaedia of the Laws of Scotland* (ed Lord Dunedin and J Wark, 1933) paras 688–715.