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THE RECORDS OF ABOYNE

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The
Records of Aboyne

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EDITED BY

CHARLES, XI MARQUIS OF HUNTLY

EARL OF ABOYNE, P.C., LL.D.



ABERDEEN

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ABERDEEN

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P R E F A C E.

THE Council of the New Spalding Club having failed to secure an Editor for the Aboyne Papers placed at their disposal in 1890, it was pressed upon me by the Rev. J. G. Michie, Dr. Alexander, and others, to undertake the duty myself. The wide field embraced by the charters showed me from the first that my acceptance involved consequences which time alone could overtake. My task was lightened by the kindness of many friends; the Rev. Mr. Michie placed at my disposal his notes regarding the Gordons of that Ilk; Mrs. Dalrymple lent me a Gordon Pedigree of 1580, and other papers, the property of her late husband; Dr. Woodward furnished me with a copy of Straloch's Account of the Gordons; while the Rev. Mr. Chisholm, of Blairs College, sent an old MS., written in 1691, by "W. R.," entitled "The Pourtrait of True Loyalty in the Family of Gordon." My best thanks, and also those of the Club, are due to the Marquis of Salisbury, K.G., who permitted the use of papers at Hatfield, and to my kinsman, the Duke of Richmond and Gordon, K.G., who generously allowed me to photograph Jameson's portraits of our common ancestors, the first and second Marquises. The encouragement thus received was an incentive to my work, which has been rendered more easy by the careful transcription and revision of the documents by the Rev. Walter Macleod, Edinburgh.

The method adopted in the arrangement of the Papers, though new to the Club, was considered to possess the advantage of rendering the matter more compact and easy of reference, while it obviates the necessity of a detailed introduction.

THE CASTLE OF ABOYNE.

Aboyne was anciently a place of such historic associations that it is necessary to give a brief account of its history. The etymology of the name is not far to seek; Abh-Buinne are the two Gaelic words which provide the key. Abh, s.m., water (in its original acceptation a fluid, and from this root are derived all words that imply fluidity); Buinne, s.f., a stream; Abh-Buinne—"A stream of rippling waters." The locality furnishes the best evidence that this was the origin of its name. Several reasons combined to render the place important. The roads on both sides of the Dee converging upon Aboyne led to the ferry at Bontie, probably the one most used for the traffic over the Grampians from the rich lands of Morayshire, Banffshire, and Aberdeenshire to the southern portions of Scotland; three important highways over the "Mounth" through Kincardineshire and Forfarshire pointed northwards to Aboyne, and in some states of the Dee it would only here have been possible, during this early period, to pass over the river. For the same reason, the roads from the north by Kildrummy, Donside, Strathbogie, and Alford, and from the Garioch through Lumphanan, were directed southwards to this spot, meeting the roads on both sides of the Dee from Aberdeen and the East Coast to the Western Highlands. To cover these important routes, it was essential that a place well adapted for defence should be found, and this qualification Aboyne possessed in the fullest degree.

The Peel—a sketch of which is given from the north front—was built on an island in the middle of a large lake, and its only approach was from the south-west by a narrow causeway and drawbridge; which, guarded by a strong tower (whence a good view of the surrounding country could be

obtained), rendered the place secure from attack. No portion of the buildings of the 12th and 13th centuries now exist save the *donjon*, and this, being built of rough boulder stones without chisel mark, is remarkable from the accuracy with which the corner stones have been laid. In the basement of the Peel was the guardroom, and the old stone "resting places" of the sentinels are still in *situ*. A large well-rounded archway in the south wall shows that there were more buildings extending in that direction. The north entrance door was approached through a narrow alley between the two courts, guarded by outer and inner gates. During recent excavations the massive foundations of the court wall, with its corner towers, were discovered at a distance of eighty yards from the *donjon*—a proof of the great size and importance of the place. After the destruction of the neighbouring Castle of Coull, the seat of the Durwards—an ancient and powerful family on Deeside—Aboyne was brought into greater prominence, and became one of the royal residences and fortresses of the Alexanders.

The sketch given of the south-west front of the Castle represents it as it was in 1662. The date of the round tower and west gable is doubtful, but they may have been built by the second Earl of Huntly; while the south gable seems to represent the work of the first Marquis—the whole built of rough granite boulder stones embedded in lime, regardless of regularity. Charles, the first Earl of Aboyne, made extensive additions to the Castle in 1671, when the balustrading on the Peel was added, and the neighbouring lairds assisted him to cart the lime from Fortrie.

ABOYNE FROM 1230-1437.

Of the proprietors of Aboyne prior to 1230 little is known. The lands seem to have been acquired at an early period by the

De Bysets, a powerful Scoto-Norman family, who were brought from England by William the Lion, and rose rapidly into royal favour. They are found closely associated with the Scottish kings, and appear constantly at Court, as evidenced by the charters of Alexander II., to which they are witnesses.

They owned the baronies of Lovat, Abertarff, Stratherrick, and Aboyne, besides large estates in the south of Scotland ; and, following the example of their English kinsmen, they built chapels, and founded the priory of Beauly. Walter de Byset of Aboyne founded the preceptory of the Knights' Templars at Culter on Dee, and they for centuries possessed the Church of Aboyne. The rapid rise of the Bysets excited the jealousy of the Scottish nobles, and ere long their downfall was brought about under tragic circumstances. In 1242, in accordance with the custom of that age, a tournament was held at Haddington, and a joust between Patrick of Galloway, the young Earl of Athol, and his uncle, Walter de Byset, Lord of Aboyne and Stratherrick, resulted in the latter being unhorsed. Although the Lord of Aboyne may have taken this defeat, at the hands of his young and accomplished kinsman, with a good grace, yet the affront to their chief rankled in the breasts of some of the Aboyne vassals, who are said to have burnt Athol in his lodgings at Haddington. Suspicion at once pointed to the Bysets as perpetrators of the murder, and they, already unpopular, escaped with difficulty from the friends of Athol, and sought the protection of the Scots king. For three months the king concealed the Lord of Aboyne in retreats inaccessible to the vengeance of his enemies ; Byset strenuously asserted his innocence, and offered to prove that at the time of the murder he was entertaining the Scottish Queen at Aboyne, afterwards escorting her as far south as Forfar. She, anxious to befriend him, offered to make oath that "Byset had never devised a crime so enormous ;" but he declined a trial by jury

on account of the malevolence of the people, and the implacable resentment of his enemies. He procured sentence of excommunication to be pronounced against the murderers in every church in the kingdom, and offered to maintain his innocence by single combat.

So great was the popular outcry against the whole family that they narrowly eluded the vengeance of their foes. John Bysset of Lovat, the uncle of the Lord of Aboyne, fled to Ireland, and Walter of Aboyne, although assisted by Alexander II., only escaped after making oath that he would undertake a pilgrimage to Jerusalem, and there, for the remainder of his life, pray for the soul of the murdered Earl—"a singular vow," as Lord Hailes remarks, "for a man with a clear conscience."

Instead of going on pilgrimage, Walter Bysset sought refuge among his English kinsfolk, who were in high favour at the Court of Henry III. He is accused, perhaps not without just cause, of trying to embroil the peace of the two kingdoms, and certain it is, after his arrival in England, writs were issued by Henry for assembling an army, with which he threatened to invade Scotland. Walter Bysset met with generous treatment at the hands of Henry, and on 29th July 1243, received the Manor of Ludeham for his maintenance in the king's service during pleasure. On 24th December following he had a writ for £20 as a gift from the king, and on 12th February 1244, he had 30 merks from the bishopric of Winchester. In the following May he had 30 merks, and, on 10th June, 50 merks were given him to procure armour; all which may be accepted as tokens of the king's goodwill. Bysset, in 1245, was sent to Ireland on an important mission, and had 40 merks allowed him for his expenses, the Constable of Chester being commanded to provide as many vessels as he required for the passage of himself and servants. Between the years 1245 and 1246 he had gifts amounting to 170 merks, and in the latter year received a charter

of the Manor of Ludeham to him and his heirs till he or they recovered their lands in Scotland. There is no further trace of him until on 26th March 1241, when he was allowed to purchase corn in Ulster to provision a castle in Scotland—probably Dunaverty, which he was fortifying.

The Athol family still retained feelings of resentment against the Bysets, for Alan, the bastard son of Thomas, Earl of Athol, slew several of John Bysset's men in Ireland, and took some wine and corn from Irish merchants at the siege and storm of Dunaverty, for all which he had king Henry's pardon.

Walter Bysset never recovered possession of Aboyne, and apparently left no family when he died in the Island of Arran in 1251, as proved by the *Inquisition Post Mortem* (36 *Henry III.*, 58), which proceeded under writ dated at Wallingford on 30th October of that year. The king's Escheator of Yorkshire was directed to enquire if Walter Bysset was seised in the Manor of Ulvington at his death, or whether his nephew Thomas was seised thereof before Walter's death. The Assize found "that Walter Bysset was seised of the Manor of Ulvington for many years before his death. They know not whether he was seised the day he died or not, for it was doubtful whether he died on the Tuesday before, or after the feast of St. Michael. On the Tuesday before Michaelmas a messenger from Walter came to Ulvington with letters to Gerard de Boyes, his bailiff, there stating that Walter had given the Manor to his nephew Thomas, and desired that Thomas might have seisin of the lands. Gerard was not at home, and when he arrived he refused to give sasine to any save Thomas in person. The next day—being three weeks after Michaelmas—Thomas Bysset arrived, and before dinner sent for Gerard, who gave him sasine in presence of witnesses. Thomas at the time declared that his uncle was in good health, and receiving the rents, departed with the money." On the report of Walter's death, the

Escheator came and took the Manor. Of the above Thomas we know nothing further than that he appears as a knight in 1256, and he must have died without issue, for the possession of the Manor of Ulvington led to a lawsuit between Robert de Warthewych and the heiresses of John de Bysset of Lovat, which terminated in favour of the latter.

We have failed to trace the further descent of the Byssets of Aboyne. In 1296 king Edward granted the Island of Arran to Thomas Bysset, an Irishman, and in the same year Walter Bysset of Aberdeenshire swore fealty to Edward. According to *Robertson's Index* (pp. 2-49), Walter Bysset had as reward for his services a charter of the lands of Aboyne from the Brus in 1309, and, during the reign of king David II., Thomas de Bysset has a charter of the lordship of Aboyne, but it is impossible to trace the connection between these parties. The Byssets never recovered their former importance; the House of Lovat ended with three daughters, and the descendant of the old Lords of Aboyne cannot be satisfactorily identified, although from the similarity of names the probability is that they are represented by the Bissets of Lessendrum.

These Byssets were styled "Lords of Lessendrum" prior to 1304, for in that year, as evidenced by the *Liber de Scon* (p. 89), Walter de Bysset, Lord of Lessendrum, had a feu charter of the lands of Buttergask, with the pertinents: paying therefor six shillings and eightpence yearly. In 1355 Walter Bysset, Lord of Lessendrum, was Lieutenant of Banff, and thirty years later Lessendrum was held by Patrick Bysset. The fact must not be overlooked that a family of Byssets were possessed of property in the lordship of Aboyne so late as 1465, but we have not found proof of the descent of the Lords of Braeruddoch from the families of Aboyne or of Lessendrum.

Reverting to the forfeiture of the Byssets in 1242, Aboyne then became a royal residence, which proves that it must have

been a place of considerable size and strength. Its proximity to the royal forests of Birse and Lendrum was no doubt a recommendation to the sporting Scots kings. From the *Register of Aberdeen* (vol. i., p. 55), it appears that, in the rental of king Alexander III. (1249-1286), the thanage of Aboyne is set down at two hundred and two merks.

Alexander III. frequently resided at Aboyne. It was his practice to move from one castle to the other to administer justice, and to enjoy himself with hunting, hawking, and field sports. From the regularity of his progresses it is quite certain they were undertaken and connected with the ayres of the Justiciaries. In August 1267, he was at Aboyne, and while there confirmed a charter of the lands of Daltulich in Nairnshire, granted by Sir John Prat to Gilbert de Glencarnie, who married Sir John's sister.

There were gay scenes witnessed on Deeside on the occasion of these royal visits. It was then the practice of the country to meet the king as he advanced to the borders of each district, and welcome him by minstrels and fiddlers, and by women singing in his honour. In such manner did the Scots of old greet their monarchs, and it is an interesting reminiscence of the piping times of peace enjoyed under the rule of Alexander III., whose roaming tendencies ere long deprived Scotland of one of the wisest and ablest of her monarchs. When returning to the south after a Spring visit to Deeside, the king was accidentally killed on the coast of Fife. The following letter, dated from Aboyne on 1st April 1285, from the *Royal Letters* (No. 1298), is of note, being probably the last interchange of courtesies between Alexander of Scotland and Edward of England, and may be quoted as a specimen of the epistolary style of the period:—

“To the Excellent Prince, his dearest brother in Christ, Edward by the grace of God the illustrious King of England

Lord of Ireland and Duke Aquitain, Alexander by the same grace king of Scotland (sends) greeting, wishing him all kinds of increase of glory and honour. The letter which your serenity sent to us by Ingeram de Ginis our dear kinsman, concerning the satisfactory state of your affairs, which we hope continually to know and hear of, to the solace and recreation of our mind, has given us a great increase of pleasure, wherefore we signify to you by these presents that at the time of their composition we were enjoying all due safety, God be praised, and we hope always to hear the same of you. And because we learned from the said Ingeram that from love of us you have undertaken to carry through his business according to his wishes, we deservedly pay special thanks to your Excellency, as we are bound always to fulfil your wishes to the best of our ability. May your magnificence flourish for long ages. Witness myself, &c."

Alexander had already taken the precaution to settle the succession to the Crown, and the Estates of Scotland had sworn to support Margaret, the Maid of Norway—his grand-daughter, a child of tender years. Yet ere many months elapsed the country was plunged into civil war by the precipitancy of Sir Robert Brus, who, according to *Palgrave's Documents* (p. 80), along with his son, the Earl of Carrick, attacked the "Castle of Dumfries with fire and arms and banners displayed, and against the peace expelled the forces of the Queen who held the same. Hence Sir Robert advanced to the Castle of Botil and caused a proclamation to be made within the baillary of said Castle. Furthermore the Earl of Carrick by the assent and power of his father took the Lady of Scotland's Castle of Wigtown, and killed several of her people there."

This occurrence did not bode well for Scotland, and when the Maid of Norway died the kingdom was distracted with the rival claims of powerful and jealous nobles. There is nothing

new to add to the story of these well-known claims, and there is nothing to palliate the humiliating spectacle of the Scots nation, by the action of its selfish nobles, permitting a neighbouring sovereign to act as a dictator, and to set up a claim as Lord Paramount, without a blow being struck. At a time of such abject submission, the patriotic conduct of Gilbert de Umfraville, Earl of Angus, stands out the more conspicuous. When the Estates of Scotland so readily consented to deliver the Scottish strongholds into the hands of Edward of England, this noble firmly declined to give up his Castles of Dundee and Forfar unless Edward and the competitors granted him a deed of Indemnification.

On the 11th June 1291, twenty-three castles in Scotland were handed over to Edward of England, and garrisoned by English troops. Aboyne was of the number, and the castellan was Richard de Swethope, who was paid at the rate of half a merk a day. Having thus possessed himself of the principal strongholds in Scotland, Edward proceeded to adjudicate upon the rival claims of Baliol and Brus, and decided in favour of the former, on whose behalf letters were issued for the surrender of the remaining fortresses.

Regarding the English garrison at Aboyne, it is recorded that on the 5th September 1291, Richard de Swethope granted a receipt to Andrew de Brenach, clerk, on behalf of Sir Donald, Earl of Mar, for 20 merks sterling as the ferme of the lands of Aboyne, dated at "Tullachus occlath." The Earl of Mar was Edward's chamberlain, and there is a receipt for £13 6s. 8d. in his favour granted to Gilbert, the clerk, and William, called Bissope, for payment of the garrison of Aboyne for forty days; dated at Aboyne on Friday 9th November 1291. About a month later there is another receipt by Swethope for forty merks of his wages to Alan de Walchop, chamberlain to the Earl of Mar.

Richard de Swethope was apparently the son of Walter, the steward of Gilbert Umfraville of Hirdbottle. In 1278 he was interested in a curious abduction case. Certain of his friends were anxious to provide him with a wife, and seeing Dyonisia de Bechfeld upon the moor of Mildburn, they seized her and carried her to his father's place, called Illisale, in Redesdale, where they sought by detention to compel her to take Richard for her husband. The lady refused their overtures, and the threat to carry her to Scotland did not alter her resolution. They detained her for a day and night at Jedburgh, where she was rescued by her uncle and friends. She dared not return to England for fear of the Swethopes; and her fears were justified, for Walter de Swethope caused the Constable of Hirdbottle to attach her for entering upon his lord's lands without permission. For these things she claimed a *solatium* of £200. From the process it appears the lady was of a venturesome disposition, and some months previously she had been the heroine of a similar adventure at the same place, when the Swethopes deprived her of her horse, saddle, and robe of "bluetto."

Baliol was crowned king of Scotland in 1292, when he virtually became a mere puppet in the hands of Edward. Goaded beyond endurance by English interference in the administration of Scots affairs, Baliol at length revolted, and Edward, at the head of a great army, invaded Scotland. Stronghold after stronghold fell into his possession, and so feeble was the resistance offered to him that his invasion became a triumphant progress. Throughout the line of march the leading men of the country hurried to make their submission, and have their names inscribed in the *Ragman Rolls*, as their descendants contemptuously dubbed them.

Edward's route from Aberdeen seems to have been by the road leading to Braemar. He halted for a day or two at Lumphanan, and from thence his army marched to Kinnord.

There is every reason to believe that he spent a night in the Castle of Aboyne. In its archives he had hoped to find—from its royal associations—some documents which might help him to substantiate his claims against the independence of Scotland, and this led him to carry away the charters of Aboyne, these being afterwards deposited at Jedburgh, and subsequently lost. Edward left a garrison in Aboyne, and continued his journey into Moray. After a brief stay he returned by Kildrummy, which he garrisoned and caused to be strengthened. Dr. Burnet, the Editor of the *Exchequer Rolls*, suggests “that what remains of Kildrummy is built of a hewn freestone, unlike any stone of the district, and its architectural character, resembling the Welsh castle of the Edwardian period rather than anything else in Scotland, make it probable that this remarkable stronghold was built during the occupation of Scotland by Edward I.” The English king spent the night at Kinnord, crossing the Dee next morning at Dinnet, marching through Glentanner and over the “Mounth” to Brechin and Dundee.

The men of Moray, who were the first to solicit Edward’s interference in Scots affairs, repented by the summer of 1297, and rose in arms against those who held office under him. Aberdeenshire was in rebellion at the same time, but the rising was suppressed by Gratney, Earl of Mar, who, on 11th June 1297, received the thanks of the English king for his services. The insurrection in Morayshire became a formidable affair, for Andrew de Moray, who had been taken prisoner at Dunbar in 1296, escaped from his confinement at Chester and led his father’s vassals against the Castle of Urquhart, which was relieved by the advance of an army sent by the Countess of Ross. The struggle grew in proportions under the heroic leadership of Sir William Wallace, and although the lands of the Comyns of Buchan and others in Coull and Lumphanan

were frequently laid waste, those of Aboyne were protected by the castle garrison. The district of Deeside acquired an evil reputation in English eyes, its forests and mountains sheltered the sturdy patriots who resolutely refused to submit to the English yoke. When Edward, in 1303, again marched northwards, and over-ran Scotland with an army of less than 4000 men, he took up his quarters at Kildrummy in the month of October; though, so far as Aberdeenshire was concerned, the expedition terminated without result, "the men of these parts not coming fully to his peace," and his officials had to be escorted by large retinues. The greater portion of the Scots nobles and barons were neutral, or had readily yielded obedience to Edward, while the peasantry were adverse to foreign dominion, and their deep-rooted hatred of the Southron led to daring attacks on the garrisons cooped up in the fortresses of their country. When the soldiers were compelled by lack of provisions to engage in foraging expeditions, and swooped down on the peasants, carrying away their kine, grain, and sheep, brave deeds were done, which, in many a humble home, formed a theme for successive generations. Stories have been told of the stirring time when Deeside was roused to arms by the merry sound of the hunting horn echoing in the glades of Birse and Braemar, and how the peasantry compelled the gay cavalcade, which had left the castle with thoughts of the chase alone, to engage in the fierce whirl and shout of battle, and fly helter-skelter to the protection of the fortress.

Two of the staunchest of the English faction in the county were Robert Brus, Earl of Carrick—keeper of the Castle of Kildrummy and forester of Drum—and Sir Alexander Comyn of Buchan, Sheriff of Aberdeen. The latter acted most zealously on behalf of Edward, and in the exercise of his office incurred the greatest hatred from the manner in which he dealt with the people who had risen against the English. He filled

his fortresses with prisoners, and in 1304 desired possession of the Castle of Aboyne, which the English king ordered to be placed at his disposal. Against this order John de Strathbolgi, Earl of Athol—a prominent supporter of Edward—protested, as we learn from the *Ancient Petitions* (4461) in the Public Record Office. He wrote to Edward requesting him to supersede the order, because the lands “about Aboyne were savage and full of evildoers, and he had no other fortress, where the country or his servants may be in safety, to keep the peace.” He represented that as Comyn already possessed two of the strongest castles in the country—viz., Urquhart and Tarwedale (*sic*)—and could commit his prisoners to the Castle of Aberdeen at pleasure, it was undesirable that Aboyne should be made over to him. Besides, the Earl of Ross had sent word that Lachlan and Roderic of the Isles had issued orders that each davach of land should furnish a galley of twenty oars, so it would be better to wait until the intentions of Lachlan and his friends became known.

The Earl of Athol, who was Lord of Strathbogie and Lochaber, held the Castles of Aboyne and Aberdeen with garrisons of “twenty men-at-arms and forty serjeants on foot” in each. For their maintenance, he was allowed the dues of Aberdeen and the fermes of Aboyne, Coull, Mortlich, and Boharme, amounting to twelve hundred merks. He expended upwards of £540 in repairing and fortifying Aboyne and Aberdeen, owing to the renewed activity of Sir William Wallace, who, unfortunately, was captured in August of 1305, and sent a prisoner to London, and there executed under barbarous and revolting circumstances. This foul slaughter created a profound sensation in Scotland, and a few brief months only elapsed before a greater soldier than Wallace entered on his career as the hero of Scottish independence. Up to this time, Robert Brus, Earl of Carrick, had been “vacillating and

infirm of purpose, a courtier and time-server at the footstool of Edward." He was the eldest son of the romantic marriage between Sir Robert Brus of Annandale and Marjory the daughter of Nigel, Earl of Carrick—the widow of Adam, Lord of Kilconquhar. One of the most proud-spirited of men, he had never forgotten, nor forgiven, the trivial insult he endured in the Forest of Etrick in 1299, when John Comyn, Lord of Badenoch, seized him by the throat, and, meeting Comyn at the Church of Dumfries in February 1306, the quarrel was renewed, and ended with the latter's being stabbed by Brus before the high altar. The act of blood and sacrilege proved of the highest moment to Scotland. Brus could never hope for Edward's forgiveness, and, recollecting his family claims to the Scots crown, he resolved to strike for Scottish freedom. His career of hardship and romantic adventure began with his coronation at Scone on 29th March 1306. On the news of the death of Comyn reaching Edward, we learn from the *Close Rolls* (35 Ed. I., m. ii.), that on 18th March he sent instructions to John de Sandale, his chamberlain in Scotland, desiring him to repair and fortify the Castles of Dundee, Forfar, Aberdeen, and Aboyne.

Brus at first appears to have met with considerable success, as a letter dated from Forfar on 15th May states that he "never had the goodwill of his own followers or the people at large, or even half of them, so much with him as now, for he has right, and God is openly for him, as he has destroyed the power of his opponents. If he goes into the parts of Ross he will find them all ready at his will more entirely than ever." His defeat at Methven in June, brought about by the treachery of Pembroke, forced him to seek refuge in the fastnesses of Mar and in the territories of the Earl of Athol, who had married his sister-in-law—Marjory de Mar. Brus's position soon became precarious; the Comyns were a race possessed of immense power in the

north ; they were great lords in Buchan and Badenoch, and, together with their allies, owned extensive districts in Aberdeen, Moray, Inverness, and Ross ; the Earls of Ross and Sutherland became Brus's bitter foes, for they were under the iron grip of Edward ; and in the south Galloway and Lorn were held by friends of the murdered Comyn.

When his fortunes fell so low that it was no longer safe for the ladies of his family to accompany him, Brus placed them in Kildrummy Castle under the charge of his brother Nigel and John, Earl of Athol. Against this fortress an army, under the command of the Prince of Wales and the Earls of Leicester and Hereford, was despatched ; but, before the place was invested, the Queen and her daughter fled to St. Duthac's Chapel at Tain. The Earl of Ross violated the sanctuary and delivered them into the hands of the English, who also captured Nigel Brus when Kildrummy was taken. Young Nigel was executed at Berwick, while Athol met the same fate at London on 7th November 1306, and thus ended the first twelve months of Brus's kingship.

Although chastened by these reverses, Brus was not daunted, and his fortunes revived in the ensuing spring, when he captured his ancestral Castle of Turnberry. The death of Edward I. was an opportunity of which he took every advantage, and in the autumn of 1307, after breaking the English power in the south, he marched northwards to take signal vengeance on the Earl of Ross for his betrayal of the Queen.' The men of Ross, Sutherland, and Caithness, deeming themselves too weak to resist the irate king, petitioned for English assistance. Brus besieged and demolished the Castle of Inverness, and, ravaging Ross, compelled the Earl to submit at Auldearn in October 1308. On the following Christmas eve the battle of Inverurie rendered him supreme in the north, and brought about extraordinary changes in Aberdeenshire. A family of Bysets once more

appear as Lords of Aboyne in the person of Walter, who held the lands in 1309, and the extensive possessions of the great family of Durward and their vassals, the De Walchopes, were divided among the Lindsays, Crawfords, Burnetts, and Irvines. The Frasers, Ranulphs, and Skenes also shared in the wholesale distribution of lands; and from the struggle for Scottish independence the Comyns, and other opponents of Brus, emerged shorn of all their greatness. David de Strathbolgi, Earl of Athol (son of John, executed in 1306) was made High Constable of Scotland, but, influenced by his spouse, Joan Comyn, he rebelled against Brus, and his estates of Strathbogie, forfeited in 1314, were bestowed on Sir Adam de Gordon, who had gallantly supported both Wallace and Brus in their struggle for their country's freedom.

Aboyne, with the exception of the Peel, was probably demolished by Brus—as was his practice with most of the old castles. In the reign of David II. the lands were held by Thomas Bysset, but whether he was connected with the old Byssets it is impossible to determine. The line seems to have died out, or was forfeited for participation in the attempt of the Baliols to recover the Scots throne in 1333.

No record of Aboyne has been found during the troublous times which ensued; the Peel was doubtless fortified and garrisoned. Athol, who once more held the ancient possessions of his family, sided with the party of David Brus, which had been much weakened by internal dissension; but when Baliol, aided by Edward III. of England, invaded Scotland, spreading devastation and ruin, the versatile Athol once more veered round, and, joining the Baliol interest, besieged Kildrummy Castle, then held by Christian Brus—sister of the heroic Robert and wife of Sir Andrew Moray. The death of Athol at the battle of Culblean on 30th November 1335, shattered the power of the Strathbolgies, and the Gordons recovered

their Aberdeenshire grants, and the estates have since continued in their undisturbed possession.

The Thanage of Aboyne was granted to Reginald More and Isobel his spouse, who is said to have been heir of Thomas Baliol—probably a mistake for Byset. In 1337 Aboyne was in the hands of Sir Alexander Fraser, and from entries in the *Exchequer Rolls* it seems that the Scots Queen possessed the lands ten years later—possibly owing to the minority of Margaret Fraser, the grand-daughter and heiress of Sir Alexander. This Margaret married Sir William Keith, the Marshal of Scotland before 1351, and brought him, as a dower, the extensive estates of Cowie and Durris, with the baronies of Strachan, Culperso, Aboyne, Cluny, Glentanner, Tullich, and Glenmuick. She and her spouse held the Aboyne estates until 1407, when they granted a charter of these lands to their grandson, John, Earl of Buchan, son of the Regent Albany, by their elder daughter, Muriella Keith. Buchan, who used the titles of “Earl of Ross and Lord of Aboyne,” seems to have held the estates until his death, when they reverted to Elizabeth Keith (younger daughter of Margaret Fraser), the widow of Sir Adam Gordon of that Ilk. Elizabeth Keith, who after Gordon’s death had married Sir Nicolas Erskine and Thomas Somerville, possessed the lands until about 1437, when they descended to her daughter, Elizabeth Gordon, whose husband, Sir Alexander de Seton, uplifted the rents in July 1437. From that time the Aboyne estates have been possessed by her descendants—the Earls and Marquises of Huntly and Earls of Aboyne.

THE RECORDS.

The notes which form an introduction to each charter, throwing light upon the history of the lands, and the persons connected therewith, render it superfluous to enter into details

here. It has been thought better not to follow the modern fashion of punctuating, mutilating, and correcting the errors of style, or form, in the deeds here printed. To do so would be to destroy the especial interest and value which old charters possess as illustrating progress. The deeds are given exactly as they stand, without modernising them, and so rendering them of little value for comparison. A perusal of the documents reveals the interesting fact that the notaries of the family of Huntly were possessed of legal handbooks for their guidance, which they transmitted to their successors; thus the characteristics and imperfections—to modern eyes—are perpetuated throughout the deeds.

It must be explained that, after the notes about Lady Jean Gordon (page 137) were printed off, materials came to light shewing the true reason why Lady Jean suppressed the Dispensation of 17th February 1566, and this is given in the Memoirs.

The restoration of the Gordon Family, under the guardianship of the first Earl of Aboyne—bringing down the Records to the Earl's death in 1681—was considered the most fitting period to conclude this work. The various estates herein dealt with were then incorporated in the Earldom of Aboyne. But the historical associations of Aboyne did not end there; its situation between the western and northern Highlands led to its being chosen for the meetings of the Jacobites prior to the rising of 1715, and the walls which had sheltered the Edwards of England, the Alexanders, and other of Scotland's kings, then welcomed those who still adhered to the royal line in the person of the Chevalier St. George.

THE MEMOIRS.

When consenting to edit these papers, it required much persuasion to embark upon the difficult task of writing of my own kindred, and analysing the deeds which may have rendered them famous or otherwise, and it is with diffidence that a brief resumé of the History of the Gordons is now presented at the request of the Club. So intimately and continuously have the family identified themselves with the principal events, both martial and political, affecting Scotland, that in order fully to explain the circumstances of each episode, and the career of each member of the house, would necessitate volumes comprising the national history. The rapid rise of the Gordons to a position which completely eclipsed that of the ancient families, who rendered the names of Ross, Moray, Mar, and Buchan, so famous in Scottish story, was certain to create jealousy, and their actions have seldom received just and impartial treatment at the hands of local or national historians. Although of the most noble and illustrious descent—both as Gordons and Setons—they were for long regarded as an upstart race, and in their supersession of the native house of Strathbolgi, were considered as especial objects for misrepresentation.

Another controversial theme was the failure of the male line of Gordon about 1408, and the female succession to extensive territories, although discussion did not arise until three centuries after. To explode all the fictions which have circled round their historic name is not part of my province here. The story

of the "Jock and Tam" Gordons is dealt with elsewhere, though it may be noticed that the latest version of the *émeute* at Brechin constitutes Scurdargue as the hero, and, as Pitlurg was the original lion of the occasion, it may be hoped that some day a random arrow may transfix the real Simon Pure!

The inaccuracy of the historians of the last and present centuries is daily demonstrated by the discovery of documents in public and private custody, throwing a totally different complexion on the political and domestic condition of our country, and it is not too much to say that a new history of Scotland has become an absolute necessity. It has, therefore, been thought better to discard the written accounts of the family, and to compile the Memoirs from extraneous and unbiassed sources. Few or none of the letters quoted have heretofore seen the light; they help to elucidate the current of events, and reveal the part taken by the prominent personages whose actions moulded the national destinies.

It is to be hoped that the age of sensitiveness—which contributed so much to the distortion of history—has become a thing of the past; but if any susceptibilities are ruffled, let me at once say, that my endeavour has been to deal impartially with the Gordons, and to treat all, either friends, opponents, or enemies, consistently with the duty of a seeker after truth. Although conscious of errors, inseparable from a work of this nature, my aim has been to keep everything here recorded within the strict line of proof, capable of being verified by undoubted testimony.

It remains for me to express my obligations to the Secretary of the Club for his courteous attention at all times, and the great care he exercised in connection with the plates; and to Mr. George Truefitt, architect, for his sketches of the old parts of Aboyne Castle produced in these pages. My thanks are specially due to Mr. D. Murray Rose, as without

his unremitting care, and painstaking research and assistance, these records could not have seen the light in their present shape.

H.

ABOYNE, *April 1894.*

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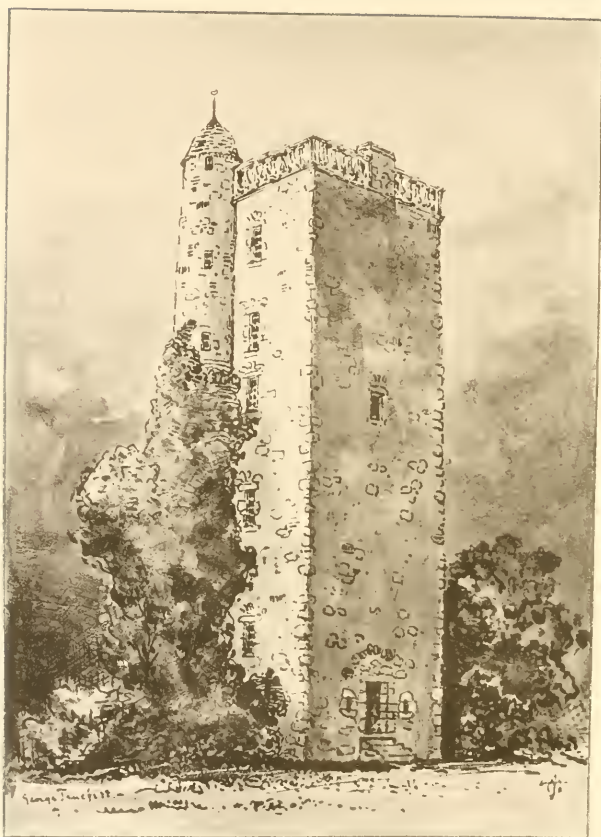
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Doorway in Aboyne Castle, dated 1671; *from a photograph.* After Index.



THE PEEL OF ABOYNE

THE RECORDS OF ABOYNE.

I.

THE history of Aboyne and its owners, prior to acquisition by the Gordons, has been dealt with in the preceding pages. In 1441 Sir Alexander de Seton, Lord of Gordon, had a charter of, among others, the lands of Aboyne, Glentanner and Glenmuick, and this charter was confirmed by the King at Falkland 15th October 1446, the Lord of Gordon being styled Earl of Huntly (*Acts of the Parliament of Scotland, vol. i., p. 57*). Upon 29th January 1449-50, there is a charter by King James II. to Alexander, Earl of Huntly, "of the Earldom of Huntly, Lordship of Strathbogie; also the lands of Cluny, Tulch, Obyn, Glentanyr, and Glenmuick in Aberdeenshire, and Lordship of Gordon in Berwickshire, all which the said Earl had personally resigned at Edinburgh in presence of the Parliament" (*Registrum Magni Sigilli, Lib. IV., No. 106*).

Nine years later when George, Lord Gordon (who had first married his own niece the Countess of Moray), married the Princess Anabella of Scotland, the Earl of Huntly resigned the lands of Aboyne into the King's hands at Perth. The King thereupon granted the following charter, to his brother-in-law, Lord Gordon, "of 200 mercates of the lands of the Lordship of Aboyne," with all rights and privileges, including "bloodwytes," "merchets of women," &c., as below.

The "bloodwyte" was a fine imposed for the effusion of blood; and it appears that the individual who shed a man's blood "under his ende or

breathe had to pay one third less than he who shed blood above the breath; it being deemed a greater injury to shed the blood of a man's head than of any inferior part of the body."

"Merchets of women" was a fine paid by a vassal upon the marriage of his daughter, grand-daughter or sister (and in some cases even of his son), outside the boundary of the Lordship. In a few cases "merchet" fines were paid in manors for marriages within boundaries. Many instances occur in England and Scotland of vassals paying both "Merchet" and "Leirwite" fines—the last being imposed for the incontinence of their daughters or female relations.

The witnesses to the charter form an interesting group. James Kennedy, Bishop of St. Andrews, nephew of King James I., was a prelate "whose singleness of purpose and purity of character stand out in bright relief in an age when such qualities were rare" (Preface, *Exchequer Rolls of Scotland*, vol. v., lxvii.). Perhaps the learned editor of the Exchequer Rolls did not know that the good Bishop acted as a spy in the English pay. He was also a trader on a small scale. He is here as witness with the Chamberlain Livingstone, one of a family who played an important part in the feuds of the period.

George Shoreswood, Bishop of Brechin and Chancellor of Scotland, in July 1457, had safe conduct, for himself and servants to the number of forty, to go upon a pilgrimage to Durham. Thomas Spens, the Bishop of Aberdeen, was also an English spy, and had an annuity from Edward IV. of England.

Andrew, Lord Avondale, regarding whose parentage there has been much controversy among genealogists, was the illegitimate son of Sir Walter "of Lennox and Fife," second son of Murdo, Duke of Albany, by Isabel, daughter of Duncan, Earl of Fife. In 1440 Lord Avondale is styled "Andrew Stewart of Albany." He had Letters of Legitimation 17th April 1479 (*Reg. Mag. Sig.*, ix., 22). As Chancellor of Scotland he witnesses on 26th October 1474, the contract of marriage between Prince James of Scotland, and Cecilia, younger daughter of Edward of England, a marriage which, however, did not take place.

Patrick, Lord Graham, was one of the hostages for the ransom of King James I. On 20th April 1457, and 13th July 1459, he was sent to treat with the English (*New Peerage, G. E. C.*).

The charter in favour of Lord Gordon is in the following terms. It has got the seal about two-thirds entire :—

JACOBUS Dei gracia Rex Scotorum omnibus probis hominibus tocius terre sue clericis et laicis salutem Sciatis nos dedisse concessisse et hac presenti carta nostra confirmasse dilecto consanguineo nostro Georgeo domino Gordoune ducentas mercatas terrarum domini de Obyne unacum capitali messuagio dictarum terrarum cum pertinenciis jacentes in baronia de Obyne infra vicecomitatum de Abirdene Quequidem terre unacum dicto messuagio cum pertinenciis fuerunt consanguinei nostri predilecti Alexandri comitis de Huntle et domini Badzenach patris dicti Georgei hereditarie Et quas terras unacum dicto messuagio idem Alexander non vi aut metu ductus nec errore lapsus sed sua mera et spontanea voluntate in manus nostras apud Perth per fustem et baculum personaliter sursum reddidit pureque simpliciter resignavit ac totum jus et clameum que in dictis terris et messuagio cum pertinenciis habuit vel habere potuit pro se et heredibus suis omnino quittumclamavit imperpetuum Tenendas et habendas dictas ducentas mercatas terrarum domini de Obyne unacum dicto capitali messuagio earundem dicto Georgeo et Anabelle sponse sue sorori nostre germane et eorum alteri diucius viventi et heredibus masculis inter ipsos legittime procreatis vel procreandis quibus forte deficientibus prefate consanguineo nostro predilecto Alexandro comiti de Huntle et heredibus suis secundum tenorem et formam tallie terrarum comitatus de Huntle cui dicta baronia de Obyne cum pertinenciis est annexa per nos sibi alias facte libere et sine quovis obstaculo revertendas de nobis heredibus et successoribus nostris in feodo et hereditate imperpetuum per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine in boscis planis moris marresiis viis semitis aquis stagnis rivolis pratis pascuis et pasturis molendinis multuris et eorum sequelis aucupacionibus venacionibus piscacionibus pctariis turbariis carbonariis lapide et calce fabrilibus brasinis brueriis et genestis cum curiis et earum exitibus herezeldis bludewitis et merchetis mulierum ac cum omnibus aliis et singulis libertatibus comoditatibus et asiamentis ac justis pertinenciis suis quibus-

cunq̄ue tam non nominatis quam nominatis ad predictas terras et messuagium predictum cum pertinenciis spectantibus seu juste spectare valentibus in futurum Et adeo libere quiete plenarie integre bene et in pace in omnibus et per omnia sicut dictus Alexander aut sui predecessores prenomintas terras et messuagium predictum cum pertinenciis de nobis aut predecessoribus nostris ante dictum resignacionem nobis inde factam liberius tenuit seu possedit tenuerunt seu possederunt Faciendo inde nobis heredibus et successoribus nostris dictus Georgeus et Anabella sponsa sua et eorum alter diucius vivens et heredes masculi inter ipsos legitime procreati vel procreandi quibus forte deficientibus predictus Alexander comes et heredes sui predicti servicia de predictis terris et messuagio cum pertinenciis debita et consueta In cujus rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus Testibus reverendis in christo patribus Jacobo episcopo sanctiandree consanguineo nostro carissimo Georgeo episcopo Brechinensi cancellario nostro Thoma episcopo Dunkeldensi Thoma episcopo Aberdonensi dilectis consanguineis nostris Jacobo domino Levingstoune magno camerario nostro Andrea domino Avandaile gardiano nostro Patricio domino le grahame et magistro Johanne Arous archidiacono Glasguensi nostri secreti sigilli custode Apud Edinburgh decimo die mensis marcii anno domini millesimo quadringentesimo quinquagesimo nono et regni nostri vicesimo quarto.

ABSTRACT OF I.

CHARTER by King James the Second in favour of George Lord Gordoune, of 200 mercates of the lands of the Lordship of Obyne, with the chief message of the said lands, lying in the barony of Obyne and Sheriffdom of Aberdeen: Which lands belonged heritably to Alexander, Earl of Huntle, lord Badzenach, father of the said George, and were resigned by him personally in the King's hands at Perth: To hold to the said George and Anabella his spouse, sister german of the King, and the survivor of them, and the heirs male procreated or to be procreated between them, which failing, to revert to the said Alexander, Earl of Huntle, and his heirs, according to the tenor of the taillie of the lands of the Earldom of Huntle, to which the said barony of Obyne is annexed,

of the King and his heirs in fee and heritage for ever—by all their just measures and bounds, as they lie in length and breadth, in woods, plains, muirs, mosses, ways, paths, waters, pools, streams, meadows, grazings and pastures, mills, multures and their sequels, fowlings, huntings, fishings, peat mosses, fuel, coal heughs, stone and lime, smithies, brewhouses, brooms and plantings, with courts and their issues, herezelds, bloodwytes, merchets of women, &c., for rendering the services due and wont. Dated at Edinburgh 10 March 1459-60.

II.

ALTHOUGH the lands of Aboyne had passed from the possession of the line of De Bysset, yet a cadet family still survived, and possessed property in the Lordship. It is impossible now, through the lapse of time, and lack of documents, to connect Alexander Bysset, "Lord of Braeruddoch," with the Lords of Aboyne, but there can be little doubt that he was descended of the family. He is the only Alexander Bysset we come across in the records of the period. In 1489 there is an Alexander Bysset, one of the chaplains of St. Nicholas Church, Aberdeen (*Registrum Aberdonense*, p. 303).

The charter given below affords evidence of the antiquity and importance of the Braeruddoch Byssets. They had given their name to a portion of their estates, a circumstance which may be cited as the best proof of long possession, for it has at all times been difficult for a family to give its name to any place without long association. The family of Braeruddoch exercised the rights and privileges of Barons, and, following the example of all the Byssets in England and Scotland, they appear to have erected a chapel upon their lands, the ruins of which can still be traced.

The deed is dated at Aberdeen, and has got the names of Sir Gilbert of Strachan, Sir Thomas Knight, and Sir Thomas Davyson, chaplains, and has also the name of Arthur Bysset, probably a near

relative. The charter is confirmed by the Earl of Huntly, the granter's "dread lord" at Strathbogie. It has got the seal of the Earl entire:—

OMNIBUS hanc cartam visuris vel auditoris Alexander Comes de Huntlie et Dominus de Badenache salutem in Domino sempiternam Noveritis nos quandam cartam Alexandri Byssate de Brarodok factam Donaldo filio Ricardi de terris suis de Tulycarne-Byssate . . . vidisse inspexisse et diligenter examinasse cujus quidem carte tenor sequitur in hec verba OMNIBUS hanc cartam visuris vel auditoris Alexander Byssate de Brarodok salutem in Domino sempiternam Sciatis mee utilitate mea in hac parte previsa et diligenter considerata Dedissee concessisse et vendidisse . . . dilecto meo Donaldo filio Ricardi omnes et singulas terras meas de Tullycarne-Byssate cum pertinenciis jacentes in dominio de Obyne infra vicecomitatum de Abirdene pro quadam certa summa pecuniæ usualis monete regni Scocie quam dictus Donaldus michi tempore confectionis presentium in pecunia numerata bene et fideliter persolvebat unde me bene contentum teneo et fideliter persolutum et predictum Donaldum heredes suos et assignatos pro me heredibus meis et assignatis inde quiteclamo omnino et imperpetuum per presentes Tenendas et habendas dictas terras . . . prefato Donaldo heredibus suis et suis assignatis a me heredibus meis et meis assignatis in feodo et hereditate imperpetuum in bostis planis . . . Reddendo inde dictus Donaldus heredes sui et sui assignati domino meo metuendissimo domino comiti de Huntle et successoribus suis tanquam dominis superioribus dictarum terrarum cum pertinenciis unum denarium argenti nomine albe firme ad festum pentecostes si petatur tantum pro omni alio servicio . . . Et ego vero dictus Alexander heredes mei et mei assignati omnes et singulas terras de Tulycarne-Byssate . . . prefato Donaldo heredibus suis et suis assignatis contra omnes mortales warandisabimus acquietabimus et fideliter imperpetuum defendemus per presentes In cujus rei testimonium sigillum meum huic presenti carte mee est appensum apud burgum de Abirdene vicesimo secundo die mensis Junii anno Domini millesimo quadringentesimo quinquagesimo nono Testibus Dominis Gilberto de Strathauchine Thoma Knycht Thoma Davysone capellanis Donaldo Smyth Arthuro Byssate Johanne Speddalle et uno vulgari ter dicto Fougaske QUAMQUIDEM cartam . . . in omnibus et per omnia ut premittitur pro nobis et heredibus nostris prefato Donaldo heredibus

suis et suis assignatis approbamus ratificamus et imperpetuum confirmamus per presentes In cujus rei testimonium sigillum nostrum apponi fecimus apud Strabolgy vicesimo secundo die mensis Auguste anno Domini millesimo quadringentesimo sexagesimo.

ABSTRACT OF II.

CHARTER by Alexander, Earl of Huntlie, confirming Charter by Alexander Byssate of Brarodok to Donald Richardson, of the lands of Tulycarne-byssate, lying in the Lordship of Obyne and shire of Aberdeen, and that for a certain sum of money : To be holden from the granter in fee and heritage ; Paying yearly therefor to the granter's dread Lord, the Earl of Huntlie, as lord superior, one penny of silver in name of blench ferme, if asked only. The Charter is dated at the burgh of Aberdeen 22 June 1459 : Witnesses, Sir Gilbert of Strathauchine, Sir Thomas Knycht, Sir Thomas Davyson, chaplains, Donald Smyth, Arthur Byssate, John Speddale, and one vulgarly called Fougaske : Confirmed at Strabolgy 22 August 1460.

III.

IN 1465 the Lord of Braeruddoch, being in "grave and urgent necessity," was compelled to dispose of his lands of Braeruddoch, in the Lordship of Aboyne, to Alexander Irvine of Drum for a certain sum in "numbered money." The Earl of Huntly as superior confirms this charter to Irvine, "his beloved cousin and esquire," as below.

The knightly family of Drum have long held a distinguished position in the North, and a few facts relative to the early lairds may be of interest. They descend from William de Irvine, who in 1323 had a grant of the Forest of Drum from Robert the Brus. He was the son of one of Brus's Annandale tenants, and accompanied his feudal lord throughout his

struggle for the independence of Scotland. When fortune smiled upon the ever mindful King he rewarded the young man's constancy and attachment by a grant of the lands of Drum, with the exception of a portion which was in the hands of Alexander Burnet, progenitor of the Burnets of Leys. King David II. granted the Royal Park of Drum to Sir Walter Moigne, from whose relative, John Moigne, it was acquired by "Alexander of Irvine, Lord of the Drum," in 1389 (*Reg. Mag. Sig.*, p. 174).

Sir Thomas, 2nd Laird of Drum, married first a daughter of Keith Marischal, and secondly a daughter of Montford of Lonmay (*Burke's Landed Gentry*, vol. i., p. 854).

Very soon after a feud broke out between the Irvines and the Keiths, which was only stanch'd by the marriage of Sir Alexander, the next Laird of Drum, with Elizabeth, the daughter of Sir Robert Keith. The name of the Knight of Drum has lived in song and story. He led a division of the Lowland army at the battle of Harlaw in 1411, and was slain in an encounter with Maclean of Dowart (one of the leaders of the Highland host), being buried on the field with many other distinguished Lowland barons. The popular ballad of the "Battle of Harlaw" contains his best and most enduring memorial:—

"Gude Sir Alexander Irvine
 The much renounit Laird of Drum
 None in his dais were better sene,
 Quhen thai wer semblit all and som
 To praise him we sud not be dumm,
 For valour, wit, and worthiness,
 To end his dais he ther did com,
 Quhois ransom is remedyles."

He is said to have been succeeded by his brother Robert, who married his widow and assumed his name. Such is the account which has hitherto obtained, but we have been unable to substantiate it by documentary evidence. Besides, such a connection is improbable, and could only be

effected by the purchase of special dispensations from the Pope, a most expensive process, and of which we have no record. Burke in his *Landed Gentry* says, Sir Alexander married a daughter of Montford of Lonmay, and was succeeded by his son (*Vol. i., p. 354*).

On 18th November 1416, Alexander de Irvine, "Lord of the Forest of Drum," granted a charter, of several oxengates of land, in the Barony of Inchtute, to John Bel, for his good services, and Alexander de Seton, Lord of Gordon, is a witness. In 1424 (August 12) we find Sir Alexander de Irvine, Lord of Drum, and Robert, his brother, witnesses to a charter by William Fraser, Lord of Philorth, in favour of William Forbes of Kinaldie, and Agnes Fraser, his spouse (*Reg. Mag. Sig., 2, 67*). During the unsettled period which followed the murder of James I., Sir Alexander Irvine of Drum protected the city of Aberdeen, and was specially elected Captain and Governor of the town. In 1442 he is witness to the agreement between Sir Alexander de Seton, Lord of Gordon [Earl of Huntly], and Robert, Lord of Keith (*Ibid., 278*). The King in 1446 granted a charter, to his beloved and faithful Alexander Irvine of Drum, Knight, of all and whole the lands of Largny, which lands pertained to John de Haliburton of Faulyne, but were resigned by him (*Drum Charter Chest*). He died in 1457; his son Alexander, who married a daughter of Lord Abernethy of Saltoun, having pre-deceased him, he was succeeded by his grandson, Alexander, to whom Byset sold the lands of Braeruddoch.

This Alexander Irvine in 1471, having some grudge against Walter Lindsay of Beaufort, assembled his vassals to the number of "xl persons in fere of were, men of armes with bowis and uthir sensible waponis on horse and foote," and came upon said Walter "under silens of night quhare he wes in his bed at mydnycht, and socht the hous quhare he lay in for invading of him," thus breaking an Act of Parliament; besides shewing "an evil example to utheris to commit sic trespass." For this "grete lychtlyng contemption done to our souerane lord," Irvine is ordained by the Lords of Council to ward in the castle of Berwick, within 15 days, at his own expense. It appears that he was Sheriff-

Depute of Aberdeen, and the consequences of his gathering "his Majesty's leges under silens of nyght" was, that he was deprived of his post, and fined in four marks (*Acts of Lords Auditors*, p. 20). He granted a charter of his lands of Fulzemont in warrandice of two parts of the lands of Ardgrave, which he and his son sold to John Allardice of that ilk, 24th November 1485. He is in parliament in 1488, and in 1492 the Lords of Council ordain him to permit the Bishop of Aberdeen and his tenants to enjoy and occupy the lands of Dulmoak and Petbrachan. These lands had been granted to William de Irvinc 12th May 1331, by Alexander, Bishop of Aberdeen, for payment of 46 shillings and 8 pence yearly (*Reg. Aberdonense*, pp. 52-3, 143). He married Marion, daughter of Lord Forbes, and died before 1493, being succeeded by his son, Sir Alexander, styled "of Lonmay" in his father's lifetime. This Alexander was Sheriff-Depute of Aberdeen in 1497, for in 1501 there is an account of arrears due by him as Sheriff amounting to £1963 8s. 11d (*Exchequer Rolls of Scotland*, p. 334). According to Douglas he married Janet, daughter of Keith of Luduquharn, but in the Records of Aberdeen are to be found deeds in favour of his children by "umquhile Nannys Menzies." To his son David he assigned all his goods within the lands of Coul, viz., twenty oxen and five chalders of malt fermes yearly, with a Tack of the lands for all the days of David's life, and three hundred wedders within the Fortrie in Buchan to sustain him at the Schools. Alexander, another son, had all the corn, xxxiiii oxen and three hundred ewes, with a Tack "of Kinharroquhe." To his son John he gave all the corn, oxen, and xxviii ewes, with a Tack, of Craigton; and to Agnes, his daughter, he assigned all the corn, oxen, and xxviii ewes in Dulmoak, together with xxiiii kye and a bull in Collangy, for her maintenance and tocher. All these deeds are dated 27th August 1493 (*Burgh Records of Aberdeen*, vol. i., p. 51). He was a great favourite with King James IV., from whom he received the lands of Tarland, which had been granted to Sir John Rutherford in May 1485, and which Sir John resigned in April 1495 (*Reg. Mag. Sig.*, xi., 18; xii., 154). Sir Alexander had a charter,

in 1507, under the Great Seal, of the lands of the Park of Drum, Lonmay, Largny, Auchindore, Fulzemont and Tarland, erected into a free Barony, with all privileges, bloodwytes, merchets, &c., cum furca fossa, sok, sak, tholl, theme, &c. (*Ibid.*, *xiv.*, 312).

Alexander Irvine, the next Laird of Drum, styled in his father's life-time, "of Forglen," married Janet, daughter of John Allardice of Allardice. A Notarial Instrument sets forth that, upon 12th June 1493, "compeared honorable men, Sir John Rutherford of Tarland, Knight, "and Robert Blindsel, burgess of Aberdeen, who produced the seal of a "noble man, Alexander Irvine of Drum, and by his authority affixed "the same to a contract of marriage, entered into between the said "Alexander Irvine and Alexander, his son and heir, on the one part, "and John Allardice of that Ilk, and Janet, his daughter and heir "apparent, on the other part" (*Allardice Muniments*). He and his wife received a grant of two parts of the lands and Barony of Auchterless, under reversion, dated 13th December 1499. A Notarial Instrument, dated 5th December 1522, sets forth that on that day John Allardice of that Ilk and John, his lawful son and heir, compeared at the Market Cross of Aberdeen, and there, by proclamation, thrice repeated by the mouth of David Herine, Officer, warned a noble man, "Alexander Irwein "of Forglind, son and heir of Sir Alexander Irwein of Drum, and Janet "Allardes, spouse of said Alexander of Forglind, to appear in the Church "of St. Nicholas of Aberdeen, on Monday, the 3rd November next, to "receive the sum of 1200 merks due for the redemption of two parts of "the Barony of Auchterless" (*Ibid.*). It is unnecessary to trace the subsequent history of the family. By marriage and purchase they acquired great possessions. They took a prominent part in the Covenanted Wars, and suffered heavily. The Laird of Drum, of that time, was fined upwards of £90,000 Scots, and afterwards refused the Earldom offered as a *solatium*, and as a reward for loyalty.

To return to the deed. Braeruddoch remained a few years only in possession of the Irvines, and once more changed owners. Alexander

Irvine of Drum and his procurators having resigned them at Banff, George, 2nd Earl of Huntly, by charter, dated at Banff, 24th January 1473-4, conveyed them to his "beloved cousin, Thomas of Gordon," upon the same tenure. Among the witnesses to the deed are:—"Sir James Ogilvie of Fynletter, Sir Gilbert Keith of Inverugie, Knights; Mr. Gilbert Hay of Ury, John Barclay of Tolly, John Curroure of Banff, and Sir John Kemlok, Chaplain and Notary Public" (*Original in Aboyne Charter Chest*). Upon 28th March thereafter, is Precept of Infeftment in above lands by the Earl of Huntly, directed to "Alexander Strachan of Glenkindie, and Thomas . . . his bailie," in favour of Thomas Gordon. Witnesses—Gilbert Ogilvy of Deskford, Knight; Gilbert Hay of Ury; John Ogston of . . . [Craig, or that Ilk]; Mr. Adam Gordon, Prebendary of Kinkell; and Sir John Kemlok, Chaplain to the Earl (*Ibid.*).

Here is Huntly's Charter of Confirmation in favour of Irvine, already mentioned. The signature of witnesses, and the seal of "the honourable man, Alexander Burnet of Leys," are wanting:—

OMNIBUS hanc cartam visuris vel audituris Alexander comes de Huntlie et dominus de Baidenach salutem in Domino sempiternam Noveritis nos quandam cartam Alexandri Besat de Brarudach factam dilecto consanguineo ac armigero nostro Alexandro Irwyne de Drum . . . vidisse inspexisse et ad plenum intellexisse cujus tenor sequitur et est talis OMNIBUS hanc cartam visuris vel audituris Alexander Besat dominus de Brarudach salutem in Domino sempiternam Noveritis me utilitate mea in hac parte undeque previsa et diligenter considerata ac pro debitis meis relevandis dedisse concessisse ac precise et omnino vendisse . . . nobili viro Alexandro Irwyne de Drum totas et integras terras meas predictas de Brarudach . . . jacentes in dominio de Obyne infra vicecomitatum de Abirdein pro quadam certa summa pecunie quam prefatus Alexander Irwyne michi tempore confeccionis presentis carte in pecunia numerata in mea gravi et urgente necessitate fideliter persolvebat de qua quidem summa teneo me bene contentum et persolutem et prefatum Alexandrum Irwyne et heredes suos et suos assignatos exinde quiteclamo imperpetuum per presentes Tenendas et habendas predictas terras . . . prefato Alexandro Irwyne et heredibus suis et suis assignatis a me et

heredibus meis et meis assignatis de domino comite de Huntlie et heredibus suis domino superiori earundem terrarum in feodo et hereditate imperpetuum per omnes rectas metas suas antiquas . . . Reddendo inde prefatus Alexander Irwyne et heredes sui et sui assignati prefato domino comiti de Huntly et heredibus suis domino superiori dictarum terrarum unum denarium argenti annuatim ad festum pentecostes apud Obyne nomine albe firme si petatur tantum pro omni alio servicio . . . Et ego vero prefatus Alexander Besat et heredes mei et mei assignati totas et integras terras predictas de Brarudach . . . predicto Alexandro Irwyne et heredibus suis et suis assignatis per omnes terras et possessiones nostras habitas et habendas ac per omnia bona nostra mobilia et immobilia presenciam et futura contra omnes mortales warrantizabimus acquietabimus et imperpetuum defendemus In cujus rei testimonium sigillum meum huic presenti carte mee est appensum unacum sigillo honorabilis viri Alexandri Burnat de Leys per me cum instancia procurato apud Abirden decimo die mensis Januarii anno Domini millesimo cccc^{mo}. sexagesimo quinto Testibus honorabilibus viris Alexandro Fraser de Durris Ricardo de Kintor preposito de Abirden Andrea Meingnes Johanne de Mar burgense Thoma Gavmound Willielmo Abirdour Alexandro Beūmonde Nicholaio Irwyne armigeris Domino Johanne de Camera capellano et Domino Roberto Leis capellano et notario publico cum multis aliis QUAMQUIDEM cartam . . . in omnibus et per omnia approbamus ratificamus ac pro nobis et heredibus nostris pro perpetuo confirmamus salvis nobis servitiis nostris debitis et consuetis In cujus rei testimonium huic presenti carte nostre confirmationis sigillum nostrum est appensum apud Huntlie xvj^{to}. die mensis Marcii anno Domini millesimo cccc^{mo}. sexagesimo septimo testibus honorabilibus viris.

ABSTRACT OF III.

CONFIRMATION by Alexander, Earl of Huntlie, of Charter by Alexander Besat of Brarudach in favour of the said Earl's beloved cousin and esquire Alexander Irwyne of Drum, of all and whole his lands of Brarudach, lying in the lordship of Obyne and Sheriffdom of Aberdeen, and that for a certain sum of money paid by the said Alexander Irwyne to the said Alexander Besat, in numbered money, "in my grave and

urgent necessity": To hold from the granter of the lord Earl of Huntlie and his heirs, lord superior of the same, in fee and heritage: Rendering therefor yearly to the said lord superior one penny of silver, payable at Whitsunday, at Obyne, in name of blench ferme, if asked only: Dated at Aberdeen 10 January 1465-6: Witnesses, Alexander Fraser of Durriss, Richard de Kintor, provost of Aberdeen, Andrew Meignes, John de Mar, burgesses, Thomas Gavmond, William Abirdour, Alexander Bevmonde, Nicholas Irwyn, esquires, Sir John of Chalmer, chaplain, Sir Robert Leis, chaplain and notary public: The Seal of an honourable man, Alexander Burnat of Leys, was procured with Instance by the granter: Confirmed at Huntlie 16 March 1467-8.

IV.

THE next document, "Letters of Reversion by the Earl of Athole to George, Earl of Huntly, and Alexander, his son and heir," refers to a contemplated matrimonial alliance between the families.

Sir John Stewart, who was created Earl of Athole about 1457 (*Rotuli Scotiæ*, ii., p. 383), was son and heir of Sir James Stewart, the "Black Knight of Lorn," by his wife, Joan Beaufort, Queen-Dowager of Scotland. He married Margaret, the "Fair Maid of Galloway," only daughter of Archibald, 5th Earl of Douglas. She first married William, 8th Earl of Douglas, and at his death she married James, 9th Earl of Douglas, from whom she was divorced. After the rebellion of her husband in 1455, she repaired to the King, entreating mercy, saying she was forced into these ungodly nuptials against her will (*Pitscottie's History of Scotland*, p. 89). She was heir to her brother, William, 6th Earl of Douglas; and the King conferred upon her and her husband, John Stewart, Earl of Athole, the Lordship of Balvenie (one of the forfeited possessions of the family of Douglas), by charter, dated 25th March 1460, the reddendo being a red rose delivered at the chief message of said Lordship (*Reg. Mag. Sig.*, v., 97).

He had a new charter of the Earldom of Athole, 18th March 1482, wherein he is described as Sir John Stewart of Balvenie, "frater carnalis" of the late King James II. (*Reg. Mag. Sig.*, x., 7). He took an active part in the suppression of the rebellion of the Earl of Ross and Lord of the Isles, and it was on this occasion King James III. said to him, "Furth fortune and fill the fetters," which became the motto of his family, and is still to be seen on the ruins of Balvenie Castle.

To return to the deed. It gives the conditions upon which the lands of Tullich, the Kinnords, Wratoun, Knok, and others in the Lordship of Aboyne, are to be redeemed. There is also provision for the fulfilment of the contract in the event of death, or "wilfulness" of their children. The marriage took place between Alexander, Master of Huntly, and the Lady Jean Stewart, elder daughter of Athole by his first wife, Margaret Douglas. The younger daughter, Catherine, married John, 6th Lord Forbes.

Among the witnesses to the deed are James, Earl of Buchan, Lord Auchterhouse, second son of the "Black Knight of Lorn," by his wife, the Queen-Dowager of Scotland. He was created Earl of Buchan by his half-brother, King James II., and was known to his contemporaries as "Lord Jakke" and "Hearty James," a testimony to his genial disposition. His title of Auchterhouse may be traced to his marriage with Margaret Ogilvy, heiress of Sir Alexander Ogilvy of Auchterhouse, whose ancestor Sir Walter Ogilvy of Powrie, married the heiress of Sir Malcolm Ramsay of Auchterhouse. The Earl of Buchan, as "Sir James Stewart," and Margaret, his wife, had a charter of the Baronies of Strathalva and Doun, the Castle of Banff, the lands of the Lordship of Grandoun, Fodderletter, &c., dated at Edinburgh, 1st March 1466. On 8th May 1468, James, "Lord of Outhouse," and John, Earl of Athole had safe conduct, with attendants to the number of thirty for six months, that they might make certain pilgrimages to different shrines in England.

Andrew, Lord Gray, is said to have married Elizabeth, daughter of the Earl of Athole. He was "Justiciary-General benorth the Forth, and

Heritable Sheriff of Forfar." He was a near relative of the Earl of Huntly, being son of Patrick, Master of Gray, and died in February 1513-4. Sir Sylvester Rattray of Rattray, the representative of the most ancient of Perthshire families, was an important personage, and had extensive possessions. He was appointed Ambassador Extraordinary to treat with England in 1463, and was one of the Assize who tried Robert, Lord Lyle. He married Margaret Ogilvy, one of the daughters and heiresses of Christian Glen—who is styled, "relict of David Stewart [of the Gloom], and mother of Alexander Ogilvy of Duntroon."

The following are the terms of the "Letters of Reversion":—

BE IT KEND til al men be thir present letres ws John Erle of Athole & lorde Balvany for us our ayris & assignes to be bundyn & oblist & be thir letres and the fayth in our body bindis us & thaim under stratast stile & forme of obligacion to a rycht hie and mychty lorde George Erle of Huntle & lorde Gordon & to his ayris & assignes that nochtwithstanding the said George has sald & analit to us heritably be Charter & sesing al & hale his landis of Tullich of the twa kanmoris of the Wraton of the Knok of Achaquaile & of Tollindul with thair pertinentis lyand in his lordschip of Obyne within the Shirefdom of Aberden extending yherly to a hunder markis of usuale mone of Scotlande for a certan sowme of mone be us thankfully to hym beforhand as in his charter made to us thairupon is mar clerly contenit Nevertheless qhwenevir & als sone as the mariage poyntit betwix Alexander of Gordon son & apperand ayr to the said George & failyhing of the said Alexander throw decess Adam the son of the saide George & sa furth fra son to son lauchfully gottin or to be gottin apperand ayr to him with Jehan ovr dochter ande failyhing of the said Jehan throw deces with ony other of ovr dochteris lauchfully gottin beis fully completit in face of haly kirk or gif the said mariage failyhe throw wilfulnes of ovr said douchter Jehan or of ony of her sisteris or ony other wayis than throw dede of thaim we ovr ayris or assignes sal purly & simply resign & frely but obstacle or demaund gif our to the said George his ayris or assignes al and hale the said landis with thair pertinentis togidder with the charter & al other evidentis and writis made til us thairupon & sal discharge hym & thaim of al sowmis & bandis made for the said mariage forever Or gif it sal

happin the said mariage to faillyhe in the default of the said George or of the sayde Alexander or of ony of his brether apperand ayr to the said George throw wilfulnes or ony other wayis than throw dede of thaim than qhwenever & als sone as the said George his ayris or assignes payis to us ovr ayris or assignes realy and with effect togidder and at anys upon a day betwixt the son rising & ganging to rest of the samyn day upon the hye altar of the Cathedrale Kirk of Dunkelden the sowm of thre thousand markis of usuale mone of Scotland than we ovr ayris or assignes sal purly and simply resign & frely giff our to the said George his ayris or assignes al & hale the said landis with thair pertinentis with charter and al evidentis as is befor said Or gif it sal happin the said mariage to faillyhe throw the decess of the said Alexander or of his brether utirly or of the said Jehan or hir sisteris sa that the said mariage may nocht be completit than qhwenevir the said George his ayris or assignes payis til us our ayris or assignes samekil as sal be fundyn that he or thai has resavit of the sowm giffin for the said mariage togidder and at anys upon a day and on the samyn place than incontinent we ovr ayris or assignes sal resign & gif our to the said George his ayris or assignes al & hale the said landis with thair pertinentis togidder with al charteris evidentis and other writis made til us thair upon eftir the tenour of the indentouris made betuix us tuiching the said mariage sa that ony of the poyntis abufwritin beande fulfillit in maner as saide is nother we owre ayris nor assignes sal fra thyne furth mak ony maner of clayme in na to the said landis na to na pairt of thaim bot of al rycht & clame propertie & possession als wele petitoury as possessoury we & thai sal be al utirly excludit for evirmare Excepting that gif it hapnis ony landis in fe and heretage to fal to the said Jehan or to ony of hir sisteris qhwilk sal complete the said mariage other linialy be succession or otherwayis the fe of the sayde landis of Tullich twa Kanmoris of the Wratoun Knok Achaqhuoile & Tollindul with thair pertinentis sal remayn with us and owre ayris & the franktenement of thaim with the said George & his ayris eftir the fulfilling of the sayde mariage ay & qhwil the sayde Jehan or ony other of her sisteris qhwilk sal complete it in face of haly kirk sal be cled & possessit in the said landis that sal happin to fal to hir of yame in fe & heretage as said is & yat eftir bath fe and franktenement sal remayn with us & ovr ayris of the said landis ay & qhwil the saide George his ayris or assignes pay & assith to us ovr ayris or assignes

togidder and at anys upon a day betwix the son rising & ganging to rest of the samyn day and upon the sayde hyc altar for ilke markis worth of land that ony of owr dochteris qhwilk sal happin to complete the said mariage fallis to twentie markis of usuale mone forsaide & fra thyne furth nother we na owre ayris nor assignes sal clame ony maner of rycht in na to the said landis bot evermare to be excludit fra thaim be thir present letres sa that we owr ayris or assignes be warnit other personaly or at the principale place of owr residens be the said George his ayris or assignes to the resayt of the sowme or sowmys abufyn expremit fourty dayis of befor fra the resayt of the qhwilk sowm or sowmys gif it sal happin us owr ayris or assignes wilfully or fraudfully to absent us we beand warnit as said is it sal be lesum to the said George his ayris or assignes to put the said sowm or sowmys in the common purs of the saide Chanonry of Dunkelden to the use and profit of us owr ayris or assignes & he his ayris or assignes that beand done furthwith to joys and brouk & left & rase the malis & profitis of the saide hunder markis worth of landis als frely and pesably as he or his predecessouris did befor the alienacion of thaim made til us al fraude, gyle & male engyne excludit In witnes herof we haf appensit owr sele to thir letres at Edinburgh the twenty day of October the yhere of God a thousand four hunder sevinty & four yheris befor thir witnes Jamys Erle of Buchan & lorde Ouchterhous owr deirast brother Androw lorde Gray Silvester of Retray of that Ilke with other divers.

ABSTRACT OF IV.

LETTERS OF REVERSION by John, Earl of Athole, in favour of George, Earl of Huntlie, for redemption of the lands of Tullich, the two Kamorris, the Wraton, the Nok, Achaquoile and Collindul in the lordship of Oboyne, extending yearly to 100 merks, now sold by the said George, Earl of Huntlie, to the granter, upon the conditions therein stated.

V.

AT an early period, the lands of Strathaven formed part of the extensive possessions of the Earls of Fife (*Reg. Epis. Moravien*, pp. 58-9). They may have been given to David, third son of Duncan, Earl of Fife, for they were in possession of the Strathbogie family, and were granted by King Robert the Brus to the Earl of Lennox on the forfeiture of Sir David de Strathbogie (*Robertson's Index*, p. 14). By charter, dated 17th June 1371, King Robert II. conveyed them to his illegitimate son, Alexander Stewart, the notorious Earl of Buchan (*Reg. Mag. Sig.*, p. 128, 4). They were afterwards possessed by Sir Andrew Stewart, illegitimate son of the Earl of Buchan. Sir Andrew was knighted in the service of the Duke of Burgundy, and may have been the person who supplied 180 sheep purchased for the King by the costumars of Aberdeen, 1427-8 (*Exchequer Rolls of Scotland*, vol. iv., p. 443). From an entry in the Chamberlain Rolls, it would appear that the lands of Strathaven were used for grazing the Royal horses.

On 17th July 1464, the King confirmed Sir Walter Stewart of Strathaven (son of Sir Andrew) and Margaret Stirling, his spouse, in the lands of Drumin and others (*Reg. Mag. Sig.*, vi., 112). He had letters of legitimation from King James III., dated 23rd August 1472. In 1477, Sir Walter took steps to annul the right of Alexander Crom M'Allan to the Tochdoreship of Strathaven (*Gordon Papers—Miscy. Spalding Club*, iv., 135). On 4th December 1479, Sir Walter granted a charter to Margaret Stirling, his spouse, (for her many good services, and for her life,) of the lands of Pitkass, Morynd, Thombette, Auchdregan, and others, in the Lordship of Strathaven, rendering service at Head Courts of Drumin when required. In 1482, Sir Walter Stewart, in presence of the King, resigned, by "staff and baton," the lands of Strathaven into the King's hands, and received them again on the conditions stipulated in the Notarial Instrument given below.

The King, with the advice of his Council, granted, by charter, dated at Innes, 31st August 1490, the lands and Lordship of Strathaven to Alexander, Lord Gordon, Master of Huntly, reserving the life-rent, &c., of Sir Walter and his spouse (*Reg. Mag. Sig.*, xii., 248).

Sir Walter was pursued in 1492, before the Lords of Council, by Alexander Tulloch, for the sum of 200 merks. What the grounds of action were, we know not, but Tulloch had to "press sufficientlie that Margarete, Lady Dun [daughter of Graham of Fintry] and Jonet Ogilvy, Lady Leis, is awand him a croce of gold with a precious stane, callit a ruby, and vii. orient perle; with a pece of bane of Saint Magnus hede, and the price thereof" (*Acta Dominorum Concilii*, p. 273). He had a son—probably illegitimate—named John, who made a great uproar against the Earl of Huntly. This John, "assisted by the Grants and the Clan Allan, moved the countrymen to disobey and not to acknowledge the Earl or his deputies. Alexander Gordon of Drumin came out of Badenoch upon one Saturday, at night, to the wood of Fegan anent Kirkinichael, accompanied with 200 men, and caused each man to make a faggot of wood. When the whole people were within the Kirk, he came quietly and filled the Kirk door and windows with the faggots of wood, and called for fire. The most part of the Grants and Clan Allan, who were associated with the said John Stewart, were within the Kirk on the Sabbath day, and were forced to give pledges to the said Alexander Gordon for obedience and good order in time coming; which pledges were sent to Strathbogie to Earl Alexander" (*M.S. Pedigree of the Gordons*, 1644).

Here is the Notarial Instrument above referred to, and among the witnesses to which is John Ruthven of Ruthven, a Laird who does not appear in any of the pedigrees of this ancient family; and Sir Walter Davidson, "the venerable and religious man" who had left his island home on a visit to the metropolis:—

IN DEI nomine amen per hoc presens publicum Instrumentum cunctis pateat evidenter quod anno Incarnacionis dominicæ millesimo quadrin-

gentesimo octuagesimo secundo mensis vero Decembris die decima Indiccione prima pontificatus sanctissimi in christo patris ac domini nostri domini Sixti divina providencia pape quarti anno duodecimo In presencia Serenissimi et Illustrissimi principis domini nostri Regis metuendissimi constitutus nobilis vir dominus Walterus Stwert de Strathovn miles Omnes et singulas terras suas de Strathovn cum pertinentiis jacentes infra vicecomitatum de Banf non vi aut metu ductus nec errore lapsus ut apparuit set sua vera et spontanea voluntate in manibus dicti supremi domini nostri Regis per fustem et baculum ut moris est sursum reddidit pureque simpliciter resignavit Qua resignacione sic facta predictus Supremus dominus noster Rex predictas terras de Strathovn cum pertinentiis prefato domino Waltero et suis heredibus masculis de corpore suo legitime procreatis seu procreandis quibus forte deficientibus Nobili et potenti domini Georgio Comiti de Huntly et suis heredibus quibuscunque per eorundem fustis et baculi tradicionem et deliberacionem contulit et donavit De et super quibus omnibus et singulis prefati dominus Comes et dominus Walterus hincinde a me notario publico sibi fieri pecierunt Instrumentum seu instrumenta Acta erant hec in camera dicti Supremi domini nostri Regis apud castrum suum de Edinburgh hora tertia post meridiem vel ea circa sub anno mense die Indiccione et pontificatu quibus supra presentibusque ibiden nobili et potenti domino Johanne Comite Atholie venerabili ac religioso viro domino Waltero Davidson priore de Maya Nobilibusque viris Johanne Murray de Polmays Jacobo Dunbar de Cumnok Johanne Rothven de Rothven Alexandro Gordovn et Alexandro Baufoure scutiferis cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

Et ego Patricius Makculloch arcium magister presbiter Candide case diocesis publicus auctoritate apostolica notarius (etc. in communi forma).

ABSTRACT OF V.

NOTARIAL INSTRUMENT narrating that a noble man, Sir Walter Stuert of Strathoun, Knight, compeared in the presence of the King, and by staff and baton resigned his lands of Strathoun in the shire of Banff in the hands of the King; who thereupon gave them again to the said Walter and the heirs male of his body, whom failing, to George

Earl of Huntly, and his heirs whomsoever, by delivery of the same staff and baton: Done in the King's chamber in the Castle of Edinburgh on 10th December 1482: Witnesses, Sir Walter Davidson, prior of May, John Murray of Polmays, James Dunbar of Cumnok, John Rothven of Rothven, Alexander Gordoun and Alexander Baufoure, shield bearers, &c. Patrick Makculloch is notary.

VI.

IN 1460, as already noticed, Alexander, Earl of Huntly, confirmed a charter by Alexander Byset of Braeruddoch in favour of Donald Richardson of certain lands. The estate of Braeruddoch shortly after passed into possession of Alexander Irvine of Drum, upon whose resignation the Earl of Huntly granted it to his beloved cousin, Thomas of Gordon, on 24th January 1473. (See p. 12.)

Thomas Gordon must have been of the old Gordon line, but his parentage cannot now be identified. On 25th February 1481, King James III. granted a charter of "All and Whole the lands and barony of Kennerdy" to this Thomas Gordon. These lands were formerly possessed by Thomas Hay. In 1486 (October 29) there is a charter by the King in favour of said Thomas Gordon "of the fourth part of the Barony of Kennerdy."

The deed printed below is a charter by the Earl of Huntly in favour of Thomas Gordon, now styled "Baron of Kennerdy," of the half of Craigton of Braeruddoch, which belonged to the late Janet, daughter of the late Donald Richardson, who, with consent of her spouse, freely resigned the lands at the Kirk of Glenmuick.

Alexander Gordon of Midmar, one of the witnesses to this deed, was brother of the Earl of Huntly, and was afterwards knighted. He became ancestor of the Gordons of Abergeldie.

The name of David Ogilvy of Tolmad, who was apparently Chamberlain to the Earl of Huntly, frequently appears as witness to northern charters, as does that of Sir Patrick Garntuly, rector of Glass. We have also the name of one of the vicars of Tullich—Sir Simon Kingorn. Hugh Rose, another of the witnesses, was the 8th Baron of Kiltravock. He married in 1484 the Lady Margaret Gordon (daughter of the Earl of Huntly by his fourth wife Jean Comyn, the “Fair Maid of Moray”), and his second son was ancestor of the Roses of Ballivit, while the third son was progenitor of the Roses of Inch: a distinguished family of ecclesiastics, among them being Archbishop Arthur Rose of St. Andrews, Bishop Alexander Rose of Edinburgh, Bishop James of Glasgow, and Bishop Charles of Dunblane.

OMNIBUS hanc cartam visuris vel auditoris Georgius Comes de Huntlie ac dominus Gordone et Badenaghe baronice de Obyne Salutem in domino sempiternam Noveritis nos dedisse . . . dilecto consanguineo nostro Thome Gordone baroni de Kennardy omnes et singulas terras dimidietatis Cragtone de Barrodouch cum suis pertinenciis Jacentes in dicta baronia nostra de Obyne infra vicecomitatum de Abirdene quequidem terre cum pertinenciis fuerunt quondam Jonete filie olim Donaldi Richerdsonne hereditarie Et quas prefata Joneta cum expressis consensu et assensu Johannis Duncansone sponsi sui non vi aut metu ducta nec errore lapsa seu aliquo dolo vel fraude circumventa set sua mera et spontanea voluntate in manus nostras apud ecclesiam de Glenmuke per fustim et baculum sursum reddidit pureque simpliciter resignavit Ac totum jus et clameum proprietatem et possessionem que et quas in dictis terris . . . habuit aut habere potuit pro se et heredibus suis omnino quietumclamavit imperpetuum Tenendas et habendas totas et integras predictas terras dimidietatis de Cragtone de Braredouche . . . dicto Thome Gordone heredibus suis et suis assignatis de nobis et successoribus nostris dominis baronie de Obyne in feodo et hereditate imperpetuum per omnes rectas metas suas antiquas et divisas . . . Reddendo inde annuatim . . . unum denarium usualis monete Scocie apud castrum nostrum de Obyne ad festum Sancti Martini in yeme nomine albe firme si petatur tantum pro omni alio servicio seculari exactione seu demanda que de predictis terris . . . aqualiter exigi poterit aut requiri Et nos

vero prefatus Georgius Comes heredes et successores nostri totas et integras terras nostras dimidietatis de Cragtone de Obyne . . . dicto Thome Gordone heredibus suis . . . contra omnes mortales per terras nostras warantzabimus acquitabimus et imperpetuum fideliter defendemus In cujus rei testimonium sigillum nostrum huic presenti carte nostre apponi fecimus apud ecclesiam de Glenmuk xxv^o die mensis Maii anno domini millesimo quadringentesimo octuagesimo quarto Testibus Alexandro Gordone de Megmar David Ogilvy de Tolmad domino Patricio Garntuly rectore de Glass Willelmo Forbes de Tollas Hugone Ros filio baronis de Kilravoce et herede apparenti et domino Symone Kingorne vicario de Tullyche cum multis aliis.

ABSTRACT OF VI.

CHARTER by George, Earl of Huntlie, in favour of his beloved cousin Thomas Gordon, baron of Kennardy, of the half of Cragtoun of Barrodouch, lying in his lordship's barony of Obyne, within the shire of Aberdeen: Which lands belonged to the late Janet, daughter of Donald Richerdson, heritably, and which the said Janet, with consent of John Donaldson, her spouse, freely resigned in the hands of the said Earl of Huntlie, at the Kirk of Glenmuke: To hold to the said Thomas Gordon, his heirs and assignees, of the granter and his successors, lords of the barony of Obyne, in fee and heritage for ever; by all their right measures and bounds, in woods, plains, streams, pastures, mills, multures, and their sequels, fowlings, huntings and fishings, peat bogs, fuel, coalheughs, quarries, &c.: Rendering therefor yearly one penny at the granter's Castle of Obyne, at Martinmas, in name of blench ferme, if asked only: Dated at the Kirk of Glenmuk 25 May 1484: Witnesses, Alexander Gordon of Megmar; David Ogilvy of Tolmad; Sir Patrick Garntuly, rector of Glas; William Forbes of Tolleis; Hugh Ros, son of the baron of Kilravoce, and heir apparent; Sir Symon Kingorne, vicar of Tullyche, and many others.

VII.

THOMAS Gordon of Kennertie died prior to 1495, for upon 26th August of that year the King, by Letters under the Privy Seal, granted the ward and marriage of his heir to Alexander Irvine of Drum and his assignees. The fermes of Kennertie, accounted for in the Exchequer Rolls in the year 1499, amounted to £42 13s. 4d.

Alexander Gordon of Kennertie (apparently son of Thomas) made assedation of the lands of Balnacraig in favour of Thomas Cruickshank, "a prudent man" in the Kirk-land of Aboyne. In 1500 Alexander Gordon had sasine of the lands of Kennertie, and in the Index to the *Libri Responsionum* is a memorial anent the lands of Kennertie, within Aberdeenshire. In 1501 the sum of £100 was paid for the ward and relief of Kennertie, now belonging to Alexander Gordon (*Accounts of the Lord High Treasurer, p. 272*). Alexander Gordon was witness in 1505 to the protest of Alexander Comyn, Lord of Culter, in consequence of the abstraction of the seal of a charter, granted by King Alexander II. to his ancestor, of the Baronies of Culter and Tullibody, while it was in the custody of Alexander Burnet of Leys, his grandfather. He is also juror same year on the Retour of Thomas Fraser, as heir to his father Sir Andrew Fraser of Stonywood.

Here we have Instrument of Sasine, which followed upon the Assedation of the lands of Balnacraig, in favour of Thomas Cruickshank. In regard to the deed there is evidently some mistake, for the Pope of the period was Alexander VI., Roderic Borgia (nephew of Pope Calixtus III.), who was crowned 26th August 1492, and died in 1502:—

IN Dei nomine Amen per hoc presens publicum instrumentum cunctis pateat evidenter quod anno incarnationis Dominice millesimo quadringentesimo nonagesimo octavæ mensis vero Maii die vigesimaquarta indictione prima pontificatus sanctissimi in Christo patris ac domini domini nostri Alexandri divina providencia pape quarti [*sic*] anno quinto

In mei notarii publici ac subscriptorum testium presencia personaliter constitutus providus vir Thomas Cruikschank in terra ecclesiastica de Obin comorans quasdam litteras in papiro scriptas possessionis formam in se continentes ab honorabili viro Alexandro Gordone de Kynnertye emanatas suo sigillo ut apperuit intuentibus sigillatas in medium produxit et presentavit provido viro Donaldo Aufurd ballivo in eisdem litteris nominato vigore quarum ipsum Donaldum ut premittitur ballivum cum ea qua decuit instancia requisivit quatenus sibi heredibus suis executoribus et assignatis possessionem omnium et singularum terrarum de Balnacrag jacentium in dominio de Obin infra vicecomitatum de Abirden daret et deliberaret secundum tenorem assidationis sibi facte pro terminis vite sue et suis heredibus et executoribus pro terminis novem decim annorum post ejus decessum Quasquidem literas per dictum Donaldum ut premittitur ballivum receptas michique traditas sub forma michi commissa perlegi et ad noticiam circumstancium deduxi post quarumquidem literarum lecturam predictus ballivus dicte requisitione acquiescens accessit ad dictas terras de Balnacrag et ibidem per funem et tectum possessionem dictarum terrarum dicto Thome tradidit et deliberavit et ipsum in eisdem secundum tenorem sue assidationis investivit Super quibus omnibus et singulis predictus Thomas a me notario publico subscripto sibi fieri peccit instrumentum et instrumenta Acta erant hec apud Balnacrag hora quasi secunda post meridiem sub anno mense die indictione et pontificatu quibus supra presentibus ibidem fidedignis viris videlicet Alexandro Thomsone Aufurd Jhone Varrat David Clerk et Willielmo Mathei testibus ad premissa vocatis pariterque rogatis.

Et ego vero Jacobus Strathachin presbyter Abirdonensis diocesis publicus imperiali ac regia auctoritatibus notarius (etc. in forma communi).

ABSTRACT OF VII.

INSTRUMENT OF SASINE proceeding on certain letters written on paper, emanating from an honourable man, Alexander Gordon of Kynerty, sealed with his seal, in favour of a prudent man, Thomas Cruikschank, dwelling in the Kirkland of Obin, his heirs and assignees, of all and sundry the lands of Balnacrag, lying in the lordship of Obin, within the Sheriffdom of Aberdeen, in assedation during the lifetime of

the said Thomas, and to his heirs, &c., after his decease for 19 years. Sasine is given by Donald Aufurd, as bailie for the granter, at Balnacrag on 24 May 1498: Witnesses, Alexander Thomson Aufurd, John Varrat, David Clerk, and William Matheson: notary, James Strathauchin.

VIII.

WE have another deed by Alexander Gordon of Kennertie, wherein he is styled "Lord of Braeruddoch." He grants Precept of Infestment in favour of an "honourable man," George Gordon in Cushny (afterwards styled "of Cushny"), in two parts of his lands of Braeruddoch, as below.

George Gordon in Cushny was the fourth son of "Tam o' Riven." On 15th December 1494, there was an "action and caus persewit be" Duncan Forbes, aganis George Gordon in Cushny, Schyr William "Coutis, John Duncanson, Thomas MacGillandris, and John Grumanson, "for the wrangwis occupatione and manuring and withholding fra him "of the Tak and Maling of the lands of Invernochy and Ballebeg with "their pertinents," lying in the Earldom of Mar (*Acta Dominorum Auditorum*, p. 203).

He had a son, John, who, upon 24th July 1511, had a charter, under the Great Seal, of the lands of Conderland and Hallhead, in the Barony of Cushny, annexed to the Barony of Ballinbreick. These lands were recognised from George, Earl of Rothes [whose ancestor, Norman de Leslie, got them by marriage with one of the daughters of Hugh de Abernethy], and granted by the King to Robert Lumsden of Midlair, who constituted John Gordon, his brother (*suum fratrem*), assignee to said lands, and John Gordon paid the Treasurer the sum of 300 merks as composition (*Reg. Mag. Sig.*, xvii., 83). This John Gordon was progenitor of the Gordons of Hallhead and Esslemont.

The deed brings under notice Robert Lumsden of Midlair, who is bailie, the representative of an ancient family. Between the years 1329 and 1371 King David II. confirmed a charter, granted by the Earl of Fife, to Thomas Lumsden of the lands of Drum and Condland in Fife, and of Easter and Wester Maler in Aberdeenshire (*Robertson's Index to Missing Charters, p. 58*). About 1350 there is a charter by Duncan, Earl of Fife, in favour of Thomas Lumsden and his heirs for good services done of the lands of East and Maler. By charter dated at Leslie 24th March 1471-2, George, Earl of Rothes, granted to Robert, son of Thomas Lumsden of Condland, the lands of Balmakelly in the barony of Cushny (*Reg. Mag. Sig., xxix., 405*). In 1476 there is Precept of Sasine by Thomas Lumsden of Condland, "Lord of Midlair," directed to John Mortimer of Inintir, in favour of his uncle Robert Lumsden, of the lands of Midlair; and in 1496 there is Sasine by Thomas Lumsden of Condland in favour of Robert Lumsden of Midlair, his cousin, of an annual rent of six merks from the lands of Midlair (*Archives of Aberdeen*). Thomas Lumsden of Condland had a son and heir James, who married Janet Arnot, and he granted them a charter of the lands of Condland, Drum and Midlair upon 25th October 1507, reserving his own life rent and the terce of Egidia Ogilvy, his spouse (*Reg. Mag. Sig., xiv., 420*). On 18th August 1546, James, son of Thomas Lumsden, the son and apparent heir of Robert Lumsden of Midlair, had a charter of Fowlis-Mowat, Knockreach, Balchenny, &c. (*Ibid.*).

The Precept is in these terms:—

ALEXANDER GORDOUN de Kennerti ac Dominus de Braredoche Dilectis meis Roberto Lummysdaile de Maidlair et Johanni Mortimer ac eorum alteri conjunctim et divisim ballivis meis in hac parte irrevocabiliter constitutis salutem Quia dedi concessi et alienavi hereditarie honorabili viro Georgio Gordoun in Cusny duas partes omnium terrarum mearum de Braredoche cum suis pertinenciis jacentium in dominio de Oboyne infra vicecomitatum de Abirdene prout in carta mea inde sibi confecta plenius continetur Vobis igitur et vestrum alteri conjunctim et

divisim precipio do in mandatis ac firmiter mando quatenus dicto Georgio aut suo certo actornato latori presencium sasinam hereditariam dictarum duarum parcium terrarum de Braredoch cum suis pertinenciis tradatis et deliberetis aut unus vestrum tradat et deliberet visis presentibus indilate secundum tenorem carte inde sibi confecte ad quod faciendum vobis et vestrum alteri conjunctim et divisim meam plenariam et irrevocabilem tenore presencium committo potestatem et in signum sasine per vos tradite sigillum vestrum in secunda cauda post meum presentibus appendatis aut unus vestrum appendat Datum sub sigillo nostro apud Aberdene primo die mensis Augusti anno Domini millesimo quingentesimo.

ABSTRACT OF VIII.

PRECEPT by Alexander Gordoun of Kennerty and lord of Braredoch addressed to Robert Lumysdaill of Maidlair and John Mortimer, his bailies in that part, for infesting an honourable man, George Gordoun in Cusny, in two parts of all his lands of Braredoch lying in the lordship of Obyne, according to the tenor of Charter granted thereupon by the said Alexander to the said George : Dated at Aberdeen 1 August 1500.

IX.

IN August 1503, the King granted a charter of the lands of Balmaid, in the Barony of Kinedward, to Robert Burnet, who had personally resigned them (*Reg. Mag. Sig., xiv., 1*).

A few months later, we have Instrument of Resignation, by Robert Burnet of Balmaid, into the hands of Alexander, Earl of Huntly, as Lord Superior, in favour of John Burnet, son and heir of said Robert, and Margaret Burnet, his spouse, "of the west part of Mekil Culcodilstane, in the Barony of Aboyne," as below.

Instrument of Sasine upon the Earl's Precept, in favour of said John and Margaret, is given by Thomas Davidson by "delivery of earth and

stone." In token of said delivery "he caused an ox of black colour, with white horns, to be appraised by trustworthy men, to the value of 20s. current money of Scotland: done on the ground of said land on 23rd December 1503." The Precept by Huntly is dated "At Riven in Crowmar." Witnesses—Sir Alexander Gordon of Midmar, William Gordon of Schewan, kinsmen to the Earl; John Leslie of Wards; and Adam Gordon of Aboyne (*Aboyne Charter Chest*).

The ancient name of Coldstone was Hachagowan. About the year 1171, Moregrund, Earl of Mar, gave a carucate of the lands called Hachagowan to the Canons Regular of St. Andrews, and a marginal note in the Register of the Priory records that "Hachagoudy is now called Cothilstane." In November 1408, there is a charter, dated at "Kyndroni," by Isabel de Douglas, Lady of Mar and the Garioch, granting the patronage and adowson of the Church of Coldstone in Cromar to the Abbey of St. Mary of Lundores (*Liber Sancte Maria de Lundoris*, p. 49).

Bishop Henry Lichten, on 5th November 1439, granted the Church lands of Coldstone to Sir William Forbes of Kinaldie, Knight, for payment of £8 annually (*Invercauld Charter Chest*). From 1455 to 1459, the Bishop of St. Andrews drew an annuity of £4 from the fermes of Coldstone; and in the former year, the widow of Alexander Stewart of Strathdee, keeper of Kindrochit Castle, drew her terce from the lands of Coldstone. In 1459-60, Alexander Forbes of Pitsligo had Sasine of the lands of Coldstone (*Exchequer Rolls*, vol. vi., pp. 70, 514, 650). Sir Alexander Forbes of Pitsligo resigned his lands in the King's hands, and in October 1476, the Baronies and lands of Pitsligo and Kinaldie were confirmed to him by charter, under the Great Seal. He was succeeded by his son, John, who, on 19th January 1497, was infeft in the Kirk-land of Coldstone, on a charter granted by John, Vicar-General of St. Andrews (*Invercauld Charter Chest*).

The Kirk-lands of Coldstone continued in the possession of the Forbeses of Pitsligo, for, on 2nd September 1579, Margaret Forbes, wife

of James Forbes of Fechil, and Janet Forbes, wife of Robert Duguid, apparent of Auchinhuive, constituted Patrick Forbes of Pettalechie their procurator for taking Sasine in their favour, as heiresses to their father, William Forbes of Pitsligo, in the Kirktown and lands of Coldstone, lying in the Barony of Keig and Monymusk, the regality of St. Andrews (*Pitsligo Charter Chest*). William Forbes married Catherine, daughter of Alexander Gordon of Strathdown, and succeeded his grandfather John Forbes. His father, Alexander, married Beatrix Abernethy. On 25th March 1580, Alexander Forbes of Pitsligo and Barbara Keith, his wife, were infeft in same lands, on a feu-charter by Patrick, Archbishop of St. Andrews (*Invercauld Charter Chest*).

Among the witnesses to Burnet's Resignation are James Paterson, tenant of Coldstone; William Middleton [of Bordland?] who married the illegitimate daughter of Alexander Gordon of Drumin, and of whom the Middletons in Glentanner are descended (*MS. Pedigree, 1644*); Duncan Thomson of Auchinhuive, a laird of whom little is known, and John Leslie of Wards, who was five times married.

IN Dei nomine amen per hoc presens publicum instrumentum Cunctis pateat evidenter quod anno Incarnacionis dominice millesimo quingentesimo tercio mensis vero Decembris die vicesima secunda Indiccione sexta pontificatus sanctissimi in Christo patris et domini domini nostri Julii divina providencia pape secundi anno primo In mei notarii publici et testium subscriptorum presencia personaliter constitutus honorabilis vir Thomas Davidis procurator et eo nomine honorabilis viri Roberti Burnat de Balmaid accessit ad presenciam nobilis et potentis domini Alexandri domini comitis de Huntly domini Gordone et Badenach ac domini superioris dicti Roberti dimediatum occidentalis partis terrarum de Mekill Culcodilstane cum molendino ejusdem cum suis pertinenciis Ibiq; de manu sua dicto Alexandro domino superiori presentavit litteras procuratorias sive mandatum sufficiens dicti Roberti tenentis sigillatum et roboratum proprio sigillo dicti Roberti ad resignandum et dimittendum in manibus dicti Alexandri domini superioris terras proscriptas cum molendino earundem in favorem Johannis Burnat heredis dicti Roberti et Margarete sponse dicti Johannis prout in carta eius

desuper confecta plenius continetur Quod quidem mandatum sive literas procuratorias idem Alexander dominus superior terrarum prescriptarum michi notario publico subscripto de manu sua tradidit perlegendum quarum tenor sequitur et est talis Nobili et potenti domino Alexandro comiti de Huntly ac domino Gordoun et Badenach vester humilis Robertus Burnat de Balmaid cum omni obediencia reverencia et humilitate salutem ad sursum redendum pureque et simpliciter resignandum ac dimittendum in manibus vestre nobilitatis omnes et singulas dimedietates terrarum partis occidentalis de Mekill Culcodilstane cum molendino ejusdem ac suis justis pertinenciis jacentes in baronia de Obyn et infra vicecomitatum de Abirdene quas de vestra nobilitate in capite teneo honorabiles viros Thomam Davidis Alexandrum Burnat de Cullannoch Andream Burnat et Alexandrum Davidis et eorum quemlibet conjunctim et divisim meos veros legitimos et indubitatos procuratores irrevocabiles facio constituo et per presentes irrevocabiliter ordino Dando et concedendo dictis meis procuratoribus et eorum cuilibet conjunctim et divisim meam plenariam et irrevocabilem potestatem ac mandatum speciale omnes et singulas terras prescriptas cum molendino cum pertinenciis quibuscumque in manibus vestre nobilitatis ad sursum reddendum dimittendum et per fustem et baculum ut moris est pureque et simpliciter resignandum . . . in favorem Johannis Burnat filii et heredis mei et Margarete Burnat sponse sue Itaque facta resignatione predicta liceat vestra nobilitate de eiusdem terris cum molendino . . . predictis Johanni Burnat et Margarete libere disponere ad vestre libitum voluntatis Promittendo me ratum gratum firmum atque stabile irrevocabiliter habere et pro perpetuo habiturum totum et quicquid per dictos meos procuratores seu eorum aliquem conjunctim et divisim rite ductum actum factum procuratum ve fuerit in premissis seu aliquo premissorum sub ypoteca et obligatione omnium bonorum et possessionum meorum presencium et futurorum In cuius rei testimonium sigillum meum huic procuratorio meo presenti est appensum apud Balmaid ultimo die mensis Junii anno domini millesimo quingentesimo tercio coram hiis testibus Thoma Davidis Malcomo Burnat domino Johanne Burnat capellano et Johanne Davidis cum diversis aliis testibus quibus in presencia dicti Alexandri domini superioris de verbo in verbum per me notarium publicum subscriptum perlectis prescriptus Thomas procurator dicti Roberti auctoritate sibi commissa prescriptas dimedietates

partes occidentales terrarum et molendini . . . de Mekill Culcodlestane . . . in manibus predicti Alexandri domini superioris terrarum prescriptarum in favorem dicti Johanni Burnat et Margarete Burnat ejus sponse per fustem et baculum ut moris est sursum reddidit pureque et simpliciter resignavit Quas quidem terras cum molendino earundem in manibus dicti Alexandri domini superioris sic resignatas et per ipsum dominum superiorem receptas idem Alexander dominus superior pre-nominatas terras de Mekill Culcodilstane cum molendino earundem prescripto Thome procuratori in favorem dictorum Johannis et Margarete ejus sponse dedit contulit ac de manibus suis eidem assignavit necnon idem dominus superior preceptum sive suum mandatum pro statu et possessione dictis Johannis et Margarete de prescriptis terris et molendino eiis dando et deliberando sigillo dicti domini superioris sigillatum de manu sua dedit et deliberavit ac idem superior dominus fide media se obligavit ad dandum et deliberandum ipsis Johanni Burnat et Margarete ejus sponse unam novam cartam de prescriptis terris et molendino sigillatam et roboratam suo sigillo proprio Super quibus omnibus et singulis dictus Thomas procurator a me notario publico subscripto sibi fieri peccit unum seu plura publicum seu publica instrumentum seu instrumenta Acta erant hec apud Auchclauchre hora decima ante meridiem sub anno mense die et pontificatu quibus supra presentibus ibidem honorabilibus viris discretis dominis Alexandro Gordon de Mydmar milite Adam Gordone de Obyn Johanne Lesly de Warderis Johanne Patersone tenente de Culquhodilstane Duncano Thomsone de Auchinhappas et Willelmo Mediltone comorante in Glentanner ac diversis aliis testibus ad premissa vocatis pariter et rogatis.

Et ego Patricius Leche presbiter Dunkeldensis diocesis publicus auctoritate Regali notarius (&c. in communi forma).

ABSTRACT OF IX.

INSTRUMENT OF RESIGNATION by Robert Burnet of Balmaid in the hands of Alexander, Earl of Huntly, as lord superior, in favour of John Burnet, heir of the said Robert, and Margaret his spouse, of the West part of Mekil Culcodilstane, lying in the barony of Obyn: The Procuratory of Resignation appoints Thomas Davidson, Alexander

Burnet of Cullannoch, Andrew Burnet and Alexander Davidson, and is dated at Balmad 30 June 1503: Witnesses, Thomas Davidson, Malcolm Burnet, Sir John Burnet, chaplain, and John Davidson. The Resignation is made at Auchclauchre on 22 December 1503: Witnesses, Sir Alexander Gordone of Mydmar, Knight, Adam Gordone of Obyn, John Lesly of Warderis, John Patersone tenant of Culquhodilstan, Duncan Thomson of Auchinhaffas, and William Mediltone dwelling in Glentanner: Patrick Leche [? Leith] is notary.

X.

THE name of Sir Nicholas Paterson, the "discreet man" of the following document, Chaplain to the Earl of Huntly, appears frequently in deeds of this period. He was Vicar of Kinnord, and subsequently Vicar of Kinairnie, and Kinkell.

As procurator for Alexander, Earl of Huntly, he paid and delivered to Alexander Gordon of Kennertie the sum of "140 merks in numbered money" for the redemption of the lands of Brachlie, Ballintober, and Calochy, in the Lordship of Aboync.

The Notarial Instrument relating to this transaction also preserves to us the name of one of the early Vicars of Glenmuick—Mr. Alexander Hay, afterwards Commissary General of Aberdeen.

Thomas Waus, who witnesses the deed, and in whose dwelling the transaction took place, was made burgess of Aberdeen in 1486. It was at his instance that William Turing was made a burgess in 1508-9 (*Miscellany of New Spalding Club, vol. i., pp. 33, 44*).

In dei nomine Amen per hoc presens publicum instrumentum cunctis pateat evidenter quod anno incarnationis dominice millesimo quingentesimo septimo mensis vero Novembris die penultimo Indiccione xj^a pontificatus sanctissimi in Christo patris et domini nostri domini Julii divina providencia pape secundi anno quarto In mei notarii publici et

testium subscriptorum presencia discretus vir dominus Nicholaius Patersone capellanus ac procurator nobilis et potentis domini Alexandri comitis de Huntlie domini Gordoun et Badzenach prout michi notario publico infrascripto per procuratorium dicto comitis papiro scriptum suo sigillo sigillatum luculenter constabat de cuius comitis mandato dictus procurator deliberavit et persolvit Alexandro Gordoun de Kennerti summam centum et quadragenta mercarum usualis monete Scotie in pecunia numerata pro redempcione terrarum de Brachlie, Ballintober et Calochy cum suis pertinenciis jacencium in dominio de Obyne infra vicecomitatum de Abirdene de manibus dicti Alexandri Gordoun de Kennerti juxta tenorem et effectum cuiusdam litere reversionis quam dictus comes habuit de hujusmodi terris cum pertinenciis De quaquidem summa pecunie predictus Alexander dominus de Kennerti tenuit se bene contentum et gratanter persolutum et pro se heredibus suis et assignatis prefatum comitem heredes suos et assignatos de dicta summa quitumclamavit et per presentes pro perpetuo exoneravit Ac omne jus et juris clameum que in et ad hujusmodi terras cum suis pertinenciis habet habuit seu habere poterit quoquomodo in futurum Alexander Gordoun de Kenerti antedictus pro se heredibus suis et assignatis quitumclamavit et renunciavit omnino et in perpetuum necnon obligavit se preterea prefatus Alexander dominus de Kennerti fidemedia heredes suos et assignatos dicto procuratori ad renunciandum omni juri et juris titulo que habet habuit seu vindicare poterit in et ad prenomintas terras cum pertinenciis ut premittitur coram commissario Abirdonensi aliove quocunque iudice competenti cum ad hujusmodi renunciacionem faciendam per eundem comitem heredes suos aut assignatos ipse Alexander Gordoun heredes sui aut assignati fuerint requisiti super quibus omnibus et singulis procurator antedictus a me notario publico subscripto sibi fieri peccit presens publicum instrumentum unum et plura Acta erant hec in hospicio Thome Waus burgensis de Abyrdene infra dictum burgum hora secunda postmeridieum vel eo circa sub anno mense die Indiccione et pontificatu quibus supra presentibus ibidem venerabilibus viris magistro Alexandro Hay vicario de Glenmuk Thoma Wauss predicto et Johanne Rait cum diversis aliis testibus ad premissa vocatis et rogatis.

Et ego Alexander Rait clericus Sanctiandree diocesis publicus auctoritate apostolica notarius quia premissis omnibus et singulis dum sic ut premittitur dicerentur agerentur et fierent unacum

prenominatis testibus presens interfui eaque omnia et singula sic fieri vidi scivi et audivi ac in notam cepi Ideo presens publicum instrumentum manu mea scriptum exinde confeci Signoque et nomine et subscriptione meis solitis et consuetis signavi rogatus et requisitus in fide et testimonium veritatis omnium et singulorum premissorum.

ABSTRACT OF X.

NOTARIAL INSTRUMENT narrating that a discreet man Sir Nicholas Paterson, chaplain, and procurator of Alexander, Earl of Huntlie, compared, and by the mandate of the said Earl, paid and delivered to Alexander Gordoun of Kennerty the sum of 140 merks in numbered money for the redemption of the lands of Brachlic, Ballintober and Calochy, lying in the lordship of Obyne and Sheriffdom of Aberdeen, from the hands of the said Alexander Gordon of Kennerty, according to the tenor of a certain letter of reversion which the said Earl had of the said lands; of which sum the said Alexander Gordon acknowledged receipt, and thereupon renounced the aforesaid lands: Done in the lodging of Thomas Waus, burges of Aberdeen, within the said burgh on 29 November 1507: Witnesses, Mr. Alexander Hay, Vicar of Glenmuk, Thomas Waus, aforesaid, John Rait, &c. Notary, Alexander Rait.

XI.

THE following charter, by Adam Gordon of Aboyne, is of interest, inasmuch as he became progenitor of the Gordon Earls of Sutherland. Adam Gordon was second son of George, Earl of Huntly, by his second wife, the Princess Anabella of Scotland.

In June 1467, on the resignation of Elizabeth and Janet, co-heirs of Sir Patrick Maitland, the King granted the Barony of Schivas to George, then styled Lord Gordon. George, Earl of Huntly, at Edinburgh, on 8th October 1479, on account of the true affection borne to him, granted

the Barony of Schivas to Adam de Gordon, his "carnal" son (*Reg. Mag. Sig.*, ix., 12). In 1490, Adam Gordon exchanged the Barony of Schivas for that of Aboyne (*Ibid.*, xii., 248).

He married Elizabeth, daughter of John, Earl of Sutherland, and upon the death of her brother, John 9th Earl, without issue, she succeeded to the Sutherland title and estates. Her right to the Earldom and lands was, however, disputed by her younger half-brother Alexander, a son of the 8th Earl by his second wife, Isabel—daughter of Ross of Balnagown, the young widow of George Munro of Fowlis.

This Alexander was a minor, and before he attained his majority, Adam Gordon got him to renounce all rights to the title and estates in favour of his brother John and his sister Elizabeth—the wife of Adam Gordon. This deed is dated 24th July 1509, and in the month of May previous there is a Brieve from Chancery for serving Elizabeth Sutherland as heir to her father, while her brother John had Instrument of Sasine in the lands and Earldom of Sutherland 14th December 1512. On 3rd May 1514, there is a Commission for a Brief of idiotry against John, Earl of Sutherland, and on 13th June following there is an Instrument upon Cognition of said brief whereby the Earl of Sutherland declared Elizabeth his sister german and her issue (failing heirs of his own body) to be next and immediate successors to him (*Gordon's Earldom of Sutherland, Appendix*).

Elizabeth Sutherland was infeft in the Earldom, 30th June 1515, in virtue of a Precept from Chancery, but notwithstanding this, the heir male of the family endeavoured to assert his rights by force of arms. The proceedings of Adam Gordon, in his wife's interest, gave rise to the suspicion that he had defrauded the rightful heir, and thus Alexander was aided in his enterprise by most of the county families, whose history was so closely and honourably linked with that of the old race of Sutherland.

When Adam Gordon failed to conciliate the petty Sutherland chiefs, he decided to remain at Aboyne, and entrusted to Leslie of Kinnivie

and Murray of Aberscross the suppression of Alexander Sutherland's rebellion. Sutherland married the daughter of Mackay of Far, and, aided by him, he soon overran the country. He was captured by Leslie, and executed at Dunrobin, which put an end to the pretensions of the heirs male of the old Earls, and left the Gordons to enjoy their new Earldom in peace.

In regard to the parties mentioned in the deed, Patrick Gordon "in Durnach," later on "in Fulzemont," afterwards became styled "of Johnisleis." On 13th September 1507, there is a charter, by King James IV., to William Gordon, son and heir apparent of Patrick, "of the lands of Johnisleis, with the mill thereof," in the regality of Garioch, the superiority of which was claimed by William Blackhall of that Ilk, and the property by Duncan Forbes of Skene and Christian Mercer, his spouse (*Reg. Mag. Sig.*). There is an Indenture, dated at Aberdeen, 18th March 1510, between Sir Alexander Irvine of Drum and Patrick Gordon of Johnisleis, whereby Irvine is to seise in feu ferm William Gordon, son and heir apparent of Patrick, "in the lands of Auchindore, Fulzemont, Crawok, &c. ; To hold of said Sir Alexander and his heirs: paying therefor 47 merks." Patrick and his heirs became bound to serve with the Knight of Drum in the King's host with "fyve rydand men, twa speirs, weil furnist as effeirs" (*Antiq. of Banff and Aberdeen, vol. iv., p. 455*).

William Gordon, styled "of Auchindore," was succeeded by his son, Patrick, who had a charter of the lands of Drymies, in May 1538 (*Ibid., p. 456*). In 1556, Queen Mary confirms a Charter of Sale by William Gordon of Auchindore, "Lord of Johnisleis," to his grandson, William Gordon, of the lands of Johnisleis, extending of old to £40 (*Reg. Mag. Sig., xxxi., 299*). Three years later he is dead, for we find Elspet Stewart, relict of umquhile William Gordon of Johnisleis, holding the third part of "All and whole the lands of Auchindore, Fulzemont, Crawok, Mill and alehouse thereof, with the pertinents." Upon 19th October 1562, there is Precept by Queen Mary for a charter

to William Gordon of Auchindore and Clara Cheyne, his spouse, of the lands of Johnisleyis, in the Lordship of Garioch (*Antiq. Banff and Aberdeen, vol. iv., p. 776*).

To return to Patrick Gordon. He had Instrument of Sasine on the following charter upon 29th April 1514, by "delivery of earth and stone of the said lands of Wratoun, and enclosing him in a certain house of the town thereof, the door being closed" (*Original in Aboyne Charter Chest*).

In May 1517, Adam Gordon, styled "Earl of Sutherland, lord of the Barony of Obin," confirms a charter granted by Patrick Gordon of Johnisleyis to "Patrick Gordon his son, and his heirs; whom failing to John Gordon his son, and his heirs; whom failing to Thomas Gordon and his heirs; whom also failing to John Gordon and his heirs, of the lands of Dalwhing and Wratoun: To be held from said Patrick of the Baron of Aboyne: paying yearly to said Baron one penny in name of blench if asked; at Auchindoir: Witnesses, Robert Lumsden of Maidlair, Thomas his son and heir apparent, George and Thomas Gordons, sons of the granter" (*Aboyne Charter Chest*).

Adam Gordon's charter is as follows, and it must be noted that the document is signed, which controverts Lord Hailes' assertion that neither Adam Gordon nor his wife could write. Alexander, Earl of Huntly, confirms the charter on 20th April 1515; John Gordon of Hallhead, Nicolas Paterson, Vicar of Kinnord, and Mr. Mathew Mason, being witnesses; from which it would appear that Alexander of Hallhead had died in the interval:—

OMNIBUS hanc cartam visuris vel audituris Adam Gordone de Obin eternam in Domino salutem Noveritis me utilitate mea previsa in hac parte et considerata vendidisse et hac presenti mea confirmasse dilecto meo Patricio Gordone de Jhonisleis et Patricio Gordone filio ejus et heredibus suis masculis de corpore suo procreatis seu procreandis quibus forte deficientibus Georgeo Gordone fratri suo et heredibus suis masculis quibus deficientibus Thome Gordone ejus fratri et heredibus suis masculis quibus deficientibus Willelmo Gordone fratri suo seniori et heredibus suis

quibuscunque Totas et integras terras meas de Dalquhend et Vratone jacentes in baronia de Obin infra vicecomitatum de Abirden pro quadam certa summa pecunie quam michi dictus Patricius tempore confectionis presentis carte persolvebat de qua teneo me bene contentum et persolutum eundemque Patricium heredes suos et assignatos de eadem quietclamo imperpetuum TENENDAS et habendas totas et integras terras predictas cum pertinentiis predictis Patricio et Patricio et heredibus suis pre-nominatis de me heredibus meis et assignatis hereditarie imperpetuum per omnes rectas metas suas antiquas et divisas prout jacentes in longitudine et latitudine in viis semitis bossis planis moris maresiis aquis stagnis rivolis silvis virgultis nemoribus pratis pascuis et pasturis aucupacionibus venacionibus piscacionibus petariis turbariis molendinis murturis et eorum sequelis cum curiis earundem exitibus et eschaetis cariagiis arriagiis bondagiis ac eciam cum omnibus aliis et singulis libertatibus comoditatibus et asiamentis et justis suis pertinentiis quibuscunque tam non nominatis quam nominatis tam procul quam prope tam subts terra quam super terram ad predictas terras cum pertinentiis spectantibus seu juste spectare valentibus quomodolibet in futurum adeo libere integre honorifice bene et in pace in omnibus et per omnia ut premissum est sicut aliqua terra infra regnum Scotie tenetur venditur aut possidetur REDDENDO inde annuatim dictus Patricius et Patricius ejus filius et heredes sui masculi quibus forte deficientibus Georgius Gordon ejus frater et sui heredes masculi quibus deficientibus Thomas Gordone et sui heredes masculi quibus deficientibus Willelmus Gordone et heredes sui quicunque michi heredibus meis et assignatis unum denarium usualem super solum dictarum terrarum ad festa pentecostes nomine albe firme si petatur tantum pro omni alio servicio . . . Et ego vero dictus Adam Gordoun heredes mei et assignati supra dictas terras de Dalquhend et Vratone cum pertinciis supra dictis Patricio Gordone et Patricio ejus filio et heredibus suis prenomminatis contra omnes mortales varantizabimus acquietabimus et imperpetuum defendemus In cujus rei testimonium sigillum meum huic presenti carte est appensum apud Terlane vigesimo quarto die mensis Aprilis anno Domini millesimo quingentesimo decimo quarto coram hiis testibus Roberto Lummsdene de Medlor Alexandro Gordone de Hawhed Domino Nicolas Patersone rectore de Kinkel Magistro Matheo Masse Donaldo Coultis et Domino Jacobo Strathachin notario cum aliis.

ADAM GORDON of Obyn.

ABSTRACT OF XI.

CHARTER by Adam Gordone of Obin to his beloved Patrick Gordone of Jhonisleis and Patrick Gordone his son and the heirs male of his body; whom failing, to George Gordone his brother, and his heirs male; whom failing, to Thomas Gordone his brother, and his heirs male; whom failing, to William Gordone his elder brother, and his heirs whomsoever, of All and Whole the lands of Dalquhend and Vratoune, lying in the barony of Obin and shire of Aberdeen; and that for a certain sum of money paid to the granter by the said Patrick Gordone: To hold of the granter and his heirs, for the yearly payment of one penny on the ground of the said lands in name of blenche ferme, if asked only. Dated at Terlane 24 April, 1514: Witnesses, Robert Lummysdane of Medlor, Alexander Gordone of Hawhed, Sir Nicolas Patersone, rector of Kinkel, Mr. Mathew Masse, Donald Coultis, and Sir James Strathachin, notary.

XII.

THE Notarial Instrument given below narrates how a "noble man Adam Gordon of Aboyne" compeared in the presence of a noble and potent lord Alexander, Earl of Huntly, and renounced the office of bailliery of the lands and Lordship of Aboyne, the Manor of Loch Kinnord, &c.

Adam Gordon, as mentioned in the preceding note, married the heiress of the Sutherland Earls, and does not appear to have been of a courageous disposition. He fled ignominiously from the field of Flodden, where his brother, the gallant Laird of Gight, fell. When his brother-in-law, Alexander Sutherland, tried to assert his rights to the Earldom of Sutherland by force of arms, and took possession of Dunrobin Castle, Adam Gordon, who had perhaps had enough of fighting, remained quietly

at home on Dec side. He got Leslie of Kinnivie and the old warrior Laird, Murray of Aberscross, to fight his battles, and recover his wife's possessions. Therefore, while he may have been "very provident and wise," we cannot, like his descendant, describe him as being "valiant."

His family were:—(1) Alexander, Master of Sutherland ; (2) John, who resided at Tilphoudie, and had a daughter, who married George Gordon of Cochlarachie ; (3) Adam Gordon, who resided at Ferrar, and was killed at the battle of Pinkie, 10th September 1547 ; (4) Gilbert Gordon of Garty, married to Isobel Sinclair of Dunbeath. The daughters were:—Lady Beatrix, Lady of Gormack ; Lady Helenor, who married George Gordon, and had Tilphoudie for her portion ; and Lady Elizabeth, Lady of Lethendy. The Countess of Sutherland died at Aboyne in September 1535, and was buried there, and upon 17th March 1537, her husband died at Ferrar and was buried beside her, perhaps in the Aboyne Vault in the present church.

The deed is executed within the Chapel of St. Mary, in the Manor of Huntly. This is the only mention we find among our papers of the Chapel. There can be little doubt that it was identical with St. Mary's Altar in St. Nicholas, Aberdeen. Sir Robert Gordon says:—"the 16th day of March, the year of God, 1438, Elizabeth, heir of Huntly and Strathbogie, died at Strathbogie, and was buried at Nicholas, his church, in New Aberdeen, in the Yle of Cochlarachie, which yle herself had caused build" (*History of Earldom of Sutherland*, p. 68). Sir John Gordon of Findlater, who was executed after Corriche, was buried in the same place. Although the dedication has not yet been found, there can be no doubt that this Chaplainry was founded by Elizabeth Gordon, and an entry in the Inventory of Charters at Gordon Castle proves that the half lands of Cochlarachie belonged to the Chaplain and Chaplainry of St. Mary, within the Church of St. Nicholas in Aberdeen (*Macdonald's Place Names in Strathbogie*). In the Memoir of the first Earl of Huntly and his Countess we give all the facts we have been able to glean respecting this Chaplainry.

It will be observed that John Garden, "Professor of Arts," is notary :—

IN Dei nomine amen per hoc presens publicum instrumentum cunctis pateat evidenter quod anno Dominice incarnationis millesimo quingentesimo decimo quarto mensis Julii die vero decimo quinto indictione secunda pontificatu sanctissimi in Christo patris et domini nostri domini Leonis divina providentia pape decimi anno secundo In nobilis et potentis Domini Alexandri Comitis de Huntlie meique notarii et testium subscriptorum presentia personaliter comparuit nobilis vir Adam Gordoun de Obyne non vi aut metu ductus nec errore lapsus sed sua mera libera et spontanea voluntate ac animo deliberato renunciavit et extra donavit officium ballivatus terrarum et domini de Obyne Glenmuik et Glentannir manerie de Lochcanmor terras de Culquhodilstane cum universis et singulis suis pertinentiis jacentium infra vicecomitatum de Aberdene ac omne jus et juris titulum sibi ad predictum officium ballivatus maneriem et terras prenominatas in vitali reddito quomodolibet spectans et pertinens simpliciter cessit et pro perpetuo dimisit et hoc ad bene placitum ipsius domini comitis et pro beneficiis sibi per eum in illum collatis obligando se cum officio predicto manerie de Lochcanmor seu dictis terris de Culquhodilstane cum pertinentiis nunquam postea intromittere et fide media promisit dicto domino comiti reddere et deliberare literam ballivatus et alias evidencias sibi de officio ballivatus prescripti domini et terrarum dictarum factas quam cito poterat Quasquidem literas et earundem effectus pro tunc et in antea cassavit annullavit ac nullius roboris aut momenti a modo fore decrevit Super quibus omnibus et singulis prefatus dominus comes a me notario subscripto sibi fieri petiit publicum instrumentum unum vel plura Acta erant hec in capella beate marie infra maneriem de Huntlie hora tertia post meridiem aut eo circa sub anno mense die indictione et pontificatu quibus supra presentibus ibidem providis et discretis viris Patricio Gordoun de Auchindor Willielmo Gordoun ejus filio Magistro Roberto Monorgund Domino Nicholaio Patersone capellano et David Scot cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

Et ego Johannes de Gardin arcium professor publicus apostolica et imperiali auctoritatibus notarius (&c. in communi forma).

ABSTRACT OF XII.

NOTARIAL INSTRUMENT narrating that there compeared personally in presence of a noble and potent Lord Alexander, Earl of Huntlie, and of the notary and witnesses, a noble man, Adam Gordoun of Obyne, and of his own free will and deliberate mind, renounced and overgave the office of bailiery of the lands and lordship of Obyne, Glenmuk and Glentannir, the manor of Lochcanmor, lands of Culquhodilstane &c. lying in the Sherifffdom of Aberdeen, and for ever demitted all right and title which he had to the said office and lands in liferent, and that at the good pleasure of the said Lord Earl, and for the benefit bestowed by him upon the said Adam: Obliging himself never afterwards to intromit with the said office, manor of Lochcanmor, or lands of Culquhodilstane; and by his oath promised to render and deliver to the said Earl the letter of bailery and other evidents made to him thereupon; which letters and effect thereof he then cassed, annulled and decerned to be of no force henceforth: Done in the Chapel of St. Mary within the manor of Huntlie, at the third hour afternoon of 15 July 1514, the witnesses being Patrick Gordon of Auchindor, William Gordoun his son, Master Robert Monorgund, Sir Nicholas Paterson, chaplain, and David Scot. John of Gardin, Professor of Arts, is notary.

XIII.

WE next have Renunciation of certain lands by John, Lord Forbes, in favour of the Earl of Huntly. The families of Forbes and Gordon lived at this period on friendly terms, and were allied by marriage. On 24th May 1447, John, Earl of Buchan and Ross, Lord of Aboyne, granted a charter of the lands of Fotherbris, in the Lordship of Aboyne, to Sir Alexander Forbes of that Ilk, upon the resignation of John Scot. Alexander de Seton, Lord of Gordon, upon 30th September 1444, granted to James, the son of Alexander, the lands Corsindaw, Kebidy, Ordyquhork, Tulicarne, Ronalach, &c. (*Antiq. of Aberdeen and Banff*, vol. iv., p. 396).

In 1460, there is Precept of Sasine, by Alexander, Earl of Huntly, in favour of James, Lord Forbes, of the lands of Tullireach, Little Tolmad, Tornavethane, Drumlassy, and Barglassy; and on 8th July 1468, there is a charter, by the Earl of Huntly, in favour of his son-in-law, William, Lord Forbes, of the lands of Abergarden, in the barony of Aboyne; the lands of Tullifour and Tulikery, in the Lordship of Tulich, in the barony of Cluny; and the lands of Suthnahoune, in the barony of Midmar (*Castle Forbes Muniments, &c.; Reg. Mag. Sig., xxvi., 372*). We may be permitted to give here an abstract rental of the above lands in 1552, because early rent rolls are interesting for purposes of comparison, and as throwing some light on the social condition of the people:—

“**ABERGARDEN.**—Two ploughs, two tenants. Rent, £12 and 16 kids.

Grassum, £12. [*Memo: ‘Abergarden and Proniche pais yeirliche ane custum mart to my Lord.’*]

AILHOUSE OF ABERGARDEN.—One tenant. Rent, 13s. 4d.; 1 kid; 12 poultry. Grassum, 13s. 4d.

MILL OF ABERGARDEN, with the Mill Lands.—One tenant. Rent, £2; 1 stone butter; 1 swine worth 20s. Grassum, £2.

STRATHGIRNOCK.—Two ploughs, six tenants. Rent, £6 13s. 4d.; 8 kids. Grassum, £6 13s. 4d.

KIRKTOWN.—One plough, one tenant. Rent, £2 13s. 4d. Grassum, £2 13s. 4d.

LARY.—Two ploughs, four tenants. Rent, 40 bolls victual; 4 stones butter. *Nota.*—‘Strathgirnock, Kirktown and Lary pais ane custum cow to my Lord ilk ane yeir and yeir abowtt.’

MILL OF LARY AND MILL LAND.—One tenant. Rent, £1. Grassum, £1.

TORRAGAWANE (ane croft).—Two tenants. Rent, £1 6s. 8d.; two kids. Grassum, £1 6s. 8d.

CANDACRAIG (ane croft).—Two tenants. Rent, £1 13s. 4d.; two kids. Grassum, £1 13s. 4d.

PRONICHE.—One plough, four tenants. Rent, £2 13s. 4d.; four kids; 12 poultry. Grassum, £3 6s. 8d.

- JOKE BEGGIS CROFT.—One tenant. Rent, 10s. Grassum, 13s. 4d.
- TULLIFOUR WITH THE MILL.—Two ploughs, one tenant. Rent, £16; 12 capons, 1 swine, or 20s.
- TULLEREACH.—Two ploughs. (Item, one plough in my Lord's hand, one half let to one tenant.) Rent, £4. Grassum, £8.
- TULLACH OF TULLEREACH.—The mill annuelis, with mill lands, one plough, two tenants. Rent, £5 6s. 8d.; a wedder, a swine, or 20s.; 12 capons, 1 leit peats.
- WESTER TOLMAD.—Three ploughs, four tenants. Rent, £15; three wedders, 36 capons, 6 leit of peats. Grassum, £15.
- TORNAVENE.—One plough, one tenant. Rent, £5; one wedder, 12 capons, 2 leit of peats. Grassum, £5.
- DRUMLASSY.—Two ploughs, four tenants. Rent, £5 6s. 8d.; 2 wedders, 24 capons, 4 leit of peats. Grassum, £5 6s. 8d.
- EASTER TOLMAD.—Two ploughs, one tenant. Rent, £5 6s. 8d. Grassum, £5 6s. 8d.
- MILL OF EASTER TOLMAD AND MILL LAND.—One tenant. Rent, £1 6s. 8d.; 1 swine or 20s. Grassum, £1 6s. 8d.
- CRAIGINHIE.—One plough, one tenant. Rent, £2 13s. 4d.; one wedder, 2 leit of peats. Grassum, £2 13s. 4d.
- NEWBIGGING.—One plough, two tenants. Rent, £2 13s. 4d.; 1 wedder, 2 leit of peats. Grassum, £2 13s. 4d.
- BROOMHILL.—Two ploughs, two tenants. Rent, £4; 1½ wedders, 2 leit of peats.
- BROKHOLIS.—One plough, two tenants. Rent, £4; 1 wedder, 2 leit peats. Grassum, £4.
- BLAIR-QUHALSIE.—One plough, two tenants. Rent, £3 6s. 8d.; 1 wedder, 2 lait of peats. Grassum, £3 6s. 8d.
- RONALAUICHE.—Two ploughs, three tenants. Rent, 40 bolls victual.
- SHEPHERD'S CROFT.—Extending to the sowing of four bolls.
- KEBATYE.—Three ploughs, one tenant. Rent, in maill and custums, £10. Grassum, £8.

ORDEFORK.—Three ploughs, two tenants. Rent, £8; 46 bolls victual, 2 wedders.

SHEILL OF ORDEFORK.—One plough, one tenant. Rent, £3 6s. 8d; 8 bolls victual, one wedder.

CORSINDAVY.—Pays a few-duty of £10: Tullicarne pays a few-duty of £5 6s. 8d.

SONEHONEY, OR SUTHNAHUNE.—Two ploughs, one tenant. Rent, £5 6s. 8d. Grassum, £5 6s. 8d.

TULLIKERY.—One plough, one tenant. Rent, £5" (*Castle Forbes Muniments*).

John, Lord Forbes, was cousin of the Earl of Huntly, being the grandson of William, Lord Forbes, by his wife, Christian Gordon, daughter of the first Earl of Huntly. He succeeded his brother, Arthur, before 1494. On 25th June of that year, he was pursued, before the Lords of Council, by Agnes Lyon, relict of his brother Arthur, for wrongfully withholding "her terce of the lands and barony of Forbes of a year bipast."

The Lords decided that he had done wrong, and must pay her or abide the consequences. He produced a *Retour*, to the effect that he was nearest and lawful heir to umquhile Alexander, Lord Forbes, who died last vest and seised in fee of the barony of Forbes, whereupon Mr. James Henderson, advocate for the King, asked "a not," because Arthur, Lord Forbes, according to the *Book of Responsium*, "deit last westit and sesit" of said barony, and Henderson therefore protested for remedy of law (*Acta Dominorum Concili*, p. 337). The dispute with his sister-in-law appears to have been very bitter, for he would not permit her relative, "Maister David Lion, parson of Forbas," to enjoy the fruits and profits of his parsonage. He is therefore commanded by the Lords of Council to "ceas fra all vexacion and distrubling" of the said parson (*Ibid.*, p. 337).

In 1536, Lord Forbes and his eldest son were accused of treason and imprisoned in Edinburgh, but he was released, although his son was executed. For his services to the Earl of Huntly, he received, under

reversion, the lands of Tullich, with the pasturage of the Forest of Morven and Culblean. The sum of 1000 merks in "nomerit money" being paid by Huntly, for the redemption of above lands and pasturage, Lord Forbes renounces them in these terms :—

BE IT KEND till al men be thir present lettrez me Johnne Lord Forbes to be bundyne and oblist and be the tenour hereof byndis and oblisses me myn airis and assignais be the faithis and treuthis in our bodeis to ane richt noble and mychty lord Alexander Earl of Huntlie his airis and assignais That notwithstanding the said Alexander Erle of Huntlie has frelie gewyne to me for my service done and indurand his lifytyme to be done allanerlie All and syndry his landis of Tulych Ballater and Muirtoun with thair pertinentis togidder with fre pasturing of myn my airis and assignais our tenentis and subtenentis nolt scheip and bestiale in his forestis of Morevene and Kilbleyne as mair at lynth is contenit in the charter and evidentis maid and gewine to us thairapone Nevirtheles I will and be the fayth and treuth in my body byndis and oblisses me and my airis and assignais efter my decese that how sone or quhat tyme the said Alexander Erle of Huntlie his airis or assignais deliueris contentis and pais to my airis or assignais efter my decese in nomerit money the sowme of ane thousand markis gud and usuale money of Scotland all at anis togidder and apon ane day betuix the sone rising and the to passing of the samyne within the paroche kirk of Tullych and apon the hie altar of the sammyn myn airis and assignais efter my decese as said is beand lauchfulle warnit to the ressait of the sammyn of before apon xl daïs warning other personaly or at thair duelling places Then and incontinent the said warnyn beand lauchfullye maid as said is and the said sowme of money deliverit myn airis and assignais efter my decese as said is sall frelie resing upgif and renunce all richt titill of richt petitour and possessour thai haif has haïd or ma haif ony maner of way in and to the saidis landis and pasturing with the pertinentis togidder with all evidentis maid and gevyne to us ther apon in the handis of the said Alexander Erle of Huntlie gif it salhappin him to leif efter me and failzeing therof in the handis of his airis or assignais quhatsumevir and fra thyne furth myn airis nor assignais efter my decese as said is nevir to mak forthir obstakile question cleym nor demand in nor to the saidis landis nor pasturing with thair pertinentis in all nor in part bot alluterlie to be

excludit thairfra for evir And gif it salhappyne myne airis or assignais efter my decese as said is wilfully or fraudfullye to absent thame fra the ressait of the said sowme of money the warning of xl dais beand lauchfulle maid of befoir as is abone expremit In that cais it salbe leissum to the said Alexander Erle of Huntlie gif it salhappin him to leif eftir me and failzeing thairof his airis or assignais quhatsumevir to put and deliver the said sowme of ane thousand markis in the handis of the aulderman and bailzeis of the burght of Abirdene quhilck salhappin to be for the tyme to be kepit to the utilite and proffeit of my said airis and assignais And thereftir myn airis nor assignais nevir to haif forther ingres nor regres in or to the saidis landis nor pasturing with the pertinentis bot all uterlie to be excludit therfra as said is and be the tenour of this my reversion in that cais renunes and excludis thaim therfra the said sowm of money beand deliverit as said is for evir In vitnes hereof to thir my present lettres of reversion subscrivit with my hand I haif appensit my propir seile At Perth the last day of the moneth of Februar the zeir of God ane thousand v^c and twenty zeiris befoir thir vitnes William Sutherland of Duffois Thomas Strathachin son and apperand air to Alexander Strathachin of Lenturk Gilbert Keyth of Troupe and Sir Nycholl Paterson vicar of Kynnarny with utheris divers.

JHONE lord Forbes.

ABSTRACT OF XIII.

RENUNCIATION by John, Lord Forbes, to and in favour of Alexander, Earl of Huntlie, his heirs and assignees, on payment of 1000 merks, within the parish Kirk of Tullich, of All and Sundry the lands of Tullich, and others, and pertinents thereof, together with the pasturage of the forests of Morven and Kilbleyne: Which lands and pasturage had been given to the said Lord Forbes for service done to the said Earl, and to endure during the lifetime of the latter. Dated and subscribed at Perth 28 February 1520, before these witnesses, William Sutherland of Duffus, Thomas Strathachin, son and apparent heir to Alexander Strathachin of Lenturk, Gilbert Keyth of Troupe, Sir Nycholl Paterson, vicar of Kynnarny, and others.

XIV.

IT has already been noted that Robert Burnet of Balmaid resigned into the Earl of Huntly's hands the west part of Meikle Coldstone in favour of John Burnet, his heir, and Margaret Burnet, his spouse. We now have charter by Robert Burnet of Balmaid in favour of James Gordon of Fotherletter and Margaret Stewart, his spouse, of the western halves of the lands of Meikle Coldstone. James Gordon was progenitor of the Gordons of Lesmore (See pp. 75-6).

John Burnet, son and heir of Robert, upon same date grants a charter in favour of said parties, of the eastern halves of the lands of Meikle Coldstone and Mill thereof (*Original in Aboyne Charter Chest*). Precept of Sasine for Infeftment is addressed to "James Gordon of Carnborrow and Robert Stewart of Laithers;" among the witnesses:—Alexander Galloway, Rector of Kinkell. Robert Stewart was apparently second Laird of Laithers, for, on 4th December 1506, the King granted to Patrick Stewart the lands and domicile of Laithers, the lands of Rolloch, and Mills of Laithers and Drachlaw, which Thomas, Lord Innermeath, resigned (*Reg. Mag. Sig., xiv., 275*).

The Earl of Huntly confirmed the above charters by Robert and John Burnet, in favour of James Gordon, at Aberdeen, on 31st October 1521, before witnesses:—Mr. Alexander Hay, Rector of Turriff, and Commissary General of Aberdeen; Alexander Galloway, Rector of Kinkell; James Gordon of Carnborrow, &c. (*Aboyne Charter Chest*).

In 1524, there is a grant by King James V. of the right of Reversion from James Gordon of Coldstone and Margaret Stewart, his wife, of the lands of Carntralzane and Mill, Beldestone, Meikle Glasgo, Auchmull, Crabstone, the Alchouse of Carntralzane; and the lands of Glenhouse and Balmakelly in warrandice (*Antiq. Banff and Aberdeen, vol. iii., p. 244*). Upon 18th August 1527, the King granted to Thomas Burnet, son of Robert of Balmaid, and his heirs, the lands of Balmaid, Garrochy, Craighhead, and Mill of Balmaid, which said Robert had resigned,

reserving the frank tenement, &c., of said Robert and Mariot Pittendreich, his spouse (*Reg. Mag. Sig., xxii., 1*). A few months later these lands were resigned by Thomas Burnet in favour of James Gordon of Coldstone (*Ibid., xxii., 31*).

James Gordon of Coldstone gradually acquired more lands. In July 1532, he purchased from Walter Barclay of that Ilk the lands of Creechties, viz. :—the fourth part of Creechnalaid, Middle and Easter Creectie and Mill thereof, in the barony of Barclay. Four years later, he acquired by purchase from Sir Walter Ogilvy of Dunlugus the lands of Fortre with the mill and mill lands thereof, and the common pasture in the barony of Glendouchy (*Reg. Mag. Sig., xxiv., 235, et xxv., 319*).

Robert Burnet's charter in favour of James Gordon of Fotherletter has got his signature, and runs thus:—

OMNIBUS hanc cartam visuris vel auditoris Robertus Burnet de Balmade eternam in Domino salutem Noveritis me utilitate mea in hac parte undeque previsa et deligenter considerata ex certis causis rationalibus animum meum ad hoc moventibus dedisse concessisse et precise vendidisse tituloque pure venditionis alienasse et hac presente carta mea confirmasse honorabili viro Jacobo Gordoun de Fotherletter et Margarete Stewart eius sponse secum in conjuncta infeodatione Totas et integras dimidietates occidentales omnium et singularum terrarum mearum de Meikle Culquholdstane et molendino earundem cum universis suis pendiculis et pertinentiis jacentium in baronia de Oboyne infra vicecomitatum de Abirdein pro quadam certa summa pecunie quam dictus Jacobus michi tempore confeccionis presentis carte mee in pecunia numerata mea gravi urgente necessitate bene et fideliter persolvebat de que teno me bene contentum et plenarie persolutum ac eundem Jacobum suos heredes et assignatos exinde quieterclamo imperpetuum et exonero per presentes TENENDAS et habendas totas et integras dictas dimidietates terrarum de Meikle Culquholdstane et molendini eiusdem cum universis suis pendiculis et pertinentiis prefato Jacobo et Margarete eorumque alteri diucius viventi et heredibus inter ipsos legitime procreatis seu procreandis quibus forte deficientibus heredibus propinquioribus legitimis ipsius Jacobi et suis assignatis quibuscunque a me heredibus

et assignatis meis de nobili et potente Domino Alexandro Comite de Huntlie et de suis heredibus commitibus eiusdem imperpetuum cum omnibus iure et jurisclameo per omnes rectas et metas suas antiquas et divisas prout jacent in longitudine et latitudine in viis semitis planis moris merasiis aquis stangnis pratis pascuis et pasturis aucupationibus venationibus et piscariis cum curiis et earundem exitibus et eschaetis herezeldis et merchetis mulierum molendinis multuris et eorum sequelis bondagiis cariagiis et auaragiis silvis virgultis petariis turbariis et carbonariis fabrilibus brasinis genestis et lapicidiis cum communi pastura libero introitu et exitu ac cum omnibus aliis et singulis libertatibus commoditatibus et asiamentis ac justis suis pertinentiis quibuscunque ad predictas dimidietates terrarum et molendini cum suis pertinentiis et pendiculis spectantibus seu juste spectare valentibus quomodolibet in futuris secundum tenorem sui antiqui infeodamenti siue carte antique adeo libere plenarie integre honorifice bene et in pace in omnibus et per omnia sicut dictus Robertus aut sui predecessores hujusmodi dimidietates terrarum et molendini cum suis pendiculis et pertinentiis aliquibus temporibus elapsis tenuerunt aut possederunt sine revocatione aut contradictione aliquali mei heredum meorum aut aliorum quorumcunque Faciendo inde dictus Jacobus et Margareta et eorum alter diucius vivens sui heredes et assignati predicto Comite de Huntlie suis heredibus et successoribus servitium inde debitum et consuetum quantum pertinet ad easdem tantum pro omni alio servitio . . . Et ego vero dictus Robertus heredes mei et assignati totam et integram dictam dimidiatatem terrarum de Meikle Culquholdstane cum molendino pendiculis et pertinentiis prefato Jacobo et Margarete suis heredibus et assignatis ut supra in omnibus et per omnia ut premissum est per omnes terras et possessiones nostras contra omnes mortales varantizabimus acquietabimus et imperpetuum defendemus omnibus fraude et dolo seclusis In cujus rei testimonium sigillum meum presentibus est appensum unacum mea subscriptione manuali apud Abirdene vicesimo tertio die mensis Septembris anno Domini millesimo quingentesimo vicesimo primo coram venerabilibus et honorabilibus viris Magistris Alexandro Hay rectore de Turreff ac commissario generali Abirdonensis Alexandro Galloway rectore de Kinkell Jacobo Gordoun de Carnburro Alexandro Gray Wilhelmo Rolland burgensibus de Abirdene et Magistro David Nicholsoune notario publico cum diversis aliis et singulis testibus.

ROBART BURNET vyth myn hande.

ABSTRACT OF XIV.

CHARTER by Robert Burnet of Balmade in favour of James Gordoun of Fotherletter and Margaret Stewart his spouse, of his Western halves of the lands of Meikle Culquholdstane and mill thereof: To hold to the said James and Margaret and the longer liver of them and their heirs, from the granter, of Alexander, Earl of Huntlie, heritably, for the service due and wont. Dated at Aberdeen 23 September 1521.

XV.

SIR William Scott of Balweary, in terms of a Letter of Reversion, grants an Instrument of Resignation of the lands of Parkhill of Cluny, Little Sawyn, &c., in favour of Alexander, Earl of Huntly, for the sum of 160 merks paid by the latter.

Sir William, who married Janet Lundy, daughter of Thomas Lundy of that Ilk, was taken prisoner at Flodden, and was obliged to sell part of his lands to pay his ransom. In 1521 Sir William Scott and his two sons—Sir William of Invertiel, and Thomas of Petgarno—were bound under penalties amounting to £2500 not to molest the Laird of Wemyss (*Memorials of the Family of Wemyss*). Sir William was Sheriff of Moray and Nairn.

Thomas Scott, his son, who witnesses this deed, was designed "of Petgarno," and was made Justice Clerk by King James V. in 1535. On 1st December 1537, the Laird of Petgarno writes to Secretary Cromwell suggesting that he "should of his own head" advise that a young lion (purchased for the King of England in Flanders) should be presented to the King of Scots; such pleasures not being gettable in his own country, and the King being a Prince delighting in such things (*Scottish State Papers, vol. v., P.R.O.*).

Knox in his *History* relates how the King, while at Linlithgow upon the night Scott died in Edinburgh, saw a vision and told his courtiers that

“Thomas Scott was dead, for he had been at him with a company of devils, and had said unto him these words: ‘O, wo to the day that ever I knew thee or thy service; for serving of thee against God, against his servants and against justice, I am adjudged to endless torment.’ How terrible voices the said Thomas Scott pronounced before his death, men of all estates heard, and some that yet live can witness his voice ever was, ‘*Justo Dei Justicio condemnatus sum.*’”

George Gordon of Gight, another witness, was the second Laird of Schivas. He was eldest son of William Gordon of Schivas (third son of the 2nd Earl of Huntly) by his wife Janet Ogilvy, daughter of Ogilvie of Boyne. His father was killed at Flodden in 1513. He married Elizabeth Gordon, who along with him is party to a contract with Alexander Con of Auchry and William, his son. In this contract it was stipulated that so soon as “Sir George or his heirs got lands paying 80 merks penny mail in Buchan or Garioch and infefts said Alexander or William Con or their heirs therein, by Charter and Sasine, they shall grant to said Sir George wadset right thereof, not to be redeemed for 10 years, for the sum of £800, and a fifteen years tack after redemption.” Sir George died without issue, and was succeeded by his brother, who thus became ancestor of the Poet Byron—whose mother, Catherine Gordon, was the last of the Gordons of Gight. The estate was sold two years after her marriage with Captain John Byron, to the Earl of Aberdeen, and well may one ask in the words of Rymer’s quaint prophecy—“An’ what sic men may the Gordons o’ Gight hae been.”

The Knight of Balweary’s Renunciation is as follows:—

IN Dei nomine amen per hoc presens publicum instrumentum cunctis pateat evidenter quod anno ab incarnatione Domini millesimo quingentesimo vicesimo secundo mensis vero Julii die decimo quinto indictione decima sede apostolica ut fertur nunc vacante In mei notarii publici et testium subscriptorum presencia personaliter constitutus honorabilis vir Willelmus Scott de Balwery miles non vi aut metu ductus sed ex ipsius mera pura libera et spontanea voluntate confessus est et declaravit se bene

et gratanter persolutum fore per nobilem et potentem Dominum Alexandrum Comitem de Huntlie, &c. de summa centum et sexaginta mercarum usualis monete regni Scotie pro redemptione terrarum de Parkhill de Cluny litill Sawyn cum silva et molendino earundem cum pertinenciis jacentium infra vicecomitatum de Abirdene juxta tenorem literę reversionis dictam summam in se continentis per ipsum Willelmum dicto Domino Comiti super alienatione dictarum terrarum ut asseruit tradite et igitur idem Willelmus omnes et singulas predictas terras cum silva molendino et universis suis pertinenciis in manibus prefati Alexandri Comitis de Huntlie per fustem et baculum personaliter sursum reddidit pureque et simpliciter resignavit renunciavit et dimisit unacum omni jure clamco cartis instrumentis et evidentis sibi inde incumbentibus et confectis quibuscunque et eundem Alexandrum Comitem de Huntlie heredes suos executores et assignatos de hujusmodi pecunie summa et terrarum jure penitus et omnino quitteclamavit et exoneravit prout tenore presentis instrumenti quitteclamat et exonerat imperpetuum fraude et dolo seclusis et in signum dictarum resignationis et renunciacionis dictus Willelmus instrumentum Sasine unacum precepto ejusdem sibi super dictis terris confectum prefato Comiti de Huntlie deliberavit promittendo fideliter sibi cartam earum parimodo deliberare cum hoc facere commode potuerat Qui vero Alexander Comes de Huntlie prefata sasine instrumentum et preceptum recepit cancellavit diversisque partibus cultello distruxit super quibus omnibus et singulis idem Alexander Comes de Huntlie a me notario publico subscripto sibi fieri petiit hoc presens publicum instrumentum Acta erant hec in hospitio dicti Domini Comitis infra burgum de Edinburgh hora secunda post meridiem vel eo circa sub anno die mense indictione quibus supra presentibus ibidem honorabilibus et honestis viris videlicet Johanne Creichtoun de Strathurd milite Thoma Scott filio dicti Willelmi militis Georgio Gordoun de Geycht Johanne Kirkcaldy Alexandro Lyndesay Patricio Creichtoun Ricardo Carneweth Magistro Alexandro Makbrek et Domino Johanni Fabri Capellano notariis cum diversis aliis testibus ad premissa requisitis.

Et ego vero Jacobus Meldrum Clericus Sanctiandree diocesis publicus
sacra apostolica autoritate notarius (&c. in communi forma).

ABSTRACT OF XV.

INSTRUMENT on the Renunciation by William Scott of Balwery, Knight, in favour of Alexander, Earl of Huntlie, for the sum of 160 merks paid by the latter, of the lands of Parkhill of Cluny, Litill Savyn, with the wood and mill thereof, in terms of a Letter of Reversion therein referred to. Done in the Lodging of the said Earl in the burgh of Edinburgh on 15 July 1522. Witnesses, John Creichtoun of Strathurd, Knight, Thomas Scott, son of the said William, Knight, George Gordoun of Geycht, John Kirkcaldy, Alexander Lyndesay, Patrick Creichtoun, Richard Carneweth, Mr. Alexander Makbrek, and Sir John Smith, chaplain, notaries: James Meldrum is notary.

XVI.

GEORGE, fourth Earl of Huntly, was the son of John, Lord Gordon, by his wife Margaret Stewart, illegitimate daughter of King James IV., by Margaret Drummond, daughter of the first Lord Drummond. More than one historian has represented the King and Lady Margaret as living openly in profligate splendour, but Dr. Dickson has proved that these historians were in error (*Preface to the Treasurer's Accounts, vol. i.*). It was in 1496 that she went openly to reside at Stirling under the charge of Lady Lundy. It has been asserted that Margaret Drummond was really married to the King, but proof has not yet been forthcoming. The birth of her daughter is supposed to have occurred in 1497. Margaret Drummond was poisoned—along with her sisters Sybilla and Euphania—wife of John Lord Fleming—in 1501, and was buried at Dunblane.

Earl George succeeded his grandfather in 1523-4. He was one of the most powerful noblemen of his time. He married the Lady Elizabeth, daughter of Robert, Lord Keith, by Elizabeth, daughter of John Douglas, second Earl of Morton. Robert, Lord Keith, was eldest son of William,

Earl Marischal, by his wife Elizabeth, daughter of the 2nd Earl of Huntly. He and Elizabeth Douglas, his spouse, had a charter of the lands of Auchincloch, Tortoll, &c., 8th January 1505-6. He fell at the battle of Flodden in 1513.

The Earl of Huntly resigned various lands in the hands of the King, by delivery of staff and baton, for a new charter thereof to be made to him and Elizabeth, his spouse; the following Instrument of Sasine proceeds on Precept under quarter seal. The lands can be identified without much difficulty:—

IN DEI nomine amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis Dominice millesimo quingentesimo tricesimo quinto mensis vero Aprilis die sexto indicione octavo pontificatus sanctissimi in Christo patris et domini nostri domini Pauli divina providencia pape tertii anno primo in mei notarii publici et testium subscriptorum presencia personaliter constituti circumspecti viri Magister Johannes Brovne actornatus nobilis et prepotentis Domini Georgii Comitis de Huntlie et Andreas Leslie actornatus nobilis et magnifice Domine Elizabeth Comitis de Huntlie conjugis dicti Georgii de quorundam actornatorum mandatis michi notario publico lucide constabat per litteras patentes Supremi Domini Regis in debita forma Cancellarie Regie quarundem una videlicet dicte Domine Comitis de data apud Edinburghum vigesimo die mensis Februarii anno regni vigesimo secundo et altera videlicet dicti Domini Comitis erat de data apud Edinburghum decimo tertio die mensis Aprilis anno regni Regis vigesimo primo tenentes suis manibus quoddam preceptum Sasine Supremi Domini Nostri Regis pergamino scriptum sub testimonio Magni Sigilli alba cera cauda pendente more dicte Cancellarie sigillatum discreto viro Alexandro Gordoun in Drumbulg vicecomiti de Abirdene in hac parte in dicto precepto specialiter nominato tradiderunt exequendum quodquidem preceptum idem vicecomes reverencia qua decuit ad manus cepit et michi notario publico perlegendum tradidit cuius tenor sequitur de verbo in verbum JACOBUS Dei gratia Rex Scotorum vicecomitibus et ballivis suis de Abirdene necnon dilectis nostris Magistro Georgio Gordoun Alexandro Gordoun in Drumbulg ac eorum cuilibet conjunctim et divisim vicecomitibus nostris de Abirdene in hac parte salutem Quia

dedimus et concessimus dilecto consanguineo et consiliario nostro Georgio Comiti de Huntlie et Elizabethth Keitht ejus conjugii et eorum alteri diutius viventi in conjuncta infeodatione et hereditibus suis TOTAS et integras terras inferius specificatas videlicet terras de Auldmerdrum Cormalauche Bogincloich Fynglenne Scordarg Cowdrane Cobathe Molendinum lie Ailhous et Mylnefauld earundem Mytes Connathie Drumferg Commolilair Corredowne Tullochwyc Awquhannache Nether Drumbulg cum crofta earundem Smythstoun Kyrkne Croftam de Kyrkne terras de Boagarte Ouer Drumbulg Edindoak Brawlancis Know Boquharne Cullanach Ouer Kirk terras de Inchstomack Drumquhale Braklay Carnequhilpe terras de Nether Auchindrwnne Ouer Auchindrwnne Dawauch terras de Rowane cum lie Ailhous molendino et crofta earundem terras de Ogstoun cum molendino earundem terras de Quhithill Tullecrimond Cormalice Cumre Haddauch Cornocloich Auchinbo Auchmull Mekill Kynnoirmos terras de Afflek Towcheis Sandistoun cum crofta de Sandistoun Terras de Robertstoun Gibstoun Domyne Vesterstoun Dumb . . . Utenstoun terras de Myltoun lie Ailhous de Castelstoun terras de Cragculle Corresoule Tullachbeg cum molendino de Hauch Ruglenis Cults (?) A . . . et integram proprietatem terrarum de Clunc cum lie Peillis earundem et omnibus suis pertinentiis jacentes per annexationem in baronia de Strabogy infra vicecomitatum nostrum de Aberdene terras de Glenmwk Inchmernach Glentaner et nemus earundem castrum et fortalitium de Huntlie terras de Canmoris cum lacu et loco earundem et suis pertinentiis jacentes in baronia de Huntlie per annexationem infra vicecomitatum de Abirdene antedictum Quequidam terre castrum fortalitium molendina et lie aillhousse suprascripta cum suis pertinentiis fuerunt prefati consanguinei nostri Georgii Comitis de Huntlie per prius hereditarie et quas idem per fustem et baculum in manibus nostris apud Edinburghum personaliter sursum reddidit pureque et simpliciter resignavit prout in carta nostra sibi desuper confecta plenius continetur VOBIS precipimus et mandamus quatenus dicto Georgio et Elizabethth ejus conjugii et ipsorum alteri diutius viventi in conjuncta infeodatione vel suis certis actornatis latoribus presentium sasinam totarum et integrarum predictarum terrarum cum castro fortalicio molendinis et lie aillhousis suprascriptis cum suis pertinentiis secundum tenorem dicte nostre carte quam de nobis inde habent juste haberi faciatis et sine dilatione Et hoc nullo modo omittatis ad quod faciendum vobis et vestrum

cuilibet conjunctim et divisim vicecomitibus nostris de Abirdene in hac parte committimus potestatem datum sub testimonio Magni Sigilli nostri vigesimo die mensis Februarii anno regni nostri vigesimo secundo POST cuiusquidem precepti lecturam sic ut premittitur per me factam dicti Magistri Johannes Brovne et Andreas Leslie suprascripti respective actornati dictorum Georgii Comitis de Huntlic et Elizabetht ejus conjugis instanter requisiverunt et quilibet per se requisavit prefatum Alexandrum Gordoun vicecomitem de Abirdene in hac parte pro sasina hereditaria eiis nominibus quibus super danda de terris de Glentanner et nemore earundem cum pertinentiis terris de Glenmyk et Inchmarno cum earundem pertinentiis de quibus non dum adhuc obtinuerunt sasinam Quiquidem Alexander vicecomes prefatus attendens requisitionem hujusmodi fore justam et rationi consonantem accessit ad terras de Bordland de Glentanner et nemus earundem et ibidem statum sasinam ac possessionem hereditariam earundem cum pertinentiis per terre et lapidis traditionem dictis Magistro Johanni Brovne et Andree Leslie actornatis dictorum Georgii et Elizabetht sue conjugis personaliter presentibus et nominibus quibus supra acceptantibus secundum vim formam effectum et continenciam dicti precepti et secundum tenorem eiusdem ac eosdem Magistrum Johannem et Andream nominibus quibus supra in realem actualem et corporalem possessionem dictarum terrarum de Glentanner cum nemore earundem et suis pertinentiis dictus Alexander vicecomes induxit et investivit Et in signum hujusmodi realis actualis et corporalis possessionis eosdem nominibus quibus supra in domo habitationis Jacobi Myddiltoun in Glentanner et diversis aliis principalioribus domibus villarum dictarum terrarum de Glentanner per transeundo de una villa in aliam inclusit et in pace dimisit nullo opponente aut contradicente consequenter dictus Alexander vicecomes prefatus accessit ad terras de Inchmernach et ibidem statum sasinam et possessionem hereditariam earundem cum pertinentiis sepedictis Magistro Johanni Brovne et Andree Leslie actornatis et eisdem nominibus quibus supra per terre ac lapidis traditionem contulit exhibuit et donavit secundum formam dicti precepti Insuper idem viccomes accessit ad terras de Glenmyk et ibidem sasinam hereditariam earundem cum universis pertinentiis dictis Magistro Johanni et Andree nominibus quibus supra per terre et lapidis traditionem contulit exhibuit ac donavit secundum vim formam effectum ac continenciam prefati precepti et secundum tenorem eiusdem ac eosdem in realem actualem et corporalem

possessionem omnium et singularum dictarum terrarum de Glenmyk et Inchmernach cum pertinentiis induxit et investivit et in signum huiusmodi possessionis eisdem Magistrum Johannem et Andream actornatos dictorum Georgii Comitis et Elizabetht ejus conjugis et eorundem nominibus in domibus principalioribus dictarum terrarum inclusit et in pace dimisit nullo opponente aut contradicente super quibus omnibus et singulis dicti actornati et cuiuslibet eorum per se nominibus quibus supra a me notario publico subscripto eiis fieri petierunt et cuiuslibet eorum per se petiit presens publicum instrumentum unum aut plura Acta erant hec inter volis ortum et occasum successive per transeundo per singulas davatas dictarum terrarum anno die mense et indictione quibus supra presentibus ibidem discretis viris Jacobo Myddiltoun Willelmo Morgune et Alexandro Gordoun in Toldow cum diversis aliis testibus ad premissa vocatis pariterque rogatis.

Et ego Jacobus Rait Arcium Professor Sanctiandree diocesis sacraque apostolica auctoritate notarius Quia predictis requisitioni sasine traditioni ceterisque omnibus et singulis dum sic ut premittitur dicerentur agerentur ac fierent unacum prenominatis testibus presens personaliter interfui eaque omnia et singula in premissis contenta sic fieri scivi vidi audivi et in notam cepi ideoque hoc presens publicum instrumentum manu mea propria scriptum exinde confeci subscripsi et in hanc publicam formam redegi signo quoque nomine et cognomine meis solitis et consuetis signavi in fidem ac testimonium omnium et singulorum premissorum rogatus et requisitus.

ABSTRACT OF XVI.

INSTRUMENT OF SASINE proceeding on Precept under the Quarter Seal by King James V. in favour of George, Earl of Huntlie, and Elizabeth Keith, his spouse, and the survivor of them in conjunct-fee, and their heirs, of the lands of Auldmerdrum, Cormalauche, Boginloch, Fynglenne, Scordarg, Cowdrane, Cobuche, mill, alehouse and mill fauld thereof, Mytes, Connachie, Drumferg, Commoblair, Corredoune, Tullochrobie, alehouse, mill and croft of the same, lands of Ogstoun with mill lands of Quhithill, Tullecrimond, Cormalite, Cunze, Haddauch, Cormo-

cloich, Auchinbo, Auchmull, Mekle Kynnoir mos, lands of Affleck, Towcheis, Sandistoun with croft of Sandistoun, lands of Robenstoun, Gibstoun, Domyne, Westerstouns, Dunb . . . Utanstoun, Myltoun, the Alehouse of Casteltoun, Cragtulloch, Torrestule, Cullachbeg, with mill of Hauch, Rug . . . lands of Glenmuk, Inchinach, Glentaner and forest, castle and fortalice of Huntlie, lands of Cammoris, with loch, &c., in the barony of Huntlie by annexation and shire of Aberdeen; which lands, &c., were resigned by the said George, Earl of Huntlie, in the hands of the King, by staff and baton, for new Charter thereof to be made to him, &c. The Precept dated 20 February 1535, is addressed to Mr. George Gordoun and Alexander Gordoun of Drumbulg, Sheriffs in that part, by whom sasine is given to Mr. John Broun as attorney for the Earl, and Andrew Leslie for the said Lady Elizabeth, on the ground of the said lands on 6 April 1535: Witnesses, James Myddiltoun, William Morgoune, and Alexander Gordoun in Toldow: James Rait is notary.

XVII.

THE ancient family of Forbes of Brux possessed various lands in the Lordship of Aboyne. They were descendants of Alexander Cam Forbes, fourth son of Sir John Forbes of Druminor, by Elizabeth Kennedy. This Alexander married the heiress of Sir Hugh Cameron of Brux, and with her obtained the lands of Brux. On 24th December 1409, he had a charter, from Alexander Stewart, Earl of Mar and Garioch, of the lands of Glencarvie, Glenconre, and the Ord, in the Lordship of Strathdon, as a reward for faithful service (*Reg. Mag. Sig.*, *ii.*, 76). He had by said heiress:—John, the “White Laird of Brux,” who had four daughters and Duncan of Drumllachy. He also had two natural sons:—John of the Cults and Thomas of the Loch.

Duncan of Drumllachy and Towies married Elizabeth, daughter of Crichton of Condland, and had:—William of Kildrummy and John of Brux. In October 1479, William, Lord Crichton, acts as procurator for

Duncan, who had been summoned before the Lords' Auditors, at the instance of Arthur Forbes of Reras, for "intrmitting with the lands of Groddy in the barony of Kinnaldie" (*Acta Auditorum*, p. 92). William of Kildrummy, afterwards "of Towies" (or Tollies), in August 1490, purchased from the Earl of Huntly the lands of Finlatter, in the Lordship of Tullich. In April 1495, he had a charter from Patrick Ogilvy of Kilzehbroy, "of the fourth part of the lands of Over and Nether Towies, and Culquhork and the Mills thereof" (*Reg. Mag. Sig.*, xiii., 174); and in 1499 he purchased from John Nairn of Cromdale the lands of Ardmurthack in the barony of Kintore (*Ibid.*, 477). He was father to Alexander of Towies, who had John of Towies married to Margaret, daughter to Sir John Campbell of Cawdor (*Vide post*).

John Forbes, the "Glyde laird" of Brux, having paid a sum of money towards the tochers of his cousins, his uncle, the "White Laird," granted him by charter "the half lands of Brux, the lands Glencarvie, Glenconre, and Orde, in the Earldom of Mar," 30th October 1496. On 24th January 1505, he had a charter "of the lands of Brux, with the Woods and Bogs thereof, Wester Drumllachy, Newton, Macharis, Glencarvie, Glenconre, forests, &c., on account of the King's special favour, incorporated in one free barony; and orders were directed to the Sheriff of Aberdeen to make proclamation of the fact at the Market Cross of Aberdeen, so that none of the lieges destroy, or waste, the said forests of Glencarvie and Glenconre by hunting, hewing, cutting, or pasturing of beasts" (*Reg. Mag. Sig.*, xiv., 67 et 147). He married Mariot, daughter to Robert Gordon of Fotherletter and Udoch. Upon 28th May 1507, Robert Gordon grants a charter in their favour, and that of the heirs to be procreated between them, of the half lands of Udoch and the lands of Meikle Bythe, in the barony of Kinedward, reserving the frank tenement, and reasonable terce of Janet Innes, his spouse (*Reg. Mag. Sig.*, xiv., 319).

This John Forbes of Brux had a son, Alexander, in whose favour George, Earl of Huntly, grants a Precept of Infestment—in obedience to a Precept from Chancery, and under fear of losing the superiority of the

lands—as heir to the late John, his father, in the lands of Gellen and mill thereof, upon which Sasine followed, as below.

Alexander Forbes of Brux, in July 1530, along with his friends, invaded the town of Aberdeen, and killed some of the inhabitants. The community, in anticipation of a second visit, ordered the Magistrates to “graithe, clenge, and mak reddy all the artailzery of the gude town,” so that they might give the Forbeses, should they return, a warm reception. Elaborate measures were taken for the defence of the place, and no one was to be absent from his post upon the ringing of the common bell, except those afflicted with “cruel and notable infirmitie.” Lord Forbes having become bound for his clansmen, the matter was ultimately arranged; Lord Forbes having his fine of £2000 remitted (*Reg. Mag. Sig.*, *xxv.*, 364).

Alexander married Marjory, daughter to John, Lord Forbes, and had a son, John, who—by charter dated at Aberdeen, 29th January 1546, with consent of Alexander, his father, liferenter of Brux, and Sir John Michelson, Rector of Forbes, his curator—granted to Janet Forbes, daughter to Alexander Forbes of Kinaldie, in life rent, the lands of Nether Woodhead, Ardin, Bochanachy with the mill, in the barony of Udoch (*Reg. Mag. Sig.*, *xxx.*, 81). On 8th March 1546, the Earl of Huntly grants Precept of Clare Constat, addressed to Mr. Adam Gordon of Castletoun, his bailie, for “infesting John Forbes of Brux as heir to “his father, Alexander, in the lands of Gellen and mill thereof, holding of “the said Earl in chief; at Huntly: witnesses:—John, Earl of Athole; “Alexander, Lord Gordon; William, Master of Forbes; John Leslie of “Buchan; James Gordon of Coldstone; William Gordon, Rector of “Touch” (*Aboyne Charter Chest*).

The Instrument of Sasine in favour of Alexander Forbes of Brux runs thus:—

IN Dei nomine amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis Dominice millesimo quingentesimo trigesimo sexto mensis vero Novembris die decimo indic-

tione decima pontificatus sanctissimi in Christo patris ac domini nostri domini Pauli divina providencia pape tertii anno tertio in mei notarii publici et testium subscriptorum presencii personaliter constitutus honorabilis vir Alexander Forbes de Brux accessit ad personalem presenciam discreti viri Alexandri Gordone de Andat ballivi ad infra scripta specialiter constituti per nobilem et potentem Comitem Georgium Comitem de Huntlie ac Dominum de Badzenach et dicto Alexandro Gordone dictus Alexander Forbes tradidit et deliberavit quodam preceptum in pergamino scriptum subscriptum manu dicti nobilis Comitis et Domini de Badzenach et sigillatum sigillo sepedicti nobilis Comitis de Huntlie et Domini de Badzenach quodquidem preceptum dictus Alexander Gordone ad manus accepit et mihi notario subscripto perlegendum tradidit quod alta et intelligibili voce perlegi ac vulgariter exposui cujusquidem precepti tenor sequitur et est talis GEORGIUS Comes de Huntlie Dominus de Gordone et Badzenach dilecto meo Alexandro Gordoun de Andat ballivo meo in hac parte specialiter constituto salutem Quia mihi mandatum et per preceptum capelle Supremi Domini Nostri Regis post retornatum inquisitionis quatenus statum et sasinam totarum et integrarum terrarum de Gellen et molendino earundem cum suis pertinentiis jacentium in dominio de Oboyne et infra vicecomitatum de Abirdene Alexandro Forbes filio et heredi quondam Johannis Forbes de Brux traderem et habere facerem prout in dicto precepto latius continetur cui obtemperare volens metu amissionis superioritatis dictarum terrarum molendini ut supra vobis firmiter precipio et mando quatenus visis presentibus statum sasinam omnium et singularum terrarum de Gellen et molendino cum suis pertinentiis dicto Alexandro tanquam filio et heredi dicti Johannis Forbes de Brux vel suo certo actornato latori presentium deliberetis per terre et lapidis traditionem et juste haberi faciatis salvo jure et interesse meo ad dictas terras et molendinum cum pertinentiis et ad firmas et proficua earundem ex quacunque causa preterita ac salvo jure cujuslibet ad quod faciendum vobis meam tenore presentium plenariam committo potestatem in signum vero sasine et possessionis per vos tradate sigillum vestrum in secunda cauda post nostrum appendatis et instrumentum publicum desuper levare faciatis In cujus rei testimonium sigillum meum proprium unacum subscriptione mea manuali presentibus est appensum apud Edinburght quarto die mensis Novembris anno Domini millesimo quingentesimo trigesimo sexto

coram hiis testibus nobili Domino et honorabilibus viris Vilhelmo Domino de Saltoun Alexandro Ogilve de eodem Valtero Ogilve de Dunluguris milite Valtero Barklay de Grantillie Johanne Leslie de Syd Roberto Innes juniore de Monecabok Joanne Grant filio et apparente herede Jacobi Grant de Fruche et Magistro Vilhelmo Gordone notario publico cum diversis aliis et sic subscribitur George Erl of Huntly POST quidem dicti precepti lecturam et vulgarem expositionem dictus Alexander Gordone ballivus sepescriptus sentiens hujusmodi requisitionem justam et rationi consonam tanquam filius obediencie accessit ad antedictas terras de Gellen et molendino earundem cum suis pertinenciis et ibidem tradidit et deliberavit dicto Alexandro Forbes statum sasinam et possessionem hereditariam omnium et singularum terrarum de Gellen et molendino earundem cum suis pertinenciis jacentium in dominio de Oboine infra vicecomitatum de Abirdein per terre et lapidis traditionem ut moris est et eundem Alexandrum Forbes in realem actualem et corporalem possessionem introduxit et investivit in dictis terris de Gellen et molendino earundem cum pertinenciis Super quibus omnibus et singulis dictus Alexander Forbes a me notario publico subscripto sibi fieri peccit instrumentum seu instrumenta publicum seu publica unum vel plura Acta erant hec omnia et singula super fundum et solum dictarum terrarum de Gellen et molendino earundem hora quasi undecima ante meridiem vel eo circa sub anno mense die indicione et pontificatu quo supra coram testibus Thoma Herrowar Willelmo Forbes in Carnoun Villelmo Forbes in Synnahard Villelmo Stewart Villelmo Mill et me notario subscripto cum diversis aliis ad premissa vocatis pariter et rogatis.

Et ego Alexander Gray Presbyter diocesis Abirdonensis autoritate apostolica notarius publicus (&c. in communi forma).

ABSTRACT OF XVII.

INSTRUMENT OF SASINE proceeding on Precept by George, Earl of Huntlie—given in obedience to a precept from chancery, and under fear of his losing the superiority of the lands—directed to Alexander Gordone of Andat, for infesting Alexander Forbes, son and heir of the late John Forbes of Brux, in the lands of Gellen and the mill thereof, lying in the lordship of Oboyne. The Precept is dated at Edinburgh 4 November,

1536, the witnesses being William lord Saltoun, Alexander Ogilvie of that ilk, Walter Ogilvie of Dunlugus, Knight, Walter Berklay of Grantillie, John Leslie of Syd, Robert Innes younger of Monocabok, John Grant, son and apparent heir of James Grant of Fruche, and Mr. William Gordone, notary: Sasine is given on the lands on 10th November 1536. Witnesses, Thomas Herrowar, William Forbes in Carntoun, William Forbes in Synnahard, William Stewart, William Mill, and Alexander Gray, notary.

XVIII.

ON 23rd September 1521, Robert Burnet of Balmad, and John, his son, granted charters of the lands of Coldstone in favour of James Gordon and Margaret Stewart, his spouse, as already noted. In 1541 the Earl of Huntly grants a charter to George Gordon, son of James, and Katherine Forbes his spouse, in conjunct fee, and to the heirs male of their marriage, whom failing to the nearest heirs of the said James, of the lands of Meikle Coldstone and Mill thereof, which the said James had resigned: To hold of the Earl and his heirs in fee and heritage for the usual rights and services; witnesses:—Sir John Thomson, vicar of Coldstone, Mr. William Gordon, rector of Esse, and Mr. Adam Gordon of Castletoun (*Aboyne Charter Chest*).

Below we have Letter of Reversion by this George Gordon in favour of George, Earl of Huntly, of the lands of Esse and others. The deed is signed by the granter, and has got his seal entire. Alexander Baillie, constable of Inverness, who witnesses the deed, was progenitor of the families of Dunain and Dochfour, and was the representative of the senior line of the Baillies of Lamington. Mr. George Gordon, another witness, was progenitor of Beldormie, and married Janet, daughter of Hugh Rose, Baron of Kilravock. Their contract is dated 27th January 1537, and because they were within the forbidden degrees a Dispensation was obtained for their marriage. On 20th September 1560, they had a

charter of the lands of Beldormie from John Gordon of Findlater. The lady's tocher was eight score pounds (*Family of Rose of Kilravock*).

The deed is in these terms :—

TILL all and syndre quhauis knowlege thir present letres sall cum George Gordoune sonne and apperand air to James Gordoun of Colquhoddilstane greting in God evirlesting Wittis your universiteis that albeit ane noble and potent lord George erle of Huntlie lord Gordoune and Badzenoch to me my airs and assignaiis and to my fadir as frank tenementar hes sauld and annailit heretablie be charter and precept of seising all and syndre his landis of Esse Balhennyie and croft of Auchlek with all and syndre pertinence thair of lyand within his baronie of Huntlie alias Strathbolgyie and shirefdome of Abirdene lik as at mair lynth is contenit in that charter of alienatioun maid and gevin to us thairupoun Nocht the les we willis and grantis and be thir presentis faithfullie byndis us my airs and assignaiis in the stratest and sickcrest form of obligatioune speculative to the said George erle of Huntlie his airis and assignaiis That quhen and als sone it sall happin the said erle of Huntlie his airis or assignaiis to content and pay to me my airis or assignaiis apoun ane day betwix the sone rying and declining of the same togidder in ane soum apoun the hee alter of the parroch kirk of Esse the soum of fyve hundreth merkis of gold and silver usual monyie of Scotland haffand passage and course for the tym, and als deliveris to me my airis or assignais ane letter of assedacioune and bailzerie of the saidis landis maid to me my airis assignaiis and subtennentis in dew and sufficient form for the termis of fyve yeiris nixt efter the redemyng and outquiting of the same for the mail yeirlye of fourten libs to be paiit at tua usual termis in the yeir Witsunday and Mertimes in vynter be equale porcioneis alanerlie apone fourte daiis warning personallie or at our duelling place or at our parroch kirk apone ane solempne day in tym of the hee mes in presence of ane notar and witnes That than incontinent my airis or assignaiis sall puyrlie and symple resing renunce and quitclame and frelie ourgif all and syndre the saidis landis of Esse Balhennyie and Auchlek with thair pertinence with charter seisingis evidentis and all richt and documentis maid to me my airis or assignaiis thairupoun Sua that the said soum and letter of tak being sa paiit and deliverit I the said George my airis or assignaiis nor nayn utheris in our nayn in tym to cum

sall thairefter pretend move nor clayme anyie richt titill of richt propirte nor possession in or to the saidis landis with thair pertinence nor na pairt thair of bot be al uterlie excludit and removit thairfra for ever Saifand to me my airs assignais and subtennentis ane or may the said letter of assidatioun and rycht and preveleg thair of during the termis abone expremit And fra the ressait of the said soum and letter of tak I my airs nor assignais sall nocht fraudfullie absent us efter at we be warnit as said is fra the ressait of the same The quhilk gyve I my airis assignais or possessouris of the saidis landis doiis we will and grantis that it salbe lefull to the said erle his airis or successouris to have full and fre regres and ingres in and to the saidis landis with the pertinence but onyie judicial proceis canoun or civeill law and all evidentis and documentis maid thairupon to me and my airis to be cassit expirit and adnullit in thame-selves The said soum of fyve hundreth merkis and letter of tak to be put and deliverit in sicker keping to the utilite and propheitt of me my airis and assignais in the handis of the parson or curat of Esse present for the tyme all fraud and gyill secludit and away put In witnes of the quhilk thing to thir present lettres I have appendit my propir seile and subscrivit the same with my hand, at Huntlie the sexten day of December in the yeir of God j^m fyve hundreth thrette sevin yeiris befor thir witnes honorable men Alexander Ogyluy of that ilk Wilzam Gordone of Jhonneisleyis Alexander Bailze constable of Invernes Master George Gordone constable of Ruwanc Master James Grantulie person of Glas Master Patre Maitland and Master William Gordoune person of Esse with utheris divers.

GEORGE GORDONE with my hand.

ABSTRACT OF XVIII.

LETTERS OF REVERSION by George Gordone, son and apparent heir to James Gordone of Colquhoddilstane, in favour of George, Earl of Huntlie, of the lands of Esse, Balhennyie, and croft of Auchlek, in the barony of Huntlie, *alias* Strathbolgie, granted to him by charter from the said Earl: redeemable for 500 merks, to be paid in one sum upon one day upon the high altar of the parish Kirk of Esse: and also the said Earl to deliver to the granter or his heirs a Letter of Tack of the said lands for

5 years next after the redemption thereof, for the yearly rent of £14. Dated at Huntlie 16 December 1537: Witnesses, Alexander Ogilvy of that ilk, William Gordoune of Jhonneisleyis, Alexander Bailze, constable of Invernes, Mr. George Gordoune, constable of Ruwan, Mr. James Grantulie, person of Glas, Mr. Patre Maitland and Mr. William Gordoune, person of Esse.

XIX.

I N 1537 Duncan Forbes of Cults is one of the Inquest to ascertain the valuation of Nether Ruthven. He was descended from John, natural son of the first Laird of Brux. This John married Katherine Coutts, and had Duncan and John. Duncan married Marjory Gordon, relict of Thomas Lumsden of Cushny, and died without male issue. His brother John (called John of God's Grace) married Christian Forbes, relict of Alexander Lindsay, and had John and Duncan. This Duncan was styled "Baron of Cults" as above. He married Margaret, daughter of Forbes of Towie, and had a daughter Elizabeth, who married Patrick Forbes of Bithnie (*Lumsden's Family of Forbes*). Duncan of Cults grants a charter of his lands of Caldham in favour of a "discreet young man," John Gordon, son of Patrick Gordon of Auchmalde, also styled "of Auchmenzie." Patrick Gordon and his spouse Katherine Lumsden had a charter in 1531 of the lands of Little Folley (*Reg. Mag. Sig.*). The description of the lands is of interest, and the notary Mr. Mathew Lumsden was the historian of the Family of Forbes. The deed contains an unusual phrase—the "decision of the wind." In later documents the words "as wind and water shears" are met with. This is equivalent to the *water shed* of present day legal phraseology.

Duncan Forbes it will be observed could not write:—

OMNIBUS hanc cartam visuris vel audituris Duncanus Forbes de Cultis eternam in Domino salutem Noveritis me utelitate mea in hac parte

previsa et diligenter conciderata dedisse concessisse ac pro perpetuo alienasse ac presente carta mea confirmasse discreto adolescenti Johanni Gordoun filio Patricii Gordoun de Auchmalde Totas et integras terras meas de Caldham cum pertinentiis ascendendo per sicham et concanum terre ad le Clasnage vulgariter dictum Clas de Torrelugis et ab hinc ascendendo ad occidentem per collem montis et decisionem venti ad Cragnachat et ab hinc descendendo per concanum terre ad torrentem de Aldmorlicht cum communi pastura hinc inde per totum dominium de Cultis jacentes in comitatu de Mar infra vicecomitatum de Abirdein pro quadam certa summa pecunie michi mea cogente necessitate tempore confectionis presentis persoluta de qua quedam summa teneo me bene contentum et plenarie persolutum et predictum Johannem suos heredes et assignatos exinde quietclameo imperpetuum Tenendas et habendas totas et integras terras predictas cum pertinentiis heredibus suis et assignatis de me heredibus meis et assignatis hereditarie inperpetuum per omnes rectas metas suas antiquas et divisas prout jacent in longitudinem et latitudinem &c. . . . Reddendo inde annuatim dictus Johannes heredes sui et assignati michi heredibus meis et assignatis duos denarios argentios super solum predictarum terrarum nomine albe firme ad festum Pentecostis tantum si petatur pro omne alio servicio seculare exactione seu demanda que de dictis terris exigi poterit in futurum vel requiri Et ego vero dictus Duncanus heredes mei et assignati predictas terras cum pertinentiis supra dicto Johanni heredibus suis et assignatis contra omnes mortales warrantabimus acquietabimus et inperpetuum defendemus In cuius rei testimonium huic presenti carte mee sigillum meum est appensum apud Kyncragy decimo nono die mensis Augusti anno domini millesimo quingentesimo quadragesimo coram his testibus videlicet Patricio Myrnis Valero Clerk Magistris Malcolmo Spainze et Matheo Lumisden notariis cum diversis aliis.

DUNCAN FORBES with my hand at the pen led be Master Mathew Lumisden notar publick.

ABSTRACT OF XIX.

CHARTER by Duncan Forbes of Cultis in favour of a discreet young man John Gordon, son of Patrick Gordone of Auchmalde, of all and

whole his lands of Caldhame, going up by the ditch and hollow of land to the Clasnage, vulgarly called the Clas of Torrelugis; and from thence going up towards the west by the hill of mont and the decision (course?) of the wind to the Cragnachat, and from thence going down by a howe of land to the Burn of Aldmorlicht, with common pasture therefrom throughout the whole Lordship of Cultis, lying in the Earldom of Mar and Sheriffdom of Aberdeen: To be holden and had from the granter and his heirs heritably with all the pertinents: rendering therefor yearly two pennies of silver upon the ground of the said lands at Whitsunday in name of blench ferme only. Dated at Kyncragy 19 August 1540: Witnesses, Patrik Myrnis, Walter Clerk, Mr. Malcolm Spainze and Mr. Mathew Lumisden, notaries.

XX.

WE have already noted the descent of the Forbeses of Towie (pp. 61-2). Duncan Forbes of Drumllachy and Towie died before 1495. He was succeeded by his son, William of Kildrummy. Upon 13th January 1505, there is an Inquisition before Alexander Bannerman of Watterton, Sheriff-Depute of Aberdeen, made by Alexander Irvine of Drum, William Fraser of Philorth, and Gilbert Hay of Ardendraucht, Knights; Walter Barclay of Towie, William Turing of Foveran, Thomas Fraser of Stonywood, Alexander Johnstone of that Ilk, Andrew Tullidef of Tullidef, Alexander Mortimer of Craigievar, Robert Duguid of Auchinhuive, Alexander Reid of Pitfoddel, Ranald Udny, son and apparent heir to William Udny of Udny, Alexander Gordon of Kennertie, John Ros of Auchlossin, and — Strachan of Glenkindie. The Jury found that Duncan Forbes of Towie, the father of William, died last vest and seised, at the peace of the King, of the lands of Groddie with the pertinents, lying in the barony of Kinaldy, and that the said William is the nearest and lawful heir of the said umquhile Duncan, his father, in the said lands, and that he is of lawful age; the said lands, with

the pertinents, being of the value of £5 per annum, and are valued at 40s. in time of peace. They are held in Chief of the Lord of Kinaldy in blench ferm, and are now in his hands by reason of the decease of Elizabeth Crichton, relict of said Duncan (*Lib. Act. Cur. Vicecomitatus de Aberdeen*).

The lands of Groddie and Kinaldy were granted in 1419, by Alexander Stewart, Earl of Mar and Garioch, to his beloved and faithful cousin, William de Forbes, and the heirs male of his body, whom failing to Sir Alexander de Forbes, Knight, who had resigned the lands, but reserved his own life rent (*Pitsligo and Fettercairn Charter Chest*). William Forbes of Towie, above-mentioned, was made bailie of the lands of Murthly or Murthlecht in Mar by John, Abbot of Cupar, in 1494 (*Antiq. Banff and Aberdeen, iv., p. 428*). He married Katherine, daughter of Seton of Meldrum, and had:—Alexander of Groddie and Towie, John of Barns, and William of Ardmurdo. Alexander of Groddie and Towie was constituted bailie of Murthly by Donald, Abbot of Cupar, in 1532, and in 1541 had a charter of the lands (*Ibid.*). Alexander Forbes married, first, Christian, daughter to Barclay of Towie, by whom he had a daughter, Margaret, married to Duncan Forbes of Cults (*Family of Forbes*). He married, secondly, Janet, daughter of Partick Gordon of Haddo, by whom he had John of Towie and others. A daughter named Margaret married John Coutts of Auchtercoul (*XXVI. Post*). Upon 30th November 1548, the Abbot of Cupar granted Precept of *Clare Constat* for giving Sasine of the lands of Murthly to John, as heir to his father, Alexander Forbes of Towie (*Antiq. Banff and Aberdeen, iv., p. 430*).

The following Instrument of Sasine proceeds on Precept by John Forbes of Pitsligo, directed to John Forbes of Brux, for infefting John Forbes of Towie in the lands of Groddie as heir to his father, Alexander. This Laird of Pitsligo was tried, along with his brother, Master Duncan of Monymusk, for coining “fals babeis.” The Precept is witnessed by Arthur Forbes of Balfour, and John Calder of Asloun—who married Elizabeth, the daughter of Alexander Forbes of Towie.

Sasine is given in the presence of Alexander Forbes, the brother of Brux :—

IN Dei nomine Amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno Incarnationis dominice millesimo quingentesimo quadragesimo nono mensis vero Maij die octavo indictione septima pontificatus sanctissimi in Christo patris ac domini nostri domini Pauli divina providentia pape 3ⁱ anno decimo quinto In mei notarii publici et testium subscriptorum presentis personaliter constitutus honorabilis vir Joannes Forbes de Tollis quasdam literas pergamino scriptas formam sasine in se continentes a provido viro Joanne Forbes de Petslego emanatas ac testimonio sui sigilli et subscriptione manuali roboratas in medium produxit et presentavit discreto viro Joanni Forbes de Bruchis ballivo in eisdem specialiter inserto vigore quarum dictum ballivum ea qua decuit reverentia requisivit quatenus sibi Joanni Forbes de Tollis statum sasine et possessionem hereditariam Omnium et singularum terrarum de Grodeis cum pertinentiis jacentium in baronia de Kynalde et infra vicecomitatum de Abirdene daret et absque delatione deliberaret quas literas per dictum ballivum receptas mihi que traditas sub sequenti verborum forma perlegi et ad noticiam circumstantium deduxi quarum tenor sequitur et est talis Johannes Forbes de Petslego dominus superior terrarum de Grodeis cum pertinentiis jacentium infra vicecomitatum de Abirdene dilectis meis Joanni Forbes de Bruchis et eorum cuilibet conjunctim et divisim ballivis meis in hac parte specialiter constitutis salutem quia mihi clare constat quod Joannes Forbes filius quondam Alexandri Forbes de Tollis est legitimus et propinquor heres ejusdem quondam Alexandri patris sui de totis et integris dictis terris de Grodeis cum pertinentiis in quibus dictus quondam Alexander obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem supreme domine nostre regine et quod dicte terre cum pertinentiis de me tenentur in capite in alba firma tanquam domino superiori earundem prout in retornamento eiusdem Joannis desuper obtento coram vicecomite de Abirdene deputato in premissis laciis continetur Vobis igitur et vestrum cuilibet conjunctim et divisim precipio et mando quatenus visis presentibus accedatis seu alter vestrum accedat ad predictas terras de Grody cum pertinentiis et eidem Joanni vel suo certo actornato vel procuratori latori presentium statum sasine et possessionem hereditariam omnium et singularum

dictarum terrarum de Grody cum pertinentiis per terre et lapide traditionis ut moris est tradatis et deliberetis seu alter vestrum tradat et deliberet salvo jure cuiuslibet et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim tenore presentium committo potestatem In cujus rei testimonium sigillum nostrum proprium presentibus manu mea subscriptis est appensum apud Awfurd quinto die mensis Maij anno domini millesimo quingentesimo quadagesimo nono Coram his testibus Arthuro Forbes de Bawfowr Joanne Caldour de Aslewn et magistro Matheo Lumisden et sic subscribitur Jhone Forbes of Petsligo Post quarumquidem literarum lecturam prefatus ballivus accedens dictam requisitionem fore justam et rationi consonam accessit primo ad villam de Litill Grode et ibidem prefato Joanni Forbes de Tollis dedit tradidit et deliberavit statum sasinam et possessionem hereditariam omnium et singularum dictarum terrarum de Grodeis cum pertinentiis per terre et lapidis traditionem ut moris est secundo accessit ad villam de Meikill Grody et fecit similiter Super quibus omnibus et singulis dictus Joannes Forbes de Tollis sic realiter et corporaliter possessus et investitus secundum tenorem mandati desuper directi a me notario publico subscripto sibi fieri peciit instrumentum seu instrumenta unum aut plura publicum vel publica Acta erant hec apud prefatas villas de Grodeis hora quasi tertia post meridiem vel eo circa sub anno die mense indictione et pontificatu quibus supra presentibus illic discretis viris videlicet Alexandro Forbes germano Joannis Forbes de Bruchis Wilielmo Terse et Jacobo Riche cum diversis aliis ad premissa vocatis pariterque rogatis.

Et ego Thomas Daloquhy clericus Abiridonensis diocesis publicus auctoritate apostolica notarius (&c. in communi forma).

ABSTRACT OF XX.

INSTRUMENT OF SASINE proceeding on Precept by John Forbes of Petsligo, directed to John Forbes of Bruchis, for infesting John Forbes of Tolleis in the lands of Grodeis in the barony of Kynalde and Shire of Aberdeen. The Precept is dated at Awford 5 May 1549. Witnesses, Arthur Forbes of Bawfowr, John Caldour of Aslewn, and Mr. Mathew Lumisden: Sasine is given upon the said lands on 8th May 1549: Witnesses, Alexander Forbes, brother of John Forbes of Bruchis, William Terse and James Riche: the notary is Thomas Daloquhy.

XXI.

THE Gordons of Lesmore were among the most influential and powerful of the Cadets of the House of Gordon, and from them sprung many important landed families, such as Craigtollie, Perslie, Badenscoth, Birkenburn, Terpersie, Newton, Auchanachie, &c. Unfortunately the deduction of the early lairds from William Gordon of Tullitermont, second son of John of Essie by his wife Margaret Maitland of Gight, cannot as yet be established by documentary evidence.

John Gordon of Essie was the illegitimate son of Sir John Gordon of that Ilk, as proved by a charter of date 1418-23 (*Antiq. Banff and Aberdeen, vol. ii., p. 379*). He and his brother Thomas of Daach and Ruthven became known as the "Jock" and "Tam" Gordons, and the question of their seniority and paternity gave rise to much bitter controversy among their numerous descendants. By some they were said to be illegitimate brothers of Elizabeth Gordon, who married Alexander de Seton. Others maintain that they were the lawful uncles of the same lady. The fact, however, is established by the foregoing charter that they were really the illegitimate cousins of the heiress.

William Gordon of Tullitermont is said to have married a sister or daughter of Sir John Rutherford, and had—George of Tullitermont; Patrick, ancestor of Carnborrow, Cochlarachie, and other families. George married Isabel Innes, daughter of Berwold Innes of Meillers, and had four sons:—Alexander in Tillyminat, James of Lesmore, William of Brucklay, and Thomas.

The designations of the first Laird of Lesmore are confusing. We have him first as "of Fetterletter and Udoch," then "of Coldstone," and subsequently "of Balmaid" and "of Creichtie." In the notes to XIV. and XVIII. we have given some account of the first Laird of Lesmore. Douglas in his *Baronage of Scotland*, quoting a manuscript pedigree, gives another James married to "Lady Anne Stewart, daughter of John,

Earl of Athole, and relict of Sir Robert Gordon of Pitlurg." This genealogist is however inconsistent, for in his *Peerage* he says, "Lady Jean, daughter of Athole, married Sir Robert Gordon," and Burke in his *Landed Gentry* makes the husband of Lady Jean to be John of Pitlurg (*Vol. i., p. 663*). Of this James and his marriage connections we have found no record, and we place James of Coldstone and Fotherletter as the first Laird of Lesmore.

James of Coldstone, as may be gathered from previous notes, was twice married. His first wife, Margaret Stewart (daughter of Patrick Stewart of Laithers), died between 1538 and 1546. He married, secondly, Margaret, daughter to Alexander Ogilvy of Deskford. We have already noted (p. 50) that James Gordon and Margaret Stewart, his wife, in 1524 had the reversion of Carntralzane, Beldestone, Glasgo, Auchmull, &c. On 6th September 1537 John, Earl of Buchan, sold to James Gordon of Coldstone and Margaret Stewart, his spouse, and their heirs, the lands of Carntralzane, and Mill; Beldestone; Glasgo; with the Alchouse and Petteche Croft of Carntralzane; reserving to said John and his heirs, the heap of stones, or cairn, of Carntralzane, with the half acre around it (*Reg. Mag. Sig., xxx., 621*). According to Deed XVIII. his son George grants Letters of Reversion in favour of the Earl of Huntly of the lands of Esse, dated 16th December 1537. By charter dated 8th March 1543, George, Earl of Huntly, for services done to him and his predecessors, granted, and in feu farm gave, to James Gordon of Balmad the lands of Esse with the Croft of Auchleck with the place and house of Lesmore, the lands of Balhenny in the Barony of Strathbogie: To hold to said James and his heirs male, lawfully procreated, from said Earl; reserving to the Earl the forest of Cornelachie: paying annually the sum of £20 (*Reg. Mag. Sig., xxx., 449*).

In 1546 John Carnegie of Kinnaird, with consent of Agnes Wood, his spouse, conveyed by charter to James Gordon of Lesmore and Margaret Ogilvy, his spouse, the lands of Earlsfield and Segden to them and the heirs male of their bodies; which failing to James Gordon of

Craigtollie and his heirs ; whom failing to Alexander Gordon of Perslie and his heirs ; whom failing to Mr. William Gordon, son of said James of Lesmore ; whom all failing to said James of Lesmore's heirs whatsoever (*Reg. Mag. Sig., xxxiii., 191*).

Three years later, on 30th August, Alexander Gordon of Strathaven, with consent of Janet Grant his spouse, and Alexander, his son and heir apparent, grants a charter to James Gordon of Lesmore, his heirs and assignees, of " All and Whole the sunny half of the lands of Tullicarn in the Barony of Cluny and shire of Aberdeen in special warrandice of the lands of Little Coldstone and Achnarren sold by the granter and his said son, to the said James Gordon : To hold of the granter in fee and heritage, for yearly payment of one penny : dated at Glentannar ; Witnesses : George Gordon of Auchmald, William Gordon in Sawehyn, Duncan Forbes and Sir Jasper Hay, who leads the hand of Janet Grant " (*Aboyne Charter Chest*).

Upon same day Gordon of Lesmore has a charter of " All and Sundry the lands of Little Coldstone and Achnarren lying in the province of Cromar from Alexander Gordon of Strathaven and Alexander, his son and heir ; To hold of the granter in fee and heritage for payment of one penny yearly." The granters sign as " Alexander Gordon of Strathoyne " and " Alexander Gordon of Cluny." There is Precept of Sasine on same day ; and Instrument of Sasine in favour of Lesmore on the day following (*Originals in Aboyne Charter Chest*).

We have not been able to give the maternity of all Lesmore's children. He had by his first wife, Margaret Stewart, the following, as proved by records :—

- I. George, his heir and successor, of whom further particulars in notes to XVIII. and L.
- II. James. On 10th June 1544, James Gordon of Balmad granted to his son, James of Warthill, his heirs and assigns whatsoever, the fourth part of the lands of Easter Creichtie, and the lands and Mill of Middle Creichtie and Creichnalaid in his Lordship of Creichtie

(*Reg. Mag. Sig.*, xxx., 101). James married, first, Margaret Barclay, and they had a charter of the above lands, 11th December 1552 (*Ibid.*, 751). He married, secondly, Barbara Hay, and they had a charter from William Leslie of Balquhain of the lands of Rothynormond (*Reg. Mag. Sig.*, xxxvii., 511). Barbara Hay, his relict, is the spouse of William Forbes in February 1572, when she made a curious complaint against Andrew, Master of Errol, for his treatment of James Grant, a sheriff officer. He put Grant in prison and irons for fourteen days because he would not give him inspection of an original summons, "bot onlie a copy" (*Reg. Privy Council*, vol. 2, p. 191). James Gordon of Creichtie was succeeded by his son George, who had in 1562 to enter as pledge and surety for his father—and for his uncle, Alexander of Birkenburn.

III. Alexander of Birkenburn. He and Janet, his spouse, had a charter of the lands of Birkenburn and Auchindeep, with Mill and Multores, in the Barony of Keith, from Patrick, Bishop of Moray. He died before 1570, when his son James, and Janet Gordon his spouse (daughter of Alexander Gordon of Cluny), were confirmed in these lands. This James had a son, Alexander, who had Charter of Confirmation, under the great seal, of the above lands on 27th September 1592 (*Reg. Mag. Sig.*, xxxviii., 339). The Gordons of Birkenburn had for armorial bearings:—"Azure, a fess cheque argent and azure between three boars' heads erased, or; within a bordure, argent. Crest, a hart's head coupéd ppr., charged with a crescent argent: motto, Bydand" (*Nisbet's Heraldry*, vol. i., p. 317).

IV. William Gordon of Terpersie, to whom, on 7th May 1552, George, Earl of Huntly, with consent of his Countess, Lady Elizabeth Keith, sold the lands of Toldow, Brachlie, Ballintober, Balintorre, and others in the Lordship of Aboyne. He married Margaret Ogilvy, and they had a charter from William, Bishop of Aberdeen, of the lands of Terpersie, Warakston, Bogyshalloch, &c.; paying

therefor the sum of £12 15s., with customs, &c., dated 12th July 1556 (*Reg. Mag. Sig.*, xl, 231). The Earl afterwards issued a Precept of *Clare Constat* for Sasine of these lands, and of the lands of Ballater, in favour of George Gordon of Terpersie, son and heir of Master William; both Charter and Precept being confirmed by King James VI. on 12th December 1596. The Gordons of Terpersie registered arms as:—"Azure, a lion passant guardant, argent, between three boars' heads erased or; crest, a hart standing at gaze ppr.; motto, *non fraude, sed laude*" (*Nisbet*, p. 317).

1. Janet married William Scton of Meldrum. They had a charter, dated 8th February 1535, of the dominical lands of Meldrum (*Reg. Mag. Sig.*). She had three sons:—Alexander, John, and William.
2. Katherine married William Blackhall, Apparent of Barra, and they had a charter of the "two part lands" of Barroch, 24th November 1541. As his relict, she has a life-rent charter of the lands of Vasterhouse, 5th March 1546 (*Reg. Mag. Sig.*, xxx., 242).

As to the seniority of the foregoing younger children, we have nothing to guide us; nor can we decide as to the maternity of the following:—

- I. Patrick of Oxhill. He was forfeited for the part taken at the battle of Corrichie, 1562, and his forfeiture was rescinded in 1567.
 - II. John Gordon of Lochiston, who witnesses a charter to his brother in 1576, of the sunny half of the lands of Auldmerdrum.
 - III. Thomas, who had a charter of the lands of Segden, and became ancestor of the Gordons of Buthlaw.
 - IV. Henry Gordon of Dulpers or Dalpersie, witness to a charter in favour of his nephew, 1561.
1. Elizabeth married — Knowis or Ashintillie; 2. Marjory married John Gordon of Gight; 3. Margaret married Gilbert Keith of Ludquhairn.

The following is Letter of Reversion, dated 22nd August 1550, by James Gordon of Lesmore, in favour of George, Earl of Huntly, of the lands of Knok for payment of "1000 merks in sufficient gold havand cours within this realm." Upon the back of the deed is a Notarial Instrument on the Discharge and Renunciation granted by Harie Gordon in Knok, son of the relict of Alexander Gordon, sometime of Birkenburn, in favour of George, Earl of Huntly, of said lands of Knok, now redeemed for 1000 merks, paid on behalf of said Earl by the hands of William Gordon of Duncanston, his procurator; dated 25th May 1588. The witnesses are George Gordon of Lesmore, Alexander, his son and apparent heir, James Duncan of Merdrum, John Leslie of Duncanston, William Lossel, notary. For an interesting account of Harie Gordon of Knock, see Michie's "Deeside Tales."

The deed is in many parts almost obliterated. It has got the seal of the granter, and the curious and usual stipulation as to the time and place where the redemption money is to be paid:—

BE IT KEND till all men be thir present letters me James Gordone of Lesmoyr greting in God Forsamekle as ane noble and potent lord George erle of Huntlie lord Gordone and Badzenache &c. with consent of ane noble and mychty lady Elizabeth Countas of Huntlie his spous hes be chartour and sesing heretable infest me my airis and assignayis in all and hail the landis of the Knok with the pertinentis lyand within the lordschip of Oboyne and schirefdome of Aberdene as the charter maid to me therupon beris in itself nochtwithstanding be the tenour hereof I bind and obliss me my airis and assignais to my said lord erle of Huntlie and his spous foresaid thair airis and assignais that howsone and quhat tyme the said erle his spous thair airis or assignais deliveris contentis and payis to me my airis and assignais the sowm of one thousand markis in sufficient gold hawand cours within this realme for the tyme hail and togidder upone ane day betwixt the sone rying and doune passing of the samen upon the hye altar within the parochie Kirk of Esse I my airis or assignais beand lauchfulle warnit to the resset of the said soume of ane thousand merkis in gold as said is upon fourty dayis warning to be maid to me my airis or assignais personalie or at our dwellin placis or be

oppin proclamatioune in myn or tharis paroch Kirk in tyme of the hyc mes upon ane solemnite day togidder with ane sufficient letter of tak and bailzerie of the saidis landis of Knok with the pertinentis to me my airis assignais subtenentis and helperis for all the dayis and termes of fyve yeris nixt and immediatelie following the redemyng and owtquiting of saidis landis I the said James my airis or assignais payand therfor yerlie the soum of threttene sex schillingis aucht penneis usuall money of Scotland at twa usuall termes in the yeir quhitsunday and mertimas be equal portiones in penne maill allanerlie for maillis gresumis and all uther manner of thingis that may be askit or requirit of the saidis landis with their pertinentis induring the space of the saidis fyve yeris Than and in that cace I the said James my airis and assignais possessouris of the saidis landis for the tyme and ressavaris of the said soume of ane thousand merkis in gold as said is with ane letter of tak and bailzerie contenant all clauses necessare sall frelie renunce resigne discharge and ourgif all and haill the saidis landis of Knok with their pertinentis to the said George erle of Huntlie his spous thair airis and assignais foirsaid payais and deliveraris of the said soume and letter of tak and bailzerie foirsaid togidder with all chartouris preceptis of sesing infestmentis and all uther evidentis maid to me therupon except the said letter of tak and bailzerie for fyve yeris as said is and gif it sal happin me my airis and assignais possessouris of the saidis landis for the tyme fraudfullie or wilfullie to absent us fa the resset of the said soume of ane thousand merkis in gold and letter of tak and bailzerie than and in that cace it sal be lesum to the said George erle of Huntlie his spous thair airis or assignais to numer and deliver the said soume of ane thousand merkis and put it togidder with the said letter of Tak and bailzerie maid in dew forme as said is in the hands of the curet of Esse beand for the tyme in keping to the utilitie and profite of me my airis and assignais That beand don the said George erle of Huntlie Elizabeth his spous thair airis and assignais foirsaid ta have fre regres and entres agane in and to the saidis landis of Knok with the pertinentis except the said letter of tak and bailzerie foirsaid and bruik and jois the samen als frelie quietlie weill and in pease as he or his predecessouris did afoir the said alienationne and fra thyne furth all chartouris letters instrumentis sasingis and all other evidentis maid to me therupon to be of na force stryngth nor effect bot quhair ever thai be schawin in jugement or owtwith

jugement to be cassat and annullit in thaim selfis except the said letter of tak and bailzerie all fraud and gyle secludit and away put In witness herof to this my letter of reversioun subscrivit with my hand at the pen led be Colin Andro Robertsoun and Maister James Stewyn notaris my proper seil is appensit at Lyntrethen the twenty twa daye of August yer of God j^m fyve hundreth fifty yeris befor thir witness noble and mychty lordis John erle of Athole Alexander Lord Gordone honorable men Alexander Ogilvy of that Ilk George Meldrum of Fyvie Knychtis Hare Gordone Maisteris William Con William Grant Johne Innes Maister James Stevyn and Schir Androw Robertson with utheris divers.

James Gordon of Lesmore with my hand at the pen led be Schir Androw Robertson notter publice &c. Ita est dominus Andreas Roberti notarius publicus manu propria ad hec &c.

ABSTRACT OF XXI.

LETTER OF REVERSION by James Gordoun of Lesmore in favour of George, Earl of Huntlie, of the lands of Knok, for 1000 merks ; payable upon the high altar within the parish Kirk of Esse, between the rising and setting of the sun : with a sufficient letter of Tack and bailzerie of the said lands for five years : Dated at Lyntrethen 22 August 1550.

XXII.

NINE days later we have Letter of Reversion by James Gordon of Lesmore in favour of George, Earl of Huntly, of the lands of Brachlie, Ballintobir, and others, for the sum of 1000 merks in gold, which in accordance with the practice of the day was to be paid upon the "hie altar" within the parish Kirk of Esse "in tyme of hie mess or ane solemnity day." These lands were redeemed from Alexander Gordon of Kennerty upon 29th November 1507, by payment of "140 merks" (pp. 34-5); and in 1552 they were granted to William Gordon of Terpersic (p. 78).

John, Earl of Athole, who is a witness, married Elizabeth, daughter of the Earl of Huntly. In 1565 he had licence from the King and Queen to "win fourtie thousand trone stane wecht" of lead ore within the "nethir hoill of Glengonar and wynlok" for the space of five years. He had to pay fifty ounces of fine silver for every thousand stanes win (*Reg. Privy Council, vol. i., p. 374*). He was made Chancellor on 29th March 1577, and died on 24th April 1579, four days after dining with the Regent Morton—his personal enemy—not without suspicion of poison.

Alexander, Lord Gordon, another witness, was the eldest son of the Earl of Huntly. He married Margaret, second daughter of James, Earl of Arran and Duke of Chatellherault the Regent, and died before 11th August 1553.

Upon the back of the deed is a discharge by said James Gordon of the Reversion; the sum of 1000 merks having been paid for redemption of the lands of Brachlie, dated at Huntly 6th May 1552, in presence of James Gordon in Letterfourie and others. The granter's seal is appended. He appears to have been dead in October 1553:—

BE IT KEND till all men be thir present letteris me James Gordone of Lesmoir greting in God Forsameikill as ane nobill and potent lord George Erl of Huntly lord Gordoun and Badzenacht &c. with consent and assent of ane nobil and mychty lady Elizabeth Keith Contas of Huntlye his spouis hes be chartur and sesinge infefit heretabilie me the said James my aris and assignais in all and hail the landis of Braichlie Ballantober Ballantorre Blairquharraich Aldinruif Mylntoun Lital Crosat and Meikil Crosat with thair pertinenes lyand within the lordschip of Obyne and Scherefdowne of Aberdene as my chartur maid to me thairapone beiris in the self Nochtwithstandinge be the tenor heirof I bynd and oblis me my aris and assignais to my said lord George Erl of Huntly and his spouis Elizabet Contas of Huntly thair aris and assignais that quhat tyme or quhowsowne the said Erl or Elizabet thair aris or assignais deliveris contentis and payis to me my aris or assignais the sowme of ane thowsand merkis in sufficient gold haveand curse and passage within this realm for the tyme hail and togidder apon ane day betuix the sone rysinge and downe passinge of the samyne apon the hie altar within the paroch kirk

of Esse I my aris or assignais beand laychfulie varnit to the rasat of the said sowme of ane thowsand merk in gold as saidis apon forte dayis varynge to be maid to me my aris or assignais personalie or at our duelling placeis or be opyn proclamation at myn or thairis parochie kyrkis in tym of hie mess on ane solemnit day togiddy with ane sufficient letter of tak and belzere of the saidis landis of Brachlie Ballintobir Ballantorre Blairquharrach Aldinruiff Meltoun Lital Crosat and Meikil Crosat with thairis pertinentes to me my aris and assignais subtennentis and helpis for all the dayis and termis of fyve yeiris nixit and immediat following the redimyng and owtquittinge of the saidis landis I the saidis James my aris or assignais payand thairfor yeirlye twente merkis aicht shillingis iij^d usuel mone of Scotland at twa usuel termis in the yeir Votsunday and Mertimes be equal portionis in penne maill allanerly for malis gersymis and al uder manyr of thingis that may be askit or raquerit of the saidis landis indwringe the space of the saidis fyve yeiris Than and in that cace I the saidis James my aris and assignais possessouris of the saidis landis for the tyme and resaveris of the said sowme of ane thowsand merk in gold as said is with ane sufficient letter of tak and belzere contenand all clausis nessesar sell freely ranunce discharge resigne and owre gif all and haill the saidis landis of Brachlie Ballantobir Ballantorre Blairquharraich Aldinruif Mylntoun Lital Crosit and Meikle Crosit with thairis pertinenes to the said George Erl of Huntly and his spouis Elizabet Keith thair aris or assignais payaris and deliveraris of the said sowme of ane thowsand merkis in gold as said is and letter of tak and belzere forsaid togidder with all chartouris preceptis of sesinge instrumentis and all uder evidentis maid to me thairapon excep the said letter of tak and belzere as said is And gyve it sall happyn me my aris or assignais possessouris of the saidis landis for the tyme fraudfulie or wolfulie to absent us fray the raset of the said sowme of ane thowsand markis in gold and letter of tak and belzere than and in that cace it salbe lesyme to the said George Erl of Huntly and his spouis Elizabet thair aris or assignais to numyr and deliver the said sowm of ane thowsand merk in gold as saidis and put it togidder with the said letter of tak and belzere maid in dew forme as saidis in the handis of the Curat of Esse beinge for the tyme to the utilitie and profeit of me the said James my aris and assignais that beand doun the said George erl of Huntly and his spouis Elizabet thair aris and assignais to have fre regres entres and ingres aganc

in and to the saidis landis of Brachlie Ballantobir Ballantorre Blairquharrach Aldinruif Mylntown litill Crosit and Meikil Crosit with thair pertinence except the said letter of tak and belzere as said is and to bruik and jois the sammyn als frely quiatlye veil and in pece as he or his prediccoursis did abefoir the said alienatione And fray thynfurth all chartouris letteris of sesing instrumentis and wretingis and all uder documentis or evidentis maid to me thairapon to be of nay stryngth force nor effec bot quhairevyr thay be schavin in or owtwith jugment to be cassat revocat and annullit in tham selfis except the said letter of tak and belzere all fraud and gil secludit and away put In vitnes heirof to this my letter of ravertione subscrivit with my hand at the pen led be ——— notaris public to the quhilk my propir seil is appensat at Huntly the last day of Agust in the yeir of God ane thowsand fyve hundreth and fyfte yeiris befor thir witnes nobil and mychty lordis Jhone Erl of Aithol Alexander Lord Gordone honourabill men Hare Gordoun masteris Vilzeam Con Vilzeam Grant Jhone Innes.

James Gordon of Lesmoyr with my hand at the pen led be Schir Andrew Robertson nottar public &c.

Ita est dominus Andreas Roberti notarius publicus manu propria ad hec &c.

(On the back.)

Apud Huntle sexto Maij anno domini millesimo quingentesimo quinquagesimo secundo Indictione decima Julij pape tertii anno secundo horam circiter sextam ante meridiem honorabilis vir Jacobus Gordon de Lesmoir fatetur se recipisse a nobili et potenti domino Georgio Comite Huntle summam mille mercarum usualis monete videlicet in aureis necnon fatetur hanc reversionem infrascriptam in singulis suis punctis et clausulis perimpletam et terras in eadem contentas videlicet Brachle Ballantobir Ballantorre Blaircharrage Aldinruif Myltoun litil corst and meikle corst legitime redemptas quietclamando et exonerando pro se et heredibus suis et assignatis omne jus juris titulum interesse proprietatem et possessionem que et quas ad predictas terras cum earundem pendiculis habet seu habere poterit quomodolibet in futurum Super quibus dictus nobilis dominus a me notario subscripto sibi fieri petiit instrumentum Acta sub anno die mense indictione pontificatu et

hora quibus supra coram Jacobo Gordoun in Letterfoure Magistro Johne Broune et Andrea Lesle notario cum diversis aliis.

Ita est Magister Jacobus Stevyn notarius publicus manu propria testante.

ABSTRACT OF XXII.

LETTER OF REVERSION by James Gordone of Lesmoir, in favour of George, Earl of Huntly, narrating, that forasmuch as the said Earl, with consent of Lady Elizabeth Keith his spouse, Countess of Huntly, had seised the said James, his heirs and assignees, in the lands of Braichlic, Ballantobir, Ballantorre, Blairquharraich, Aldinruif, Myltoun, Litol Crosat and Meikil Crosat, with their pertinents, in the lordship of Aboyne and Sheriffdom of Aberdeen, yet by the tenor of these presents the said James Gordoun obliges him, that what time the said George, Earl of Huntly, and spouse, shall pay to him or his foresaids the sum of 1000 merks in gold, upon the "hie altar" within the parish Kirk of Esse, upon 40 days warning to the said James personally, or by open proclamation at his or their parish Kirks "in tyme of hie mess on ane solemnity day," together with a sufficient "letter of tak and belzerie" of the said lands, for the space of five years, he paying therefor yearly 20 merks 8^s. 4^d., then the said James Gordon shall renounce the foresaid lands in favour of the said Earl and spouse. Dated at Huntly 31st August 1550: Witnesses, John Earl of Athole, Alexander Lord Gordone, "honorable men Harie Gordoune, Maisteris Vilzeam Con, Vilzeam Grant, Jhone Innes"; Sir Alexander Robertson is notary.

XXIII.

ELIZABETH, Countess of Sutherland, with consent of Adam Gordon, her spouse, resigned the Earldom of Sutherland in favour of Alexander, her son and his heirs, and upon 1st December 1527, he had charter, under the Great Seal, of the Earldom and lands thereof; reserving the freehold to said Elizabeth and Adam (*Reg. Mag. Sig.*, xvii., 32). He was infest on 20th December, and was henceforth

styled Master of Sutherland. He married Lady Janet Stewart, daughter of John, Earl of Athole, and they had charter of certain lands in Sutherland upon Alexander's resignation 4th March 1528 (*Ibid.*, 76). The Master of Sutherland died in 1529, before his father and mother, leaving three sons and two daughters—1, John, who on the death of his grandmother became Earl of Sutherland; 2, Alexander; 3, William; (1), Jean, married to Patrick Dunbar, Sheriff of Moray; (2), Beatrix, married Sinclair of Dunbeath.

On 1st October 1538, John Gordon, Earl of Sutherland, was served heir to his grandfather in the lands of Aboyne; and on 18th December same year he had Precept of *Clare Constat* from George, Earl of Huntly, as heir to his said grandfather in the lands of Tilphoudie, Mill of Dess, Drumgask, Belwode, Torquinlachy, Formastoun, Mill of Castleton, Wratoun, Ferrar, Dalwhing, with the pertinents within the Barony of Aboyne (*Sutherland Case, Appendix iii.*). In May 1539, he had Instrument of Sasine following upon above Precept. He was three times married; first, to Elizabeth, Countess of Moray—daughter of Archibald, Earl of Argyle, and they had a charter of the Earldom of Sutherland 6th August 1546 (*Reg. Mag. Sig.*, xxix., 379). His second wife was Lady Helen Stewart, daughter of the Earl of Lennox, by whom he had several children, and the third wife was Marion, daughter of George, Lord Seton.

Earl John took part with the Earl of Huntly in all his enterprises, and in 1560 was one of the chief promoters of the English invasion of Scotland to expel the French. In a skirmish between the forces of the Earl of Arran and the French, the Earl of Sutherland was shot in the left arm, "and he departed home having conceived a more deadly hatred of the French than ever" (*State Papers—Foreign Series, P.R.O.*). He was forfeited for taking part with the Earl of Huntly against Queen Mary in 1562, and five years later he and his Countess were poisoned at Helmsdale by the wife of Gilbert Gordon of Garty. It was only in June 1567, that his forfeiture was reduced, and he restored by Act of Parliament to his honours and estates.

The charter given below is granted by John, Earl of Sutherland, in favour of George Gordon of Auchmalidy, his heirs and assignees, of the lands of Castleton, Ballagown, &c. Precept of Infestment is directed to John Forbes and Patrick Menzies, bailies in that part, and Instrument of Sasine followed thereon upon 22nd February (*Aboyne Charter Chest*).

The deed has got the signature of the granter and his seal entire:—

OMNIBUS hanc cartam visuris vel audituris Johannes Comes Suthirlandie ac dominus terrarum et baronie de Obyne eternam in Domino salutem Noveritis me commoditate et utilitate me undique previsa et considerata dedisse et concessisse . . . vendidisse ac titulo pure venditionis alienasse et hac presenti carta mea confirmasse . . . dilecto meo Georgio Gordoun de Awchtemaledy suis heredibus et assignatis totas et integras terras meas de Casteltowne Ballagowan Turquhelauchtquhy et Bownte cum molendino ejusdem cum suis pertinentiis jacentes infra baroniam de Obyne et vicecomitatum de Abirdeyne pro certa summa pecunie mihi per dictum Georgium gratanter persoluta de quaquidem pecunie summa fateor me contentum et solutum et dictum Georgium Gordone suos heredes executores et assignatos de eadem exoncro et imperpetuum quietosclamo TENENDAS et habendas totas et integras terras de Castaltowne Ballogovin Tuirquhelauchtquhy et Bonte cum molendino ejusdem ac cum suis pertinentiis de me heredibus meis et assignatus in feodo et hereditate imperpetuum per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine . . . REDDENDO inde annuatim dictus Georgius sui heredes et assignati de dictis terris cum pertinentiis mihi et heredibus meis et assignatis in festo Sancti Johannis baptiste duos denarios nomine albe firme si petantur tantum pro omni alio onere servitio seculari questione aut demanda que de dictis terris de Casteltowne Ballogowan Turquhelauchtquhye Bonte cum molendino ejusdem et suis pertinentiis exigi poterunt vel requiri in futurum Et ego vero dictus Johannes Comes Suthirlande heredes mei et assignati omnes et singulas terras suprascriptas cum pertinentiis quibuscunque dicto Georgio Gordone suis heredibus et assignatis quibuscunque in omnibus et per omnia forma pariter et effectu ut premissum est contra omnes mortales warantizabimus acquietabimus et imperpetuum defendemus IN cujus rei testimonium

sigillum meum proprium unacum subscriptione mea manuali presentibus est appensum Apud burgum de Elgin sexto die mensis Februarii anno domini millesimo quingentesimo quinquagesimo secundo Coram hiis testibus Johanne Gray, Jacobo Freser, Johanne Gordone et Johanne Forbes.

JHONE erll of Sothirland.

ABSTRACT OF XXIII.

Charter by John, Earl of Sutherland, to George Gordoun of Auchmaledy, his heirs and assignees, of all and whole the lands of Casteltoun, Ballagowin, Turquhenlachquhy, and Bonte, with Mill thereof, lying in the barony of Obyne and shire of Aberdeen, and that for a certain sum of money paid to the granter by the said George: To be holden of the granter and his heirs in fee and heritage, for the yearly payment of two pennies in name of blench ferme. Dated at Elgin, 6th February 1552-3.

XXIV.

THE following charter by the Bishop of Aberdeen brings under notice one of the most profligate of the prelates who ever held that See. William Gordon was fourth son of Alexander, third Earl of Huntly, and became Bishop of Aberdeen about 1546. The period was one of the most critical in the history of the Roman Catholic Church, and the gross immorality of its prelates hastened its downfall. The Bishop of Aberdeen had at first held out promise of "leading an honourable and vertuous life." Indeed, so marked was the change in his conduct that more than one historian has been led to suppose that there were two bishops of the same name—"ane a prelate of guid living," according to Leslie; and the other, according to Spottiswood, "a man not worthy to be placed in this catalogue."

In the *Registrum Episcopatis Aberdonense* is published a curious Memorial of Advice by the Chapter to the Bishop, at his own request,

wherein he is directed as to the proper ordering of his house, because "diverse sayis they cannot accept correctioun of him quhilk will nocht correct himself." The memorial is full of good advice, and the Bishop is enjoined that when he goes out to the fields to repose himself to be careful in the selection of his companions.

The granting of feu charters of church lands clearly prove that the Bishops foresaw the coming storm, and endeavoured to secure the lion share of the kirk patrimony for their own relatives. Thus it is that Spottiswood charges Bishop Gordon with having "dilapidated the whole "rents by feuing the lands, and converting the victual duties into money, "a great part whereof he wasted upon his base children, and the whores, "their mothers."

On 20th October 1565, Bishop Gordon granted a charter of the lands of North Spittal to "Janet Knowles [probably 'the gentilwoman who slandered him'] in life rent and to George, John, William, Elizabeth, Margaret and Martha Gordons in fee." Janet Knowles, Knowis, or Knollis was the daughter of Alexander Knowles, burgess of Aberdeen, and the foregoing were her children by the Bishop. Of the above children, Margaret married George Knowles. John and George possessed property in Aberdeen. William Gordon possessed the half lands of Boghole and Mill thereof, which he sold to William Menzies and Elizabeth Cocklaw, his spouse, in 1562. He also possessed the lands of Corthymure, which he resigned on 14th April 1562, when his father granted them to Andrew Buk and Meit Menzies, his spouse (*Reg. Mag. Sig., xxxii., 125*). John Gordon died without issue, and he was succeeded by another brother, "Mr. Walter who married and had a son, William Gordon" (*M. S. Pedigree*). Marjory, another daughter, married Mr. John Fraser, and they had a charter of the lands of Towie from Bishop Gordon, 4th February 1556. She died on 14th January 1581.

The lands of Birse, to which the following deed refers, became church property at a very early period, for there is a charter by William the Lion, confirming charters by Kings David and Malcolm, in favour of Mathew,

Bishop of Aberdeen and successors, bishops, for the welfare of his soul and the souls of his ancestors, of "All and Whole his lands of Birse, viz. Ouchter Birse, Drumenathy, the Kirkton of Kinmonidy, Balfour, Tullisnaucht, Erbentuly, Ardencoule, Innercat, Parce, Midstrath, Clune, Balnaboth, Enachy, Ballynfidy Tulycorsky, Tulycarman, his forest of Birse in free and perpetual Elemosina" (*Reg. Epis. Aberdonense, i., p. 12*).

From the earliest times, the Forest of Birse had afforded shelter to thieving caterans, who plundered the tenantry of the surrounding country. The Grants and the Mackintoshes had more than once lifted the "marts" and the "muttons" of Deeside, and retired to the friendly shelter of the Forest, where many a deadly conflict took place between the caterans and the raided tenants. The Mackintoshes seem to have had some claim to the lands, for in 1382 Ferquhard Mcyntoschy was ordained to cease injuring the lands and inhabitants of Birse, and to prosecute his claim to them according to law (*Ibid., vol. i., p. 137*). Ferquhard was grandson of the Laird of Mackintosh, and from him descended the Farquharsons of Braemar. At last matters came to such a pass that the Bishops had to appoint some powerful Baron to protect their tenants and interests, but the cure was as bad as the disease.

Sir David Lindsay of Beaufort had been made hereditary Bailie of Birse, and William, Bishop of Aberdeen, in 1489, pursues him for "spoiliation of xii oxin and viii ky; price of the oxin 30^s, price of the pece of the ky xxvi^s viii^d furth of said lands; and for the maisterful "spoiliation of viii lib usual money of Scotland the said faderis males fra "the tenants of said landis for the space of three years bipast." Also for taking "xi oxin and three kine and for damages extending to 100 merks." Sir David pleaded that he took the animals in his capacity of Bailie, and for the yearly pension due to him by the Bishop. The Bishop now pleaded that the office of Bailie was "of na force nor effect becaus gevin without solempnitie of law and again the utilitie and proffit of the Kirk."

The Lords Auditors, after deliberation, decreed that Sir David did wrong to take the goods, but he committed no spulzie because he did it "be a colourit richt." He must deliver the goods to the Bishop, and in time to come desist from exercising his office of Bailie (*Acta Auditorum*, pp. 139-141).

It may be noted that in 1441 the fermes of the lands of Birse, amounting to £36, were paid to the Crown, on account of the See being vacant (*Exchequer Rolls*, v.).

The following charter, in favour of John Stewart, of the lands of Balfour and others, is interesting, as shewing the obligations under which the feuars had to come in respect of their holdings. They had to swear the oath of fidelity to the Bishop and his successors; to maintain, as far as they could, the Bishop and his successors in the See of Aberdeen; the Dean and Canons of the same in their persons, goods, and lands; and also the orthodox Christian faith. It will be noticed how strictly the woods are to be preserved, and how the Bishop may distrain for the rents and other dues, or by censure of the Church compel the feuars to pay the same.

The signatures of the Bishop and his Chapter are adhibited, as also the bishop's round seal and Chapter seal, both mutilated:—

OMNIBUS hanc cartam visuris vel auditoris Vilelmus miseracione divina Abirdonensis episcopus salutem cum benedictione divina Quia regni Scotie retro principes diversi in parliamentis suis cum tribus sui regni statibus super ejusdem Republica mutuo disceptantes ut terras regias ac prelatorum et aliorum dominorum temporalium comitum et baronum ceterorumque quorumcunque quascunque terras infra predictum Scotie regnum hereditarie possidentium et easdem in emphiteosim seu feudifirmam perpetuam absque suorum rentalium et commoditatum diminutione ut cum tenentibus desuper convenire poterant per diversa parliamentorum statuta et acta que nobis Scotis pro legibus observanda sunt assedandas et dimittendas fore decreverunt opinantes et firmiter sperantes non modica exinde commoda majestati regie et regno provenire reipubliceque salute apprime proficere NOVERITIS IGITUR nos

cum expressis consensu et assensu decani et canonicorum capituli ecclesie nostre cathedralis Abirdonensis capitularitur ad hoc congregatorum prius per edictum publicum in valuis domus capitularis dicte ecclesie ut moris est affixum interesse habentibus seu habere putantibus aut quomodolibet pretendentibus citatis et vocatis commoditate et utilitate nostra dicte nostre ecclesie et successorum nostrorum undique previsis et consideratis deligenti tractatu et matura deliberatione prehabitis ac pro policia habenda rentalisque nostri perpetua augmentatione necnon pro nonnullis pecuniarum summis usualis monete regni Scotie in pecunia numerata tempore confectionis presentium per dilectum nostrum Joannem Stewart persolutis et in nostram ac dicte nostre ecclesie utilitate conversis et convertendis ac etiam pro gratitudinibus servitiis et benemeritis diversis per eundem Joannem nobis et dicte nostre ecclesie impensis et ut infra scribitur impendendis Assedasse arrendasse locasse et ad feodifirmam seu emphiteosim perpetuam dimisisse . . . Omnes et singulas terras nostras de Balfour cum quinta parte de Glencatt ac earundem pendiculis et pertinentiis cum communi pastura in forestis de Bras et Glenawyne solita et consueta cum potestate et facultate libera arbores et ligna necessaria pro reparatione edificatione restauratione domorum subscrip-tarum terrarum ad premissum effectum et usum duntaxat omnibus futuris temporibus jacentes infra schiram nostram de Bras et vicecomitatum de Abirdene prefato Joanni Stewart suis heredibus et assignatis infrascriptis Tenandas et habendas omnes et singulas prefatas terras de Balfour cum quinta parte de Glencatt . . . cum communi pastura ac facultate et potestate arbores et ligna abscindendi ut supra prefato Joanni Stewart et heredibus suis masculis de corpore suo legitime procreatis seu procreandis quibus forte deficientibus legitimis et propinquoribus heredibus seu assignatis ipsius Joannis Stewart quibuscunque de nobis et successoribus nostris Abirdonensibus episcopis in emphiteosi ac feodifirma et hereditate imperpetuum Per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine . . . Absque tamen prejudicio littere ballivatus et restrictionum ejusdem nobili et potenti domino Georgio Comiti de Huntly domino Gordone et Badzenocht et suis heredibus antea concessis cuiquidem ballivatus officio in nullo derogare volumus cum potestate et facultate terras non cultas arandi lucrandi et appropriandi Ac cum omnibus aliis et singulis libertatibus . . . ad predictas terras de Balfour cum quinta parte de Glencat cum privilegiis

prescriptis spectantibus seu juste spectare valentibus quomodolibet in futurum libere . . . REDDENDO inde annuatim prefatus Joannes Stewart heredes sui et assignati suprascripti pro prefatis terris de Balfour pro firma quinque libras sex solidos octo denarios pro grassuma viginti unum solidos quatuor denarios unam marcā duos mutones duas aucas unam bollam ordci cum bato unam bollam avenarum cum pabulo sex gallinas domesticas pro bondagiis tres solidos quatuor denarios pro communi pastura lie foggage in forestis solitis et consuetis octo solidos pro firma quinte partis de Glencatt quinque solidos quatuor denarios sex onera lignorum aridorum pro serviitiis quinque solidos Et in augmentationem rentalis nostri plusquam unquam prefate terre prius persolverunt tres solidos quatuor denarios extendentes in toto ad summam septem librarum tredecim solidorum monete antedictæ ad duos anni terminos festa videlicet Pentecostes et Sancti Martini in hieme per equales medias portiones nobis et successoribus nostris Abirdonensibus episcopis necnon dictam summam duplicando in introitu cujuslibet heredis seu assignati ad predictas terras cum pertinentiis et faciendo tres sectas ad tria placita capitalia per nos aut successores nostros nostrosve aut eorum ballivos infra schiram de Bras aut in palatio nostro Abirdonensi tenenda primus tamen premunitione debita facta Et tenentes dictarum terrarum in exercitiis regine et regni ballivo nostro principali sufficienter armati juxta morem patrie servire tenebuntur necnon quilibet heres seu assignatus in suo primo introitu post quam pervenerit ad legitimam etatem nobis et nostris successoribus fidelitatis juramentum prestare tenebitur quod nos successoribus nostros sedem episcopalem Abirdonensem decanum et canonicos ejusdem nostros et ipsorum personas res et terras necnon Christianam, et orthodoxam fidem pro posse manutenebit et defendet Volumus autem quod si contingat dictum Joannem Stewart suos heredes aut assignatos suprascriptos in legitima etate existente in solutione dicte summe pecunie bonorum aut customarum predictarum deficere ut preferunt sic quod unus terminus in alium currat tunc summam non solutam duplicabunt et si duo termini currant in tertium tunc presens infeodatio cadet incommissum et nullius erit roboris vel momenti sic quod extunc de terris predictis cum pertinentiis nobis et successoribus nostris prout nobis videbitur disponere licebit Volumus etiam quod si contingat prefatum Joannem Stewart suos heredes aut assignatos prefatarum terrarum scindere aut destruere plura ligna de nostris sylvis et

forestis de Bras et Glenawyne quam sunt sufficientia et necessaria pro reparatione sustentacione et edificacione domorum et edificiorum suprascriptarum terrarum prima vice satisfaciant nobis et successoribus nostris quadraginta solidos monete predicte cum recompensatione arborum abscisarum et sic deinceps qualibet vice cum simili recompensatione arborum abscisarum seu ablatarum pro quibus pecuniariis summis ac aliis devoriis nobis et successoribus nostris semper Namare et destringere per officarios nostros licebit quemadmodum ante presentem infodationem poterimus seu etiam prefatum Joannem suos heredes et assignatos predictos censura ecclesiastica ad solutionem summarum et customarum predictarum compellere licebit Tantum pro omni alio onere exactione questione demanda aut servitio seculari que de predictis terris per quoscumque juste exigi poterit quomodolibet vel requiri salvis supreme domine nostre regine et suis successoribus servitiis de hujusmodi terris solitis et consuetis Et nos vero Villelmus episcopus prefatus et successores nostri Abirdonenses episcopi omnes et singulas predictas terras de Balfour cum quinta parte de Glencatt et suis pertinenciis cum communi pastura potestate et facultate arbores et ligna abscindendi ut supra dicto Joanni Stewart suis heredibus et assignatis predictis contra omnes mortales varantizabimus acquietabimus et imperpetuum defendemus IN CUJUS rei testimonium sigillum nostrum rotundum unacum nostra subscriptione manuali ac sigillum commune prefati nostri capituli cum manualibus subscriptionibus decani et canonicorum ejusdem sunt appensa Apud canoniam nostram Abirdonensem vicesimo quinto die mensis Junii anno domini millesimo quingentesimo quinquagesimo octavo et nostre consecrationis anno duodecimo.

V^s ep^s Abirdonen.

Joannes Elphynstoun de Innernocty.

Thomas Burnett de Methlik s.s.t.
 He9 Lumisden de Kinkell,
 Joannes Leslie de Murthlak s.s.t.
 Jacobus Gordoun de Clunay.
 Willelmus Cabell de Tulynessil.
 Alex^r. Kyd succentor s.s.t.

R. Erskyn decanus Abirdonen.
 Mr. Alex^r. Setone cancell^{us} Abd.
 Joannes Stewart archid^{us}.
 Patricius Myrton thesaurarius Abd.
 Joannes Watson de Clat s.s.t.
 Andreas Leslie de Ellone s.s.t.

ABSTRACT OF XXIV.

CHARTER by William, bishop of Aberdeen, in favour of John Stewart, and the heirs male of his body, whom failing, his lawful and nearest heirs or assignees, of the lands of Balfour, with the 5th part of Glencatt, and common pasture in the forests of Bras and Glenawyne, lying in the parish of Bras and Sherifffdom of Aberdeen: with the privilege of cutting and carrying away wood from the forests aforesaid, sufficient for the repair and building of their houses: To hold of the granter and his successors, in feu ferme and heritage, for the yearly ferme duty £5 6s. 8d.: for grassum, 21s. 4d. one mart two sheep: two geese, one boll of barley with vat: one boll of oats with the fodder, six domestic poultry: for bondages 3s. 4d.: for the common pasture and foggage in forests used and wont 8s.: for the ferme of the 5th part of Glencatt 5s. 4d., six loads of dry wood: for services 5s., and in augmentation of the rental 3s. 4d.: Extending in whole to £7 13s., to be paid at Whitsunday and Martinmas by equal half portions and doubling the same at the entry of each heir: and performing three suits of Court at the three head pleas to be held by the bishop or his bailies within the shire of Bras or in his palace of Aberdeen; due premonition having first been made; and the tenants of the said lands shall be bound to serve our principal bailie in the armies of the Queen and Kingdom sufficiently armed according to the manner of the country: Also each of the heirs or assignees on his first entry after he shall have reached lawful age, shall be bound to swear the oath of fidelity to the bishop and his successors, that he shall maintain and defend as far as he can the bishop and his successors in the Sec of Aberdeen, the Dean and Canons of the same, in their persons, goods and lands, and also the orthodox Christian faith: Willing also that if the said John Stewart or his heirs, being of lawful age, shall happen to fail in payment of the said money, goods or customs, so that one term shall run into another, they shall then double the sum not paid: and if two terms run into the third, then this infestment shall become void, and fall to the disposal of the bishop, &c.: Willing also that if the said John Stewart or his heirs shall happen to cut or destroy more wood out of our woods and forests of Bras and Glenawyne than is sufficient or necessary for repair, sustentation and

building of the houses and biggings upon the aforesaid lands, for the first occasion they shall pay to the granter 40s., with recompense of the trees cut from or taken away ; and so afterwards for each occasion, with similar recompense ; for which sums and other dues the bishop may distrain, or by the censure of the church compel them to pay. Dated at the Canonry of Aberdeen 25th June 1558, and twelfth year of the bishop's consecration. The signatures are those of R. Erskin, Dean, Mr. Alexander Seton, Chancellor, John Stewart, Archdean, Patrick Myrton, Treasurer, John Watson of Clat, John Elphinston of Innernocty, Andrew Leslie of Ellone, Henry Lumisden of Kynkell, James Leslie of Murthlak, Thomas Burnett of Methlich, James Gordone of Cluny, William Cabell of Tullynessill, Alexander Kyd, subchanter.

XXV.

IN No. XXIII. we had charter by the Earl of Sutherland in favour of George Gordon of Auchmalidy. We now have charter by the Earl of Sutherland to said George and Helenor Gordon, his spouse, of the lands of Tilphoudie, with the outset or croft called Tillybreen. Precept of Sasine addressed to Robert Skene and John Stewart followed on same day, and John Gray of Swordale, a staunch retainer of the Sutherland Family, is a witness (*Aboyne Charter Chest*). Five days later the Precept is followed by Instrument of Sasine ; Patrick Gordon of Auchmenze being witness, while the deed is signed by Patrick Gordon "of Corrachie," a most unusual thing in a sasine. These Gordons became progenitors of the Gordons of Tilphoudie, of whom a genealogical deduction will be given in a future note.

At Tilphoudie appear the remains of an ancient settlement, and near it was found a hewn fragment of stone, now at Aboyne Castle, bearing an Ogham inscription recording that "the body of the son of Talore, Fineach of Aber Fotha, rests here" (*The Oghams of Scotland, by Earl of Southesk*).

There are interesting legends connected with Tillybreen [*i.e.*, water formed by rain falling on opposite hills and running along the base]. In the pass at the base of Mortlich hill there is a little well. It is said that Macbeth after his flight from Dunsinane maintained himself for three years among the fastnesses of Marr. Upon one occasion in one of his flights for life, unattended, through Aboyne—himself exhausted and his mare jaded—he dismounted to drink from the well. He could see his Castle, the Pele of Lumphanan, in the distance. He asked a herd boy the name of the well, and, being told it was Brien (Braon), he ejaculated, “Wo is me, the spell is gone and my doom is sealed.” The author of the Statistical Account seems to think it was the “name of Mortlich, the ‘slack of death,’ which rather than the well conjured up sad forebodings to his superstitious mind” (*New Statistical Account*, 1843).

The deed has got the Earl's signature and seal entire:—

OMNIBUS hanc cartam visuris vel audituris Johannes Comes de Sutherland ac dominus de Awboyne eternam in domino salutem Noveritis nos utilitate et commoditate nostris in hac parte vndique previsis et diligenter consideratis mature deliberatione prehabitis assedasse arrendasse locasse et ad feudifirmam et emphiteosim perpetuam dimisisse et hac presenti carta nostra confirmasse tenoreque presentium assedare arrendare locare et ad feudifirmam et emphiteosim perpetuam dimittere et hac presenti carta nostra confirmare dilectis nostris servitoribus Georgio Gordoun de Auchmalidy et Helenorie Gordoun eius sponse et eorum alteri diutius viventi in conjuncta infeodatione et heredibus masculis inter eosdem legitime procreatis seu procreandis quibus deficientibus heredibus masculis et assignatis dicti Georgii quibuscunque omnes et singulas terras nostras de Tilloquhody cum lie outseatt seu crofto eiusdem vocato Tulebreyne cum universis pendiculis et pertinentiis earundem jacentibus in baronia de Awboyne et infra vicecomitatum de Abirdene et hoc pro magna pecunie summa nomine gressume earundem in pecunia numerata per prefatum Georgium nobis tempore confectionis presentium plenarie et integre persoluta de qua tenemus nos bene contentos plenarie et integre persolutos et satisfactos eosdemque Georgium et Helenoriam eius sponsam heredes suos executores et assignatos pro nobis heredibus nostris et assignatis per

presentes exoneramus et quietclamamus imperpetuum TENENDAS et habendas omnes et singulas prefatas terras . . . de nobis et heredibus nostris in feodifirma et emphiteosi perpetua per omnes rectas metas suas . . . REDDENDO inde annuatim . . . nobis et heredibus nostris summam octo librarum usualis monete regni Scotie ad duos anni terminos festa videlicet Pentecostes et Sancti Martini in hyeme per duas equas portiones necnon tridecim solidos quatuor denarios ejusdem etiam monete ad eosdem terminos in augmentationem nostri rentalis nomine feudifirme et prestando annuatim tres sectas ad tria placita capitalia domini nostri de Awboyne tenenda ad festa Penthecostis Sancti Martini in hyeme et natalis Domini et quilibet heres dicti Georgii in primo anno introitus ad easdem terras . . . dictam annuam feodifirmam duplicabunt Necnon juramentum fidelitatis seu homagii prestabunt Et insuper volumus quod omnibus futuris temporibus tenentes et occupatores earundem terrarum cum pertinentiis nobis heredibus et successoribus nostris antedictis in exercitiis regiis et regni sufficienter armati juxta consuetudinem et modum vicecomitatus Abirdonensis servare tenebuntur tantum pro omni alio onere . . . ET NOS VERO dictus Johannes Comes de Sutherland ac dominus de Awboyne heredes nostri successores et assignati omnes et singulas prenominatas terras . . . prefato Georgio et Helenorie eius sponse et eorum alteri diutius viventi in conjuncta infeodatione et heredibus masculis inter eosdem legitime procreatis seu procreandis quibus deficientibus heredibus masculis et assignatis dicti Georgii quibuscunque in omnibus et per omnia ut premissum est . . . contra omnes mortales varrantizabimus acquietabimus et imperpetuum defendemus IN cujus rei testimonium huic presenti carte nostre manu nostra subscripte sigillum nostrum est appensum Apud Dornocht nono die mensis Januarii anno domini millesimo quingentesimo sexagesimo secundo Coram testibus Jacobo Frasser Johanne Tarsy et Johanne Leslie, cum diversis aliis videlicet Joanne Gray de Sordail et Joanne Kennedy.

JHONE erll of Svthryland.

ABSTRACT OF XXV.

CHARTER by John, Earl of Sutherland, to George Gordoun of Auchmalidy and Helenor Gordoun, his spouse, and the survivor of them in conjunct fee, and the heirs male procreated or to be procreated between them, which failing, to the heirs male and assignees of the said George whatsoever, of the lands of Tilloqubody, with the outset or croft thereof called Tulebreyne, lying in the Barony of Awboyne, and that for a great sum of money in name of the grassum thereof, paid by the said George to the granter, from whom the lands are to be held in feu ferme for payment of £8 at Whitsunday and Martinmas by equal half portions in name of feu ferme, with 13s. 4d. of augmentation of rental; and performing annually three suits of court at the three chief pleas of the Lordship of Awboyne, held at Whitsunday, Martinmas, and the natal day of the Lord: the heirs of the said George doubling the said feu ferme the first year of their entry. Dated at Dornoch 9th January 1562-3.

XXVI.

THE following deed relates to the lands of Auchterarne, an account of the possessors of which we now give. These lands were possessed at an early period by the Auchterarnes of that Ilk; a family which terminated in two daughters co-heirs (*Vide post*). One daughter, Elizabeth, married Alexander Coutts of Auchtercoul, and on 18th February 1506, they had a charter of the half of Auchterarne (*Reg. Mag. Sig., xiv., 32*).

The family of Coutts were of old standing. In 1423 (January 30) there is Charter of Confirmation by King James to William Coutts "of the lands of Auchtercoul on the resignation of Alicia and Edwina Lumsden; To be held of the King by said William, and after his death "by Alexander of Coutts, his brother, and the heirs male of his body; "whom failing by John of Coutts, cousin of said Alexander, and his heirs "male; whom all failing by Alexander, brother of John, and his heirs male;

“whom all failing to the lawful heirs of Alexander Coutts, brother of said “William.”

The Queen confirmed a charter by John Coutts of Auchtercoul, “who, “for a sum of money and other favours done to him by Margaret Forbes, “daughter of umquhile Alexander Forbes of Towie, and by John Forbes “of Towie, her brother-german, sold to said Margaret the lands of “Auchtercoul, Taynlie, Stravelts, Tanamoynne, Stramore, Mill of Auchter- “coul, with the Multures and Mill lands thereof; Blackmill, with the “Multures and Mill lands thereof, Auchterarne, Tulloch and Tanamoynne, “in the Province of Cromar; To hold to said Margaret and the heirs to be “procreated between her and said John from the Queen; at Auchtercoul “4th January 1548” (*Reg. Mag. Sig.*, xxx., 400). This John apparently died childless, for on 11th July 1553, his brother Robert is served heir to him in above lands, extending of old to £6—new extent £20 (*Inquis. Spec. Aberdeen*).

In 1550 (August 31) we have charter, by Margaret Forbes of Auchtercoul, with consent of John Forbes of Barns, her uncle, and curators, in favour of John Forbes of Towie, her brother, of above lands lying in the Province of Cromar (*Reg. Mag. Sig.*, xxx., 546).

John Forbes of Towie married first a daughter of Grant of Ballindalloch, by whom he had a son, who was murdered in Corgarff. He next married Margaret Campbell, and upon his resignation they had a charter of the lands of Kildrummy, Over Towie, Auldtoun, Milltoun of Towie, the lands of Auchterarne, &c. (*Ibid.*, xxi., p. 344). In 1561 John Forbes of Towie and his spouse resigned their lands, and the Queen, on account of the good service of said John, granted a charter to Alexander, his lawful son, uniting all the lands into the barony of Towie (*Ibid.*, xxxii., 583). John Forbes of Towie, 11th November 1562, entered into a contract with John Calder of Asloun whereby in excambion for the lands of Farletter, Broomhill with the Mill, &c., in the barony of Cluny, he received the lands of Sonahard, Fechel and Sonaboth, with the Mill and Multures in the Lordship of Mar.

We now give charter by John Forbes of Towie to his cousin, Patrick Gordon, natural son of "an honourable man," George Gordon of Lesmore, of the lands of Auchterarne, Tulloch, &c. Forbes appears really to have been the uncle of Patrick, for George Gordon of Lesmore was married to the daughter of Alexander Forbes of Towie. Patrick Gordon died prior to 29th November 1564, when James his brother was retoured as his heir in the lands of Auchterarne, &c. (*Inq. Spec. Aberdeen*).

John Gordon of Glasgo-forest on 9th March 1581-2, grants a charter of these lands to Alexander Gordon of Tillymynat, his brother-german and heir apparent of Lesmore, and his heirs male, for a certain sum of money: To be held from the granter of the King for the usual services. The witnesses to the Sasine on this charter are—Patrick Forbes of Pitlachie; Patrick Gordon, apparent of Hallhead; Arthur Skene, vicar of Glenbucket; Duncan Forbes of Fynlosh, &c. (*Abovne Charter Chest*).

The charter in favour of Patrick Gordon was confirmed by Queen Mary on 12th July 1564. It has got the signature of the granter, with his seal in a fine state of preservation.

OMNIBUS hanc cartam visuris vel audituris Johannes Forbes de Tolleis eternam in domino salutem Noveritis me utilitate et commoditate meis in hac parte undique previsis et diligenter consideratis vendidisse alienasse et hac presenti carta mea confirmasse tenoreque presentium vendere alienare et hac presenti carta mea confirmare dilecto sobrino meo Patricio Gordoun filio naturali honorabilis viri Georgii Gordoun de Lesmoir et heredibus suis masculis de corpore suo legitime procreandis quibus deficientibus heredibus masculis et assignatis dicti Patricii quibuscunque Omnes et singulas terras meas de Auchterarne Tulloch Tanamoyne Ibid Blakmyllyn cum multuris et terris molendinariis ejusdem cum earundem pertinentiis jacentibus infra vicecomitatum de Aberdene et hoc pro certa pecunie summa meche tempore confectionis presentium per prefatum Patricium Gordoun plenarie et integre persoluta et satisfacta de quibus teneo me bene contentum satisfactum plenarie et integre persolutum eundemque Patricium Gordoun heredes suos executores et assignatos pro me heredibus meis executoribus et assignatis exonerans et quietclamans per presentes imperpetuum TENENDAS et habendas

omnes et singulas prefatas terras meas . . . a me heredibus meis et assignatis de suprema domina nostra Regina et suis successoribus Regibus et Reginis Scotie in feodo et hereditate imperpetuum per omnes rectas metas suas antiquas et divisas prout Jacent in longitudine et latitudine . . . REDDENDO inde annuatim dictus Patricius Gordoun heredes que sui masculi et assignati suprascripte pro dictis terris . . . supreme domine nostre regene et suis successoribus predictis onera et servitia prius debita et consueta de cisdem ante presentem infeodationem tantum pro omni alio onere exactione questione servitio seculari seu demanda que de dictis terris et molendino cum earundem pertinentiis aliquid futuris temporibus exigi poterint aut requiri ET EGO VERO prefatus Johannes Forbes de Tolleis heredes mei successores et assignati omnes et singulas predictas terras . . . prefato Patricio Gordoun heredibus suis masculis de corpore suo legitime procreandis quibus deficientibus heredibus masculis et assignatis dicti Patricii quibuscunque in omnibus et per omnia forma pariter et effectu ut premissum est contra omnes mortales warrantizabimus acquietabimus et imperpetuum defendemus IN CUJUS REI testimonium huic presenti carte mee manu mea subscripte sigillum meum est appensum apud Lesmoir xvj die mensis Maij anno domini millesimo quingentesimo sexagesimo secundo coram hiis testibus Jacobo Duncan Wilhelmo Cowpland Jacobo Gray Thoma Dalaquhy notario publico cum diversis aliis.

JOHN FORBES of Tolles.

ABSTRACT OF XXVI.

CHARTER by John Forbes of Tolleis to his cousin, Patrick Gordoun, son natural of George Gordon of Lesmoir, and to the heirs male of his body lawfully to be procreated; whom failing, to his heirs male and assignees whomsoever, of the lands of Auchterarne, Tulloch, Tanamoyn, Ibid, Blackmyln, &c., in the Shire of Aberdeen: To be holden from the granter, of the Queen and her successors, for the services due and wont. Dated at Lesmoir, 16th May 1562.

XXVII.

THE feuing of Church lands went on apace. Indeed, so great did the evil become in 1561 that the Lords of Council issued a special proclamation on the grounds that the feuing of the Kirk lands tended to the "greit hurt nocht onlie of the Queenis Majesty, but also of the pure tenants thair of." The practice affected the country in another way. Those persons who obtained feus, "thinkand to mak them the mair sure thair of dailie sendis to Rome and brings hame commissionis for confirmations of said fewis, waistand and in vain spendand the gold, sylver and uthir money quhilk suld have course passage and charge within the realm, to the greit hurt of the commonweil thair of and hail leges of the samyn and express aganis justice" (*Reg. Privy Council, i., p. 162*). All persons were charged to cease from using and accepting these confirmations, "under pane of barratrie, and the saidis fewis and confirmationis sal be of nane avale, force, nor effect in tyme coming" (*Ibid.*).

In 1563 Feuars or Tacksmen of Kirk lands, whose rights were acquired since 6th March 1558, were "ordained not to remove the lawful and kindly tenants of the lands until 1566 without the Queen's licence; the kindly tenants to pay their rents according to their Tacks." For the next three years no person enjoying a benefice was to set his Kirk lands in feu without licence.

Below is a charter by Alexander Seton, chancellor of Aberdeen, to John Stewart, now styled "of Balfour," his heirs and assignees, of the shadow half of the lands of Birse and Kirktown thereof. The dues and customs are of the usual kind, and it would appear that the Bishop and his bailies held their courts at the rather ominous place of the Gallow hill of Birse—the Bishop apparently having no residence within the parish.

The deed has got the signature of the granter, but the seal is blurred. Bishop Gordon confirmed the charter some days later.

OMNIBUS hanc cartam visuris vel auditoris Magister Alexander Settoun cancellarius Abirdonensis eternam in domino salutem. Quia regni Scotie retro principes diversi in parliamentis suis cum tribus regni sui statibus super ejusdem republice mutuo disceptantes terras regias et prelatorum aliorumque dominorum temporalium comitum et barronum ac ceterorum quorumcunque hominum terrasque quasunque infra dictum Scotie regnum hereditarie seu successorie possidentium easdem in empheteosim perpetuamque feudifirmam absque tamen suorum rentalium et commoditatum diminutione ut cum tenentibus desuper convenire poterant per diversa parliamentorum statuta et acta que nobis Scotis pro legibus observanda sunt assedandas et dimittendas fore decreverunt opinantes et firmiter sperantes non modica exinde commoda majestati regie regnoque provenire republiceque saluti apprimi proficere Noveritis igitur me utilitate et commoditate mea in hac parte undique prevista et considerata diligenti tractatu et deliberatione prehabitis ac pro policia in regno habenda rentalisque reverendi in Christo patris Willelmi Abirdonensis episcopi et suorum successorum Abirdonensium episcoporum perpetua augmentatione Necnon propter certam summam pecunie usualis monete regni Scotie in pecunia numerata tempore confectionis presentium mihi gratanter persoluta per Joannem Stuart de Balfour persoluta in meam utilitatem conversa et convertenda eundemque Joannem Stewart suos heredes executores et assignatos de eadem exonerando imperpetuum ASSEDASSE locasse arrendasse et ad feudifirmam hereditarie dimisisse et hac presenti carta mea confirmasse Necnon tenore presencium assedare locare arrendare et ad empheteosim perpetuamque feudifirmam hereditarie dimittere et hac presenti carta mea confirmare Totam et integram dimedietatem omnium et singularum terrarum et ville ecclesiastice de Bras videlicet Umbralem dimedietatem partem earundem terrarum cum suis pendiculis et pertinentiis solitis et consuetis cum communi pastura in forestis de Bras Glenawyne et Glencatt solita et consueta unacum potestate et facultate libera arbores et ligna necessaria pro edificatione restauratione et emendatione edificiorum domorum terrarum supra scriptarum abscondendi et asportandi ad effectum premissum omnibus futuris temporibus jacentem infra schiram seu baroniam de Bras et vicecomitatum de Abirdene prefato Joanni Stewart suisque heredibus et assignatis quibuscunque TENENDAM . . . prefato Joanni Stewart suis heredibus assignatis quibuscunque de dicto reverendo in Christo patre Willelmo Abirdonensi episcopo et suis successoribus . . .

in empheteosi seu feudifirma hereditaria imperpetuum per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine . . . absque tamen prejudicio littere ballivatus episcopatus Abiridonensis et restrictionum earundem nobili et potenti domino Georgio Comiti de Huntlie domino Gordoun et Baddezenoche &c. et heredibus suis concessa Cuiquidem ballivatus officio in nullo derogare volumus Reddendo inde annuatim prefatus Joannes Stewart sui heredes et assignati quicumque dicto reverendo in Christo patri et suis successoribus . . . suisve camerariis pro dicta dimedietate terrarum et ville ecclesiastice de Bras . . . quinquaginta tres solidos quatuor denarios dimedium unius marte unum mutonem unum ancerem domesticam tres gallinas dimedium bolle cum dimedietate bati ordei dimedium bolle avenarum pro bondagiis viginti denarios pro gressuma decim solidos octo denarios pro taxatione forrestarum predictarum quatuor solidos decim denarios necnon dimedium unius oneris lignorum aridorum pro servitiis solitis et consuetis viginti denarios monete predictae secundum formam rentalis dicti reverendi patris ac etiam viginti denarios ejusdem monete in augmentationem rentalis dicti reverendi patris plusquam unquam pro hujusmodi dimediis terris terrarum et ville ecclesiastice de Bras cum suis pertinentiis predictis prefato reverendo patri aut suis predicesoribus hactenus persolutum extiterat ad duos anni terminos consuetos festa videlicet Pentecostes et Sancti Martini in hyeme per equales medias portiones Necnon duplicando predictam feudifirmam in introitu cujuslibet de novo intrantis ad dictas terras prout usus est feudifirme ac faciendo tres sectas ad tria placita capitalia per dictum reverendum patrem seu ejus successores vel eorum ballivos apud Gallowhillis de Bras tenenda Et tenentes dictarum terrarum in exercitiis regis regine et regni ballivo principali dicti reverendi patris ac suorum successorum . . . sufficienter armati juxta patrie consuetudinem servire tenebuntur necnon quilibet heres seu assignati ipsius Johannis Stewart predicti in eorum primo introitu in legitima etate existentes prefato reverendo et suis successoribus predictis fidelitatis juramentum prestare tenebuntur quod eundem reverendum in Christo patrem et suos successores predictos sedemque episcopalem Abiridonensem decanum et canonicos ejusdem eorum personas res et terras necnon Cristianam et orthodoxam fidem manutenebunt et defendent volo autem quod si contingat prefatum Johannem Stewart suos heredes aut assignatos in solutione dicti feudifirme annuatim et terminatim ut premititur deficere sic quod unus terminus in alium currat

tunc summam non solutam duplicabunt et se duo termini in tercium currant tunc presens infeodatio cadet in commissum et nullius erit roboris sic quod extunc de predictis terris prefatus reverendus pater et sui successores predicti libere disponere poterint prout ipsis videbitur expediens eundemque Joannem Stewart suos heredes et assignatos pro dictis pecunie et bonorum summis per officarium dicti reverendi patris et suorum successorum predictorum distringere licebit prout antea licuerat seu eciam censura ecclesiastica ad solutionem earundem compellere licebit . . . Reservando tamen per omnia mihi et successoribus meis rectoribus et vicariis de Bras glebam ecclesiasticam mansum toftum et croftum ecclesie de Bras solito more cum libera potestate et facultate dictam glebam mansum toftum et croftum possidentibus focalia cespites et glebas projiciendi lucrandi et abducendi et animalia eorundem infra bondas et limites dicte ville ecclesiastice pasturandi cum libero introitu et exitu perpetuis futuris temporibus prout usus erat temporibus retroactis Et ego vero dictus Magister Alexander Settoun heredes mei et assignati hanc meam cartam in omnibus et per omnia forma pariter et effectu ut premissum est contra omnes mortales varantizabimus acquietabimus et imperpetuum defendemus Insuper dilectis meis Willelmo Stewart in Kirktoun of Bras et eorum cuilibet conjunctim et divisim ballivis nostris in hac parte specialiter constitutis quibus precipio et firmiter mando quatenus visis presentibus indelate statum saisinam et possessionem hereditariam actualem realem et corporalem omnium et singularum predictis dimedietatis ville et terrarum ecclesiastice de Bras videlicet Umbralis dimedietatis partis earundem cum suis pertinentiis et privilegiis predictis juxta tenorem et effectem prescripte carte dicto Johanni Stewart vel suo certo actornato seu procuratori lateri presencium per terre et lapidis fundi predicti ut moris est tradatis et deliberatis seu alter vestrum tradat et deliberet et hoc nullo modo omittatis ad quod faciendum vobis et vestrum cuilibet meam plenariam committo potestatem presencium tenore IN cujus rei testimonium presentibus manu mea subscriptis sigillum meum est appensum apud Abirdene secundo die mensis Aprilis anno domini millesimo quingentesimo sexagesimo septimo coram hiis testibus circumspectis viris Martino Howesoun Jacobo Rolland burgensi de Abirdene Magistro Arthuro Cheyne Willelmo Settoun domino Johanne Cowill Thoma Crommy cum diversis aliis.

M ALEXANDER SETONE cancella^s. Ab^d.

ABSTRACT OF XXVII.

CHARTER by Mr. Alexander Seton, Chancellor of Aberdeen, to John Stewart of Balfour, his heirs and assignees, of the shadow half of the lands of Bras, and Kirktown thereof: To hold of the Bishop of Aberdeen in feu ferme, rendering therefor yearly 53s. 4d., half of one mart, one mutton, one goose, three hens, half a boll and half a bat of barley, half a boll of oatmeal; for bondages, 20 pennies; for gressum, 10s. 8d.; for the forester's taxation, 4s. 10d.; and half a load of dry wood; for services used and wont 20 pennies; and also 20 pennies of augmentation of rental; and doing three suits of Court at the three head pleas to be held by the bishop or his bailies at the Gallowhills of Bras: and the tenants of the said lands shall be bound to serve in the Armies of the King and Queen sufficiently armed, according to the custom of the country. Dated at Aberdeen, 2nd April 1567: Witnesses, Martin Howeson, James Rolland, burgesses of Aberdeen; Mr. William Cheyne, William Seton, Sir John Cowill, Thomas Cromy.

XXVIII.

JAMES Leith, far of the "sunny half of the Kirktown of Birse," granted a charter in favour of John Stewart of Balfour, of a piece of land lying above the Kirktown of Birse, computing in the whole to the sowing of 20 bolls oats, together with the "lang heid rig." One of the witnesses to the deed is Sir Andrew Hog, curate of Birse. In the Register of Ministers, 1567, Andro Hog, reader at Birse, had a stipend of xxiv merks. He appears to have taken the place of Archibald Irving, whose emolument was £16. Another witness is Robert Burnet of Drumnochy. The Bishop of Aberdeen confirms this charter on 7th March 1570-1, and the witnesses are John Gordon of Cluny, George Garden of Banchory, and Sir Andrew Ray, an ecclesiastical knight.

The Gardens of that Ilk and Banchory were long settled on Deeside. Beatrice Garden, daughter of George of Banchory, was wife of Finla Mor Farquharson slain at Pinkie in 1547. In 1582 there is David Garden of Banchory; and on 15th March 1606, Alexander Garden was retoured heir to his father, Arthur, in the lands of Banchory with the fishings on Dee (*Inquis. Special Aberdeen*).

The charter of confirmation has got the signature of the Bishop:—

OMNIBUS hanc cartam visuris vel audituris Wilhelmus miseratione divina Abirdonensis episcopus ac superior terrarum subscriptarum cum pertinentiis eternam in domino salutem quia quandam cartam . . . per nos visam lectam inspectam et diligenter consideratam non rasam cancellatam aut in aliqua sue parte suspectam sed omni prorsus vitio et suspitione carentem cujus carte tenor sequitur et est talis OMNIBUS hanc cartam visuris vel audituris Jacobus Leyth feudatarius dimedietatis solaris partis omnium et singularum terrarum ville ecclesiastice de Bras cum pertinentiis suis eternam in domino salutem Noveritis me utilitate mea in hac parte undique previsa et diligenter considerata ex certis causis rationabilibus animum meum ad hoc moventibus necnon propter solutionem certe summe pecunie mihi gratanter in mea urgenti necessitate ad emendum et obtinendum dictas dimedias terras per Joannem Stewart de Balfour persolute de quaquidem summa pecunie fateor me bene et fideliter persolutum et satisfactum eundemque Joannem Stewart suos heredes executores et assignatos pro me heredibus meis et assignatis exonerando et quietclamando imperpetuum assedasse locasse arendasse et ad feodifirmam et emphiteosim perpetuam hereditarie dimisisse et hac presenti carta mea confirmasse . . . Totam et integram peciam terre jacentem supra torrentem ville ecclesiastice de Bras ex australi parte ejusdem extendentem ad seminationem duodecim bollarum avenarum et hoc ultra et preter seminationem tenentie Andree Irving jacentis infra dictas bondas et limites dicte pecie terre supra torrentem et de presenti per dictum Andream occupate eandem tenentiam mihi reservando et disponendo super eadem tenentia dicte Andree prout mihi videbitur expediens Necnon aliam peciam terre sub dicta torrente ex boreali parte ejusdem videlicet in the haucht of the sone syde of the samen extendentem in seminatione ad octo bollas avenarum computando in

integro ad seminationem viginti bollarum avenarum unacum lie lang heid rig terrarum in dicto lie haucht jacente ultra et preter tantum terre quantitatem seminationis viginti bollarum avenarum ut supra jacentes infra baroniam de Bras et vicecomitatum de Abirdene prefato Joanni Stewart suis heredibus et assignatis in feodo et hereditate imperpetuum TENENDAS et habendas prefatas terras . . . modo ut predicitur de episcopo Abirdonensi et suis successoribus Abirdonensibus episcopis in emphiteosem seu feodifirmam hereditarie imperpetuum per omnes rectas metas suas antiquas et divisas . . . absque tamen prejudicio litere ballivatus episcopatus Abirdonensis et restrictionem earundem nobili et potenti domino Georgio Comiti de Huntle domino Gordoun et Badzenocht et heredibus suis concessa cuiquidem ballivatus officio in nullo derogare volumus REDDENDO inde annuatim dictus Joannes Stewart heredes sui et assignati predicto episcopo Abirdonensis et suis successoribus Abirdonensibus episcopis summam decem solidorum monete Scotie ad duos anni terminos videlicet festa Penthecostes et Sancti Martini per duas medias portiones unacum duodecim denariis in augmentationem rentalis dicti episcopi ad terminos predictos solvendis reservato tamen per omnia officio ballivatus dictarum terrarum videlicet extendentium ad seminationem viginti bollarum avenarum unacum dicto lie lang heid rig modo predicto domino Comiti de Huntlie suis heredibus et assignatis seu cuicumque alteri interesse habenti duplicando etiam dictam pecunie summam in introitu cujuslibet heredis seu assignati ad dictas terras viginti bollarum avenarum unacum dicto lie lang heid rig ac faciendo tres sectas ad tria placita capitalia apud Gallowhillis de Bras tenenda per dictum reverendum patrem Abirdonensem episcopum suosve successores Abirdonenses episcopos seu eorum ballivos et tenentes dictarum terrarum ad seminationem viginti bollarum avenarum unacum dicto lie lang heid rig in exercitiis regis et regine ac regni ballivo principali dicti reverendi patris et suorum successorum Abirdonensium episcoporum sufficienter armati juxta patrie consuetudinem servire tenebuntur Necnon quilibet heres seu assignati ipsius Joannis Stewart predicti in eorum primo introitu in legitima etate existentes profato reverendo patri et suis successoribus predictis fidelitatis juramentem prestare tenebuntur quod eundem reverendum in Christo patrem et suos successores predictos sedemque episcopalem Abirdonensem decanum et canonicos ejusdem eorum personas res et terras necnon christianam et orthodoxam fidem manu

tenebunt et defendent volo tamen quod si contingat prefatum Joannem Stewart heredes suos aut assignatos in solutione dicte summa undecim solidorum annuatim et terminatim deficere dummodo ad hoc requisiti fuerunt in illo casu eundem Joannem Stewart suos heredes et assignatos pro dicta pecunie summa per officarium dicti reverendi patris et suorum successorum predictorum distringere licebit prout antea licuerat seu etiam censura ecclesiastica ad solutionem ejusdem compellere licebit toties quoties opus fuerit tantum pro omni alio onere exactione questione seu demanda que de predictis terris per me heredes meos et assignatos exigi poterit aut requiri salvis tamen regie majestati servitiis dictarum terrarum debitis consuetis ET ego vero dictus Jacobus heredes mei et assignati predicti totas et integras pecias terre jacentes ut supra extendentes ad seminationem viginti bollarum avenarum unacum lie lang heid rig jacente in dictum lie Haucht ut supra prefato Joanni Stewart suis heredibus et assignatis predictis forma pariter et effectu ut premissum est per omnes possessiones meas et signanter per residuum solaris partis dictarum terrarum et ville ecclesiastice de Bras mihi incumbens omniaque bona mobilia et immobilia mea presentia et futura contra omnes mortales varrantizabimus acquietabimus et imperpetuum defendemus omnibus dolo et fraude seclusis IN SUPER dilectis meis Roberto Burnet Wilhelmo Stewart et eorum cuilibet conjunctim et divisim ballivis meis in hac parte specialiter constitutis quibus precipio et firmiter mando quatenus visis presentibus indelate statum sasinam et possessionem hereditariam actualem realem et corporalem omnium et singularum prefatarum duarum peciarum terrarum jacentium ut supra extendentium ad seminationem viginti bollarum avenarum unacum lie lang heid rig cum suis pertinentiis juxta tenorem suprascripte carte dicto Joanni Stewart vel suo certo actornato seu procuratori lateri presentium per terre et lapidis fundi earundem donationem ut moris est tradatis et deliberetis seu alter vestrum tradat et deliberet et hoc nullo modo omittatis ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim meam plenariam et irrevocabilem tenore presentium committo potestatem IN cujus rei testimonium presentibus manu mea ut subscribitur subscriptis sigillum meum proprium est appensum apud Kirktown de Bras octavo die mensis Aprilis anno domini millesimo quingentesimo sexagesimo septimo coram hiis testibus Roberto Burnet de Drummewycht Laurentio Myddiltoun in Candakelze domino Andrea Hoge curato de Bras Gilberto Ros Joanne

Andersoun in Auchbella Joanne Ade Willelmo Stewart et magistro Willelmo Andersoun notario publico et sic subscribitur James Leyth with my hand at the pen led be Maister William Andersoun notar publict at my command becaus I culd nocht writt myselff Ita est magister Willelmus Andersoun notarius publicus per dictum Jacobum requisitus manu sua Volumus tamen per omnia si contingat heredes dictum quondam Joannis Stewart deficere in annua solutione annue feodifirme antedictae sic quod unus terminus in alium currat insolutum eundem terminum duplicabit in sequenti termino et si duo termini currant in tercius simul insoluti tunc et deinceps presens infeodatio nullius erit roboris aut momenti sed in se irrita cassa et nulla hac nostra confirmatione non obstante cum aliis clausulis conditionibus restrictionibus et provisionibus in carta feodifirme de eisdem terris et ville ecclesiastice de Bras per nos prius concessa ac si hujusmodi in hac presenti carta inserte fuerunt per expressum prout usus est feodifirme in similibus QUAMQUIDEM cartam in omnibus suis punctis . . . ratificamus approbamus et pro perpetuo confirmamus Et non obstante saisina et possessione per eundem quondam Joannem Stewart per preceptum dicti Jacobi Leyth de premissis capta et recepta per presentes dispensamus hac nostra confirmatione subsequente non obstante IN cujus rei testimonium huic carte nostre confirmationis manu nostra subscripte sigillum nostrum rotundum est appensum apud civitatem nostram Abirdonensem septimo die mensis Marcii anno domini millesimo quingentesimo septuagesimo et nostre consecrationis anno coram testibus Joanne Gordoun de Clwny Georgio Gardin de Banquhory Thoma Maneris domino Andrea Ray cum diversis aliis.

U^s. E^s. Abdene.

ABSTRACT OF XXVIII.

CONFIRMATION by William, Bishop of Aberdeen, of charter by James Leyth, fiar of the sunny half of the Kirktoon of Bras, in favour of John Stewart of Balfour, of a piece of land lying above the burn of the Kirktoon of Bras on the south side thereof, extending to the sowing of 12 bolls oats, and that besides the sowing of the tenant, Andrew Irving, lying within the bounds of the said piece of land: Also another piece of land below the said burn, on the north side thereof, namely, in

the hauch of the sunny side of the same, extending in sowing to 8 bolls oats, computing in the whole to 20 bolls oats, together with the "langheid rig" of the lands in the said hauch: Holding from the granter of the bishop of Aberdeen, rendering therefor yearly to the bishop 10s., with the usual services. Dated at Kirktown of Bras, 8th April 1567: Witnesses, Robert Burnet of Drumneoycht, Laurence Myddiltoun in Candakalye, Sir Andrew Hog, curate of Bras; Gilbert Ros, John Andersoun in Auchbella, John Ade, William Stewart, and Mr. William Anderson, notary public. Confirmed at Aberdeen, 7th March 1570-1: Witnesses, John Gordoun of Cluny, George Gardin of Banquhory, Sir Andrew Ray, &c.

XXIX.

JAMES Stewart in Bonte granted a charter to John Stewart, his brother-german, of the lands of Balfour, 5th part of Glencat, &c. (in terms similar to No. XXV. hereof). The deed is dated at Aboyne 9th April 1570, and the witnesses are:—George Gordon of Auchmalidy, Robert Carnegie of Wester Kincardine, Laurence Middleton, Sir James Cushny in Aboyne [? Rector], and William Anderson, notary public. The deed is confirmed by Bishop William Gordon at the city of Aberdeen 8th May 1570, before witnesses:—Alexander Seton, Chancellor; Patrick Myreton, Treasurer; Walter Gordon of Westhall, &c. (*Aboyne Charter Chest*). This deed has got the Bishop's seal entire, as in Laing's Catalogue of Scottish Seals.

Upon 24th April 1573, the Bishop of Aberdeen grants a charter to James Stewart in Castletoun of Aboyne of the lands of Kirktown of Birse, &c., which formerly belonged to James Leith, and which he freely resigned. Before giving this document, we may note some deeds from our charter chest relative to the subsequent history of these lands.

David Cunningham, Bishop of Aberdeen, upon 12th February 1578, confirmed a charter by James Stewart, burgess of Aberdeen, son and heir

of late John Stewart of Balfour, in favour of John Stewart of Balfour, his brother-german, "of the town and lands of Kirktown of Birse which "he had sold for a great sum of money; To hold of the Bishop for the "usual services; witnesses:—Archibald Shivas, burghess of Aberdeen, "Mr. William Saunderson, James and John Cunninghams, servitors to "the Bishop" (*Aboyne Charter Chest*). Upon 27th May 1595, there is Precept of Clare Constat by David Cunningham, Bishop of Aberdeen, directed to Bernard Stewart in Marywell, for infesting John Stewart as heir of the deceased John Stewart of Balfour, his father, in the lands of Balfour, with fifth part of Glencat, &c., also the lands of Kirktown of Birse, reserving to the Rectors and Vicars of Birse the Kirk glebe, manse, toft and croft of said Kirk, with power to win and lead away fuel, divots and turf, and to pasture their cattle within the bounds of said glebe. Further, in consideration of the services of said John and of Robert Stewart, burghess of Aberdeen, his uncle, the Bishop grants the lands above mentioned in perpetual feu farm; to be held for the duties and services used and wont: Witnesses, James Cunninghams, elder and younger, and David Castelle, weaver burghess of Aberdeen. The deed is subscribed by the Bishop; Alexander Seton, Chancellor; — Rait, "primarius Collegi officio decanno"; — Patrison, Treasurer; Mr. Thomas Lumsden of Kinkell; Mr. Robert Mercer and Mr. Patrick Gardyne (*Ibid.*).

John Stewart of Balfour resigned his lands into the King's hands for new infestment, and upon 24th June 1606, King James VI. grants a charter of said lands "to hold of the King and his successors as superiors; "Rendering for the lands of Balfour with common pasture, &c., £7 13s.; "for the Kirk-lands of Birse with common pasture 8 merks; one mart; "1 sheep, two geese, six hens, one boll and one bat of barley, one boll of "oats; for bondage, 3s. 4d.; for grassum, 21s. 4d.; for taxation of forests, "9s. 8d., with one load of timber; services used and wont, 3s. 4d.; and "3s. 4d. in augmentation of rental contained in first original infestment, "and in augmentation of the King's rental 3s. 4d. more than the said

“lands respectively were wont to pay” (*Ibid.*). By same charter the King confirmed the Deeds XXV. and XXVI. hereof.

In implement of a contract of sale, John Stewart of Balfour, with consent of Jean Stewart his spouse, grants a charter to Alexander Gordon of Cluny, his heirs male and assignees, of his lands of Balfour, fifth part of Glencatt, Kirk-lands of Birse, &c. ; to hold of the granter in free blench ferm for payment of one penny at Whitsunday on the ground of said lands, and to the Lords Superior of the granter rendering the services used and wont: at Aberdeen, 4th October 1606: witnesses—William Gordon of Sauchin; William Seton of Mimie; Mr. Robert Udny of Tillycorthy; and Gilbert Cullen, burgess of Aberdeen. The sasine following upon this charter is dated 21st October, and the witnesses are Alexander Turner in Balfour; William Turner in Kirkton of Birse; and Charles Ros in Marywell; Robert Burnet of Drumenachie being bailie (*Ibid.*).

Having thus traced these lands into possession of the Gordons of Cluny, we return to the charter, already noticed, by Bishop Gordon in favour of James Stewart, of date 24th April 1573. It is in the following terms, and has got the signatures of the Bishop and Chapter:—

OMNIBUS hanc cartam visuris vel auditoris Vilhelmus miseratione divina Abiridonensis episcopus salutem in Domino sempiternam . . . NOVERITIS igitur nos cum expressis consensu et assensu decani saltem presidentis et canonicorum capituli ecclesie nostre cathedralis Abiridonensis capitulariter congregatorum prius per edictum publicum in valvis domus capitularis dicte ecclesie affixum interesse habentibus seu habere pretendentibus citatus ut moris est et vocatis utilitate nostra dicteque nostre ecclesie ac successorum nostrorum undique pensatis previsis et consideratis diligenti tractatu ac matura deliberatione prehabitis ac pro policia in regno habenda rentalisque nostri perpetua augmentatione necnon pro quadam pecunie summa usualis monete Scotie in pecunia numerata tempore confectionis presentium nobis per dilectum nostrum Jacobum Stewart in Castletoun de Aboyn grananter persoluta ac in nostram et dicte nostre ecclesie utilitatem conversa assedasse arrandasse

locasse et ad feudifirmam seu emphiteosim perpetuam hereditarie dimisisse et hac presenti carta nostra confirmasse presentiumque tenore assedare arrandare locare et ad feudifirmam seu emphiteosim perpetuam hereditarie dimittere et hac presenti carta nostra confirmare prefato Jacobo Stewart et heredibus suis et assignatis de corpore suo legitime procreatis seu procreandis quibus deficientibus Johanni Stewart ejus fratri germano et heredibus suis masculis et eorum assignatis quibuscunque TOTAM et integram dimedietatem omnium et singularum terrarum et ville ecclesiastice de Brais videlicet solarem partem ejusdem cum suis pendiculis et pertinentiis solitis et consuetis cum communi pastura in forestis de Brais Glenavyn et Glencatt solita et consueta unacum facultate et potestate libera arbores et ligna necessaria pro edificatione restauratione et emendatione edificiorum domorum terrarum suprascriptarum abscindendi et asportandi ad effectum premissum omnibus temporibus futuris jacentem infra schyram seu baroniam nostram de Brais et vicecomitatum de Abirdeyn quequidem terre et communis pastura in forestis antedictis ac privilegium arbores et ligna abscindendi ut premissum est cum pertinentiis perprius fuerunt discreti viri Jacobi Leycht hereditarie et quas idem Jacobus Leycht ex suo proprio motu et spontanea voluntate pro diversis benemeritis et pecuniarum summis sibi per dictum Jacobum Steuart prout ipse Jacobus Leycht fatebatur et confessus fuerat gratanter in pecunia numerata persolutis non compulsus nec coactus ut asseruit in manibus nostris tanquam in manibus domini superioris dictarum terrarum solaris dimedietatis ville et terrarum ecclesiastice de Brais in favorem prefati Jacobi Stewart suorumque heredum et assignatorum suprascriptorum cum omni jure juris clameo titulo proprietate et possessione apud Abirdeyn die mensis Aprilis anno domini millesimo quingentesimo septuagesimo tertio per fustim et baculum sursum reddidit pureque et simpliciter resignavit TENENDAM et habendam totam et integram dimedietatem omnium et singularum terrarum et ville ecclesiastice de Brais videlicet solarem partem ejusdem cum suis pendiculis . . . absque revocatione contradictione aut obstaculo aliquali per nos successores nostros seu alios quoscunque quomodolibet in futurum faciendo absque tamen prejudicio littere ballivatus per nos nobili et potenti domino Georgio Comiti de Huntlie et suis heredibus concessa cuiquidem ballivatus officio in nullo derogare volumus REDDENDO inde annuatim dictus Jacobus Stewart sui heredes et assignati antedicti nobis

et successoribus nostris Abirdonensibus episcopis nostris et eorum camerariis pro dicta dimedietate terrarum ville ecclesiastice de Brais cum suis pertinentiis et privelegiis prescriptis solitis et consuetis quinquaginta tres solidos quatuor denarios dimedium unius marte unum mutonem unam aucam domesticam tres gallinas dimedium bolle et dimedium bati ordei dimedium bolle avenarum pro bondagio vigente denarios pro grissuma decem solidos octo denarios pro taxatione forestarum predictarum quatuor solidos decem denarios necnon dimedium unius oneris lignorum aridorum pro servitiis solitis et consuetis viginti denarios monete secundum formam rentalis nostri ac etiam vigente denarios ejusdem monete in augmentationem rentalis nostri plusquam unquam pro hujusmodi dimidiis terris terrarum et ville ecclesiastice de Brais cum suis pertinentiis predictis nobis aut predicesoribus nostris hactenus persolutum extiterat ad duos anni terminos consuetos videlicet festa Penthecostes et Sancti Martini in hieme per equales medias portiones Necnon duplicando dictam feudifirmam in introitu cujuslibet de novo intrantis ad dictas terras prout usus est feudifirme ac faciendo tres sectas ad tria placita capitalia apud Gallowhillis de Brais tenenda per nos et successores nostros Abirdonenses episcopos seu nostrorum ballivos Et tenentes dictarum terrarum in exercitiis regis et regine ac regni ballivo principali nostri et successorum nostrorum Abirdonensium episcoporum sufficienter armati juxta patrie consuetudinem servire tenebuntur Necnon quilibet heres et assignati predicti in eorum primo introitu in legitima etate existentes nobis et successoribus nostris fidelitatis juramentum prestabunt quod nos et successores nostros sedem episcopalem Abirdonensem decanem et canonicos ejusdem eorum personas res et terras necnon cristianam et orthodoxam fidem manutenebunt et defendent VOLUMUS autem quod si contingat prefatum Jacobum Stewart suos heredes et assignatos antedictos in solutione dicte feudifirme annuatim et terminatim deficere sic quod unus terminus in alium currat tunc summam non solutam duplicabunt et si duo termini currant in tertium tunc presens infeodatio cadat in commissum et nullius erit roboris sic quod extunc de predictis terris nos et successores nostri libere disponere poterimus prout nobis videbitur expediens eundemque Jacobum Stewart suos heredes et assignatos antedictos pro dictis pecunie et bonorum summis per officarium nostrum aut successorum nostrorum distringere licebit sicut antea licuerat seu etiam censura ecclesiastica ad solutionem earundem compellere licebit tantum pro omni alio onere exactione questione

dēmanda seu servitio seculari que de predictis terris cum pertinentiis per nos aut successores nostros Abirdonensis episcopus quomodolibet exigi poterit vel requiri salvis regiis servitiis debitis et consuetis de eisdem terris RESERVANDO tamen per omnia nobis et successoribus nostris Abirdonensibus episcopis glebam ecclesiasticam mansum toftum et croftum ecclesie de Brais more solito cum libera potestate et facultate dictam glebam mansum toftum et croftum possidentibus focalia cespites et glebas projiciendi lucrandi et abducendi et animalia earundem infra bondas et limites dicte ville ecclesiastice pasturandi cum libero introitu et exitu perpetuo futuris temporibus prout usus erat temporibus retroactis ET nos vero dictus Wilhelmus Abirdonensis episcopus presentem cartam nostram in omnibus et per omnia forma pariter et effectu ut premissum est dicto Jacobo Stewart suis heredibus et assignatis antedictis contra omnes mortales warrantabimus acquietabimus et imperpetuum defendemus IN super dilectis nostris Jacobo Leycht

et eorum cuilibet conjunctim et divisim ballivis meis in hac parte precipio et firmiter mando quatenus visis presentibus indelate statum sasinam et possessionem hereditariam corporalem et actualem omnium et singularum dictarum terrarum cum suis pertinentiis juxta tenorem suprascripte carte dicto Jacobo Stewart vel suo certo actornato latori presentium per terre et lapidis fundi donationem tradatis et deliberetis seu alter vestrum tradat et deliberet et hoc nullo modo omittatis ad quod faciendum vobis et vestrum cuilibet nostram tenore presentium committimus potestatem IN cujus rei testimonium huic presenti carte nostre preceptem sasine in se continenti manu nostra subscripte sigillum nostrum rotundum necnon sigillum commune capitali ecclesie nostre antedicte una cum subscriptionibus manualibus decani saltem presidentis et canonicorum ejusdem in signum eorundem consensus et assensus ad premissa sunt appensa apud civitatem nostram Abirdonensem vigesimo quarto die mensis Aprilis anno domini millesimo quingentesimo septuagesimo tertio coram his testibus magistris Waltero Gordoun Thoma Stewart Thoma Maneris et Villelmo Setoun.

U^s. Ep^s. Abdone.

M Alex^r. Setone cacella^s. Abd.

Jon^{es}. Chalmer pbenda^{us}. de Ellone.

Mr. Robertus Merser de Banquhory devyik.

Mr. Thomas Lumisden de Kynkell.

M. Jacobus Gordoun de Avach.

ABSTRACT OF XXIX.

CHARTER by William, bishop of Aberdeen, to James Stewart in Casteltoun of Aboyn, and the heirs male of his body, whom failing, to John Stewart, his brother german, and his heirs male and assignees whomsoever, of the half, namely, the sunny half, of the lands and Kirktoun of Brais, with common pasture in the forest of Brais, Glenavyn, and Glencatt; with privilege of timber, &c.: Which lands, &c., formerly belonged heritably to James Leyth, and were freely resigned by him: To hold of the granter, for the dues and services specified. Contains Precept of Sasine, and is dated at Aberdeen, 24th April 1573.

XXX.

A FAMILY of Carnegies had long been established at Wester Kincardine. They were upon friendly terms with the family of Sutherland, and Earl John had entrusted the keeping of his charters to their kinsman, the Laird of Carnegie, which turned out to be a wise precaution, for the Earl of Caithness, during the minority of Earl Alexander, destroyed many of the papers in Dunrobin.

Alexander, Earl of Sutherland, on 14th July 1573, grants a charter to Robert Carnegie of Wester Kincardine and Janet Gordon his spouse, of the sunny half of the lands of Nether Formastoun in the Barony of Aboyne, as below.

Upon 22nd August 1573, Robert Wedderspoon, Rector of Kincardine, with consent of William, Bishop of Aberdeen, and the Dean and Chapter thereof, granted anew to Robert Carnegie of Wester Kincardine, the mill and mill lands of Kincardine and the "outset" called Damscottis, also the multures and sequels of all the lands of the Barony of Kincardine: To hold to him his heirs and assigns of the said Rector in feu farm, for yearly payment of £10 3s. 4d., and three suits at the three head Courts

at the town of Kincardine, doubling said £10 3s. 4d. at entry of each heir (*Reg. Mag. Sig.*, xxxvi., 391).

Martin Houston, or Howieson, who is one of the witnesses to the Earl of Sutherland's charter, was that burghess of Aberdeen in whose house Alexander Innes of Cromy was slain on 14th April 1580, by Robert Innes of Invermarkie. In 1601 (31st January), one Martin Howieson, burghess of Aberdeen, and Agnes Forbes his spouse, had sasine of a third part of the lands of Scotstown; and on 10th December same year, of the sunny half of the lands of Kirkhill of Arnage (*Aberdeen Sasines*, vol. i.).

Patrick Gordon, apparent of Auchmenzie, another witness, was eldest son of George Gordon of Auchmenzie, Auchmalidy, and Tilphoudie. He married Barbara Erskine, daughter of John Erskine of Balhaggartie (*Vide Post*).

The deed has got a fine signature of the Earl, and has his seal entire:—

OMNIBUS hanc cartam visuris vel auditoris Alexander Comes Sudderlandie eternam in Domino salutem Noveritis nos utilitate nostra in hac parte undique previsa et diligenter considerata ex certis causis rationabilibus animum nostrum ad hoc moventibus vendidisse alienasse et hac presenti carta nostra confirmasse honorabili viro Roberto Carnegy de Waster Kyncardin et Jonete Gordoun sponse sue secum in conjuncta infeodatione et eorum alteri diutius viventi suis heredibus et assignatis quibus forte deficientibus heredibus propinquieribus legitimis ipsius Roberti et suis assignatis quibuscunque Totam et integram solarem dimedietatem omnium et singularum subscriptarum terrarum et ville de Nether Formastoun cum suis pendiculis et pertinentiis jacentem infra baroniam de Aboyne et vicecomitatum de Abirdene pro quadam certa summa pecunie quam dictus Robertus nobis tempore confectionis presentium in pecunia numerata in nostra gravi et urgenti necessitate bene et fideliter pre manibus persolvebat de quaquidem summa pecunie fateor nos bene persolutos ac plenarie satisfactos ac eundem Robertum suos heredes executores et assignatos pro nobis heredibus executoribus et assignatis nostris exinde quietclamamus imperpetuum et exoneramus per presentes TENENDAM et habendam . . . prefato Roberto et

dicte Jonete sponse sue &c. . . . de nobis heredibus assignatis et successoribus nostris per omnes rectas metas suas . . . Reddendo inde annuatim . . . duos denarios usualis monete regni Scotie in festo Pentecostis nomine albefirme si petatur tantum pro omni alio onere servitio seculari exactione seu demanda que de predictis terris aliquo modo exigi poterint aut requiri ET nos vero dictus Alexander comes Sudderlandie heredes nostri et assignati dictam solarem dimedietatem omnium et singularum suprascriptarum terrarum et ville de Nether Formastoun cum suis pendiculis et pertinentiis prefatis Roberto et Jonete et eorum alteri diutius viventi et heredibus, &c. . . . warrantizabimus acquietabimus et imperpetuum defendemus omnibus dolo et fraude seclusis Ulterius constituimus et ordinamus dilectos nostros Archimbaldum Schewes burgensem de Abirdene et eorum quemlibet conjunctim et divisim ballivos nostros in hac parte irrevocabiles Quibus precipimus et firmiter mandamus quatenus sasinam et possessionem hereditariam totius et integri solaris dimedietatis dictarum terrarum et ville de Nether Formastoun cum suis pertinentiis prefatis Roberto Carnegye et Jonete Gordoun sponse sue secum in conjuncta infeodatione &c. . . . suisve certis actornatis vel procuratoribus latoribus presentium per terre et lapidis donationem tradatis et deliberetis seu alter vestrum tradat et deliberet secundum tenorem supra inserte carte . . . IN cujus rei testimonium huic presenti carte nostre subscriptione nostra manuali subscripte sigillum nostrum proprium est appensum Apud Abirdene decimo quarto die mensis Julii anno domini millesimo quingentesimo septuagesimo tertio Coram testibus Martino Howeson burgensi de Abirdene Patricio Gordoun aparente de Auchmanze Willelmo Gordoun ejus fratre germano.

Alexr. erll off Sutherland.

ABSTRACT OF XXX.

CHARTER by Alexander, Earl of Sutherland, to Robert Carnegy of Wester Kyncardin and Janet Gordoun his spouse in conjunct-fee, and the longer liver of them, their heirs, &c., of the sunny half of the lands of Nether Formastoun, in the barony of Aboyne; and that for a certain sum of money: To hold of the granter and his heirs for two pennies

yearly in name of blench ferme : Contains precept of Sasine directed to Archibald Scheves, burges of Aberdeen, and is dated at Aberdeen, 14th July 1573 : Witnesses—Martin Howeson, burges of Aberdeen ; Patrick Gordoun, apparent of Auchmanze ; William Gordoun, his brother german.

XXXI.

WE next have Letter of Reversion by John Stewart in Bonte to Alexander, Earl of Sutherland, Lord of Aboyne, of the lands of Over Formastoun, sold to him by the said Earl, but redeemable for £400. The deed preserves to us the curious customs which obtained in regard to such transactions. The redemption money was to be paid upon “ane day betwixt the sone rying and done passing of the samyn that ilk day haill and togidder in numerat money within the perroche kirk of Obyne upon ane tabill to be affixit for the samyn.”

These transactions, as noted in other deeds, generally took place on the Sabbath, for Sabbath observance was not at this period characteristic of the natives of Aberdeenshire, or the northland parts of the realm. Acts of Parliament had failed to make the people religious, and King James VI. and the Regent Morton determined to adopt stringent measures against offenders. The Magistrates of Elgin were put in ward for non-performance of duty ; and the Regent commanded the Provost and Bailies of Aberdeen to appear before him and the Lords of Council. He then admonished them in severe terms. They were to punish the keeping of festival days, and to appoint some honest and godly persons to note those who blasphemed or abused God's name. Markets were to be prohibited under severe penalties ; images and monuments of idolatry had to be given up ; church organs were to be sold for support of the poor ; and all “vane and unlesum gamis” on Sundays were to be strictly prohibited. Lastly, they were to put their own houses in order, and shew godly ruling therein (*Registers of Privy Council*).

The Letter of Reversion is dated at Huntly, where the Earl of Sutherland was upon a visit. Sir Patrick Gordon of Auchindoun and Gartly, younger brother of Huntly, witnesses the deed. In 1581 a contract between George, Earl of Huntly, and Patrick Gordon mentions that the Earl and his friends considered that Patrick Gordon of Auchindoun is not only covenanted to succeed in the place of umquhile Adam Gordon to the lands of Auchindoun, but is also the righteous heir by law to him. The Earl having respect to the equity, and for good and thankful services done to him by said Patrick during his absence out of the realm, and in respect that Patrick shall continue in his dutiful services to him and his house in time coming, the said Earl promised and obliged himself to assist said Patrick to obtain his rights to the lands and Barony of Gartly, to the superiority of the lands of Drumblade and others pertaining to umquhile Adam of Auchindoun, with a renunciation of "Mr. James Gordon, father's brother to the said Patrick," pretending right to the lands and barony of Auchindoun (*Rose Papers—Advocates' Library, Aberdeen*). Sir Patrick had a charter of the lands and barony of Barclay and Gartly, 24th December 1582. He was one of those who in 1587 had "castand off thair trew obedience," and kept conventicles and unlawful assemblies. At last they had "takin armes and cam to the fieldes agains his hienes and his authoritie" (*Reg. of Privy Council*). Sir Patrick submitted on 21st July when the King was at Aberdeen, but in 1591 he was denounced rebel for his share in the slaughter of the Earl of Moray at Donibristle. On 18th December 1590, Sir Patrick and Dame Agnes Beaton his spouse had a charter of the Barony of Auchindoun. A few years later he was killed at the battle of Glenlivet, without lawful issue. His natural son was a captain in the French Guards (*MS. Pedigree, circa 1644*). John Sinclair of Dun, another of the witnesses, was the representative of an old Caithness family, and the other parties were retainers of the Sutherland Earls.

It will be observed that the granter of the deed is unable to write, and his seal, appended to the document, is in good preservation:—

To all and sundrye quhome it efferis to quhaiis knowlage thir present letters sall cum Johnne Steuart in Bontye greting in God evirlesting Wittis your universiteis that albeit ane nobill and potent lord Alexander Erll of Sutherland and lord of Oboyne hes sauld and annaleit heretabile to me my airis and assignais all and hail the towne and lands of Ovirformastoun with the pertinence lyand within the baronye of Oboyne and Shirefdome of Abirdene as is contenit in ane plane chartour of selling and alienatione maid to us thairupoune Nevirtheles I will and grantis and bindis and obliiss me my airis and assignais to the said nobill lord his airis successouris and assignais that quhat tyme or quhow soune it salhappin the said nobill lord his airis successouris or assignais to content pay and deliver to me my airis and assignais upone ane day betwix the sone rysing and doune passing of the samyn that ilk day hail and togidder in numerat money within the parroche kirk of Obyne upon ane tabill to be affixit for the samyn effect the soume of four hundreth poundis usuall money of this realme haveand curs of payment for the tyme and passage within the samyn with ane sufficient letter of tak of the said toune and landis of Ovirformastoun with the pertinence for the space of five yeris nixt and immediatlle efter the redeming and out quetting of the said toun and landis of Ovirformastoun with the pertinence for the yeirlie payment of twenty four bollis victuall yeirly at Martimes in winter induring the said space of fyve yeris for the said toune and landis of Ovirformastoun with the pertinence alanerly for ony uther thing that may be askit or requyrit for the said toune or landis Than and in that caice I my airis and assignais or possessouris of the said toune and landis of Ovirformastoun with the pertinence and resaveris of the said soume of four hundret poundis money foirsaid and letter of tak of the said toun and landis of Ovirformastoun with the pertinence in dew forme for the space of five yeris as is abone mentionat sall frelie renunce queitclame and ourgif the said toune and landis of Ovirformastoun with the pertinence with all rycht tytill clame of rycht baith propirtie and possessiounne to the said noble lord his airis successouris or assignais payairis and deliveraris of the soume of four hundret pounds mone foirsaid and letter of tak in dew forme as said is togidder with all chartouris preceptis of saisng instrumentis of possessiounne wrettis and documentis maid and deliverit to us thairupoune except the said letter of tak and takkis within the samyn contenit And

attour gif it salhappin me my airis assignais or possessouris of the said toune and landis quhatsumevir fraudfullie to absent us fra the resait of the said soume of four hundret poundis money foirsaid and letter of tak in dew forme as said is we being lauchfullie warint thairto personalie or at our duelling places or at our parroche kirk in tyme of divyne service befor noine upone ane Sunday and upoune the premunitioun and warning of fourtye dayis of befor in presens of ane notar and witnes as efferis than it salbe lcsun to the said noble lord his airis successouris and assignais to have full and fre regres and ingres in and to the propirtie and possessioun of the said toune and landis of Ovirformastoun with the pertinence lik as the alienatioun of the samyn haid nocht bene maid and lik as the said noble lord haid befor the makking of the said alienatioun to me my airis and assignais but ony forder proces of law quhatsumevir · Nevirtheles the said soume of four hundreth poundis money foirsaid with the said sufficient letter of tak of the said toune and landis of Ovirformastoun with the pertinence for the space of five yeris to the utilite and profeit of me my airis and assignais under the sick and suir keping in the handis of Robert Carnegy of Wester Kincardin his airis for the tyme to be consignit and put all fraud gyle cavillatioun and dissait away put and secludit In witness of all and sindry the premissis this present reversioun subscriyvit with my hand as is under wrettin my saile is hongin thereto at Huntlie twentye sext day of September in the yeir of God ane thousand five hundret thre scoir fourtein yeris Befor thir witnes Patrik Gordoune brother germane to my lord Huntlie Johne Sinclar of Doune Maister Thomas Anstruther George Davidsoune in Balwoid James Crawford servitour my lord Sutherland and Maister William Andersoune notar.

Johne Steuart in Bontye with my hand at the pen led be Maister William Andersoune notar publict at my command.

Ita est Magister Willelmus Andersone notarius publicus de mandato dicti Joannis requisitus manu sua subscripsit.

ABSTRACT OF XXXI.

LETTER OF REVERSION, by John Stewart in Bontye, to Alexander, Earl of Sutherland, of the lands of Over Formastoun, in the barony of

Aboyne, sold to him by the said Earl, but redeemable for £400, to be paid "upon ane day betuix the sone rysing and done passing of the samyn that ilk day haill and togidder in numerat money within the perroche Kirk of Obyne upone ane tabill to be affixit for the samyn;" and also the said Earl to grant a sufficient tack of the said lands for five years for the yearly payment of 24 bolls victual. Dated at Huntlie, 26th September 1574. Witnesses—Patrick Gordone, brother german to the Earl of Huntlie, John Sinclair of Doune, Mr. Thomas Anstruther, George Davidstone in Balwoid, James Craufurd, servitor to the Earl of Sutherland, and Mr. William Anderson, notary, who leads the hand of the granter as unable to write.

XXXII.

I N previous notes we have made reference to the Gordons of Kennertie. Thomas Gordon of Kennertie (pp. 22-25) may have been identical with Thomas, the third son of "Tom of Riven" (by his second wife, a daughter of Sir Walter Innes), styled "in Glenmuick." This Thomas is said to have married a daughter of Duncan Grant, by whom he had Alexander of "Kennathie" (? Kennertie, pp. 25, 27), and James Gordon in Knock. Alexander of "Kennathie" had sons—Thomas of "Kennathie," dwelling in Glenmuick, John, and Alexander of Toldow (*MS. Pedigree, circa 1580*).

King James V. on 11th February 1534, grants a charter to Thomas Gordon of Kennertie, and Margaret Forbes his spouse, of the lands of Kennertie and Murseit, with the fishings thereof, in the Barony of Kennertie: To hold to the said Thomas and Margaret and their heirs (*Reg. Mag. Sig., xxvi., 87*). On 17th December 1535, there is Precept of Clare Constat by George, Earl of Huntly, Lord Superior of the Lordship of Aboyne, for infesting Thomas Gordon, son of deceased Alexander Gordon, as lawful and nearest heir to him, in the lands of Braeruddoch and Craigton; witnesses, James Gordon of Coldstone,

Nicolas Ros of Auchlossin, Walter Barclay of Gartly, and Mr. William Gordon, Rector of Esse (*Aboyne Charter Chest*).

Thomas Gordon was one of the assize upon an inquisition respecting the woods and lands of Nether Ruthven in Cromar, 1537. He appears to have married a second time, for, on 4th August 1545, the Queen, with the consent of the Secret Council, grants a charter to him and *Katherine* Gordon his spouse, and the heirs to be procreate between them, of the lands of Auldoun of Kennertie and the shepherd's croft thereof, with the salmon fishing in the water of Dee, &c., which lands Thomas Gordon had personally resigned (*Reg. Mag. Sig.*, *xxix.*, 256). This Katherine was relict of William Blackhall of Barra (p. 79). In 1548, in view of his son's marriage, he resigned his estates in the Queen's hands, and upon 24th July same year the Queen grants a charter to John Gordon (son and apparent heir to Thomas of Kennertie) and Janet Lindsay his spouse, and their heirs, of the lands and Barony of Kennertie, with the fishings and pertinents, with certain reservations in favour of Thomas and his spouse (*Reg. Mag. Sig.*, *xxx.*, 197). Upon 6th November same year John Gordon has Instrument of Sasine of all and sundry the lands of Balnacraig, Braeruddoch and Knockewis, in the Barony of Aboyne (*Aboyne Charter Chest*).

In November 1562, Thomas Gordon of Kennertie, who had apparently taken part in the Earl of Huntly's rebellion, was obliged to ward within the city of St. Andrews, and to remain within four miles thereabout without endeavouring to escape, and Alexander Leslie of Ednalite became cautioner for him to this effect (*Reg. of Privy Council*, *vol. i.*, p. 221).

Thomas Gordon afterwards became styled "of Glenmuick," and upon 24th June 1563, he has a charter from Queen Mary of the lands of Balnacraig and Braeruddoch, extending to two ploughgates; the lands formerly belonged to said Thomas, and were held by him of the late George, Earl of Huntly. They were now in the Queen's hands by reason of the forfeiture pronounced in Parliament against said Earl upon 28th May last. Thomas Gordon is to hold the lands of the Queen and her

successors in fee and heritage for the usual rights and services (*Aboyne Charter Chest*). He appears to have died soon after, for on 16th February 1563-4, Queen Mary directs Precept to the Sheriff of Aberdeen to infest John Gordon, son and heir of late Thomas of Glenmuick, in the lands of Balnacraig and Braeruddoch, extending to two carucates. The lands had been granted to Thomas upon Huntly's forfeiture, but Thomas did not receive Sasine (*Ibid.*).

John Gordon of Kennertie was one of the Barons of the north who subscribed the Bond to the King in 1574 (*Reg. of Privy Council, ii., p. 401*). George, 5th Earl of Huntly, two years later directs Precept to Alexander Gordon in Toldow, his bailie, for infesting John Gordon, now of Kennertie, as heir of late Thomas, his father, in the lands of Braeruddoch, holding in chief of the granter in blench ferm. This deed is dated at Huntly 26th June 1576: witnesses, James Gordon of Haddo, George Gordon of Gight, John Gordon of Pitlurg, and John Gordon of Carnborrow, &c. (*Aboyne Charter Chest*). Sasine followed four days later, and is witnessed by Alexander Gordon in Cults, and William Gordon in Braelycht.

King James VI. upon 8th February 1577, grants as gift under the Privy Seal to Mr. David Lindsay, minister at Leith, the ward, non-entries, maills, &c., of the lands belonging to John Gordon of Kennertie, in the following terms:—

JAMES be the grace of God King of Scottis to all and syndre our liegis and subdittis quhome it efferis quhais knowlege thir our lettres sal cum greting WIT ye us with avise and consent of our rycht traist cousing James Erl of Mortoun Lord of Dalkeith &c. Regent to us our realme and liegis to have gevin and grantit and be thir our lettres . . . grantis to our lovit Maister David Lyndsay Minister at Leith his airis and assignais ane or ma the ward nonentres mailes fermes proffittis and dewiteis of all and syndre the landis and myln underwrittin with the pertinentis videlicet . . . the landis of Braradoik Balnacraig Knokisewiche Ballintober Brachlie and myln thair of with all and syndre thair outsettis . . . extending yeirlie be rental to fourty aucht markis and fourtie markis for fyve yeiris gersum lyand in the lordschip of Oboyne and our schiref-

dome of Abirdene pertenyng to Johnne Gordoun of Kennartie in heritage haldin be him of umquhile George erle of Huntlie that last deceissit off all yeiris and termes bygane that the samin hes bene in oure handis be ressoune of ward or nonentre sen the deceis of the said umquhile erle or quhatsumevir his predicessouris last lauchfull tennentis to us and our predicessouris possessouris of the saidis landis and siclyke of all yeiris and termes to cum ay and quhill the lauchfull entre of the rychtous air or airis thairto . . . with the releif thairof quhen it salhappin To be haldin . . . to the said Maister David Lyndsay . . . WITH power . . . to intromet and tak up all and syndrie the mailes fermes proffittis and dewittis of the foirsaidis landis and mylne thairof with thair pertinentis abonewrittin at thair awin handis during all the time of the ward and nonentres thairof abonespecificit and thairupoun togidder with the releif thairof quhen it salhappin to dispone at thair plesour and to occupy the foirsaidis landis and myln thairof . . . with thair awin propir guidis or to set the samin to tennentis as thai sall think maist expedient during the said space with court plent herezeldis mercheit unlawis amerciamentis and escheittis of the saidis courtis and with all other commoditeis and fredomes PROVYDING alwayis that gif the saidis landis pais mair be rentall nor is abone specificit this our gift and dispositioun to be null and returne agane in oure handis to be disponit at oure plesour and that in cais ony of the landis abonewrittin contenit into this gift pertene nocht heretablie unto the said Johnne Gordoun of Kennartie bot to sum uther persoune in that cais this oure gift to be of nane avall force nor effect and oure said donatour to have na actioun thairupoun bot in cais foirsaid it salbe lesum to us and our said regent to mak new dispositioun thairof siclyke as gif this gift had nocht bene grantit And forder in cais the said Johnne Gordoun or any of his predicessouris hes annaleit thir landis abonespecificit or ony part thairof haldin of thameselffis in propirtie or in few or hes disponit lyverentis thairof to ony uther personis that the said Johne salbe astrictit for to mak sufficient rycht unto the saidis proprietaris thair airis and assignais of the haill rycht of this oure gift in that part and to the saidis lyverentaris induring thair lifetyme of the mailes fermes proffittis and dewiteis of the lands pertenyng unto thame in propirtie or lyverent or ony part thairof The saidis proprietaris or lyverentaris payand unto oure said donatour according unto the rait of the saidis landis as he hes payit unto us for this our gift PROVYDING

that in caice ony of the personis foirsaidis in quhais favouris the benefitt foirsaid is consavit being dewlie requirit upoun fourtie dayis warnyng personallie or at thair dwelling places in presens of ane notar and witnessis to pay to oure said donatoure that pairt of the said compositioun efferand to the rait and quantitie foirsaid refuis or postpone to do the samin in that cais thai sall amit and tyne the rycht of the said benefit and it salbe lesum to our said donatour to use this our gift siclyke as gif the said condition had nocht bene adjectit And gif ony of the saidis lyverentaris induring the tyme of the said ward depart or that oure said donatour be vertew of ony reversioun or rycht pertenyng unto him redeme ony of the said propriertie annaleit and wodset of befoir induring the tyme of the said ward the said donatour to refund unto the executouris or assignais of the saidis lyverentaris and to thair saidis subvassellis fra quhome the saidis landis salbe redemit thair airis and assignais quha salhappin to have componit with oure said principall donatour for thair particular ward the pairt of the said compositioun effering unto the yeiris that is to ryn of the said ward according as thai payit of the hail yeiris thairof And our said donatour thaireftir to have full and free power to use this oure gift at his pleasoure induring sa mony yeiris as sall rest of the said ward and the saidis proprietaris to be subject to tak sik ordoure with thair saidis subvassellis and subtennentis in caice thai ony have and to mak thame sic rycht induring the tyme of the said ward of thair awin landis for payment of sic dewitie as oure said donatour is astrictit unto thame frelie quietlie weill and in peace but ony revocatioun or aganecalling quhatsumevir QUHAIRFORE we chairage straitlie and commandis you all and syndre oure liegis and subdittis foirsaidis that nane of you tak upoun hand to mak ony lat stop or distrubance to the said Maistir David Lyndsay his airis and assignais in the peceabill brouking joising uptaking intronetting and disponing upoun the ward nonentres and releif of the landis abone specifit and all mailles &c. . . . of the samin during the space foirsaid eftir the forme and tennour of thir oure lettres undir all hieast pane and chairage that eftir may follow GEVIN undir oure privie seill at Halieruidhous the aucht day of Februar the yeir of God j^m. v^e. thre scoir sevintene yeiris and of oure riginne the ellevint yeir.

Per signaturam manu dicti Domini Regentis subscriptam &c. &c.

ABSTRACT OF XXXII.

GIFT by King James the Sixth under the Privy Seal to Mr. David Lyndsay, minister at Leith, of the Ward, nonentries, maills, fermes, &c., of the lands of Braradoik, Balnacraig, Knokewis, Ballintober, Brachlie, and mill thereof, &c., in the Lordship of Oboyne, extending yearly to 48 merks of rental, and 40 merks for five years gersum: belonging to John Gordoun of Kennartie in heritage, and held by him of the late George, Earl of Huntlie: To hold under the conditions therein specified. Dated at Halieruidhous 8th February 1577.

XXXIII.

IN 1544 (12th December), there is a charter of feu-farm of the lands of Tulligarmont from William, Bishop of Aberdeen, in favour of Alexander Martin, who paid annually therefor £10 7s. 4d.; two geese, six poultry; one boll barley, &c., doubling said sum at the entry of each heir, and giving three suits at three head courts (*Reg. Epis. Abirdonense, i., 429*). The lands of Tulligarmont gave title to the Farquharsons, who afterwards became "of Monaltrie and Whitehouse."

We have the following charter by the Bishop of Aberdeen in favour of Robert Hog, burgess, and Elizabeth Fraser his spouse, in conjunct fee and liferent of the lands of Tulligarmont within the "schyre of Bras." Robert Hog's name does not appear in the Register of Burgesses of Aberdeen. He may have been a son or near relative of the Curate of Birse, to whom reference has already been made.

The Precept of Sasine is directed to Archibald Irvine of Whitestone, who, on 21st January 1602, granted an obligation to infest his kinsman, Alexander Irvine, fiar of Drum, in the lands of Whitestone (*Aberdeen Sasines, vol. ii.*). His daughter, Christian, married William Strachan of Tillifroskie, to whose third son, William, he granted a charter of the lands

of Whitestone. On 26th September 1604, Archibald Irvine became bound in 500 merks, that Strachan of Tillyfroskie would not slay salmon in forbidden time upon the waters of Dee or Don with any kind of engine (*Reg. of Privy Council, vii., p. 569*).

Thomas Forbes of Clova, who is a witness, was son of Alexander Forbes in Finask. He married Isobel, daughter to Thomas Burnet of Cluny, who is another witness. In 1597, the "Gud wyfe" of Clova and her daughter, Elspet, were by their "unfriendis delaitit of witchcraft." They protested their innocence of a "cryme maist diuillsche and damnable," and procured an exemption from King James VI., dated at Holyrood, 14th April 1597 (*Miscellany of Spalding Club, i., 163*).

The charter in favour of Robert Hog has got the signature of the Bishop, but the seal is broken. Bishop Gordon died three months after the granting of this deed:—

OMNIBUS hanc cartam visuris vel audituris Willielmus miseratione divina Abirdonensis Episcopus ac dominus superior terrarum subscriptarum eternam in Domino salutem Noveritis nos utilitate nostra et successorum nostrorum in hac parte undique previsa et diligenter considerata Ex certis causis rationabilibus animum nostrum ad hoc moventibus dedisse concessisse assedasse arrendasse locasse et ad feudifirmam seu perpetuam emphiteosim hereditarie dimisisse et hac presenti carta nostra confirmasse . . . provido viro Roberto Hog burgensi de Abirdene et Elizabeth Fraser sponse sue secum in conjuncta infeodatione et eorum alteri diutius viventi et heredibus inter ipsos legitime procreatis seu procreandis quibus forte deficientibus heredibus propinquioribus legitimis ipsius Roberti et suis assignatis quibuscunque Omnes et singulas terras et villam de Tillygarmonth cum universis et singulis suis pendiculis et pertinentiis solitis et consuetis jacentes infra schiram nostram de Bras et vicecomitatum de Abirdene de presenti occupatos per Willielmum Marteyne et Richardum Blantyre Quequidem terre cum universis et singulis suis pertinentiis antedictis fuerunt perprius de nobis per dictum Willielmum Marteyne in feudifirma hereditarie tente Et quas idem Willielmus Marteyne non vi aut metu ductus nec errore lapsus sed mature avisatus jureque suo certioratus animo non variante in

manibus nostris tanquam in manibus domini sui superioris predictarum terrarum pro nova infeodatione ipsis Roberto et Elizabeth conjugi sue antedictæ de hujusmodie terris cum pertinentiis per nos iterum reddenda Et non alias aliter neque alio modo apud palacium nostrum Abirndonense per fustim et baculum ut moris est sursum reddidit pureque et simpliciter resignavit prout in instrumento publico sub signo et subscriptione manualibus discreti viri Andree King notarii publici de data tertio die mensis Aprilis anno domini millesimo quingentesimo septuagesimo septimo Coram nobis exhibito producto lecto et intellecto plenius continetur TENENDAS et habendas omnes et singulas prenomatas terras de Tilligarmonth cum suis pertinentiis antedictis prefatis Roberto et Elizabeth conjugi sue secum in conjuncta infeodatione et eorum alteri diutius viventi et heredibus inter ipsos legitime procreatis seu procreandis quibus forte deficientibus heredibus propinquioribus legitimis ipsius Roberti et suis assignatis quibuscunque de nobis et successoribus nostris Abirndonensibus Episcopis in feudifirma seu emphiteosi hereditaria imperpetuum per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine . . . REDDENDO inde annuatim dicti Robertus Hog et Elizabeth Fraser eius sponsa et eorum alter diutius vivens heredesque sui seu assignati antedicti pro prefatis terris pro firmis et gressumis septem libras quatuor solidos monete Scotie Pro una marta triginta solidos pro duobus mutonibus decem solidos duas aucas sex lie pultrie unam bollam ordeï unam bollam avenarum pro bondagiis tres solidos quatuor denarios pro servitiis debitis et consuetis duos solidos pro communa pastura animalium suorum in forestis nostris de Bras et Glennawin octo solidos pro dejectione tenentionum ejusdem foreste vulgariter for the down putting of the seittis of the forestis of Bras and Glennawin que impediebant communem pasturam dicte foreste contra rem publicam totius schire pro parte firme dicte foreste quantum ad Tilligarmonth pertinet ac unum onus lignorum aridorum vulgo ane laid of dry wod Necnon decem solidos monete in augmentationem rentalis nostri plusquam dicte terre unquam nobis aut predecessoribus nostris prius persolverunt Extendendo in integro ad decem libras septem solidos quatuor denarios duas aucas sex pultre unam bollam ordeï unam bollam avenarum unum onus lignorum aridorum ad duos anni terminos consuetos festa videlicet Penthecostes et Sancti Martini in hieme per equales medias portiones Necnon duplicando dictam summam et alia divoria prius

specificata in introitu cujuslibet heredis Et faciendo tres sectas ad tria placita capitalia tenenda per nos seu successores nostros nostrosve aut eorum ballivos apud lie Gallowhillis de Bras premonitione legitime in singulis huiusmodi curiis ipsis Roberto et Elizabeth eorumque heredibus et assignatis fienda Et tenentes dictarum terrarum in exercitiis regis et regni ballivo nostro principali de Abirdene sufficienter armati juxta morem patrie servire tenebuntur Necnon quilibet heres predictus in eorum primo introitu postquam deuenerint ad legitimam etatem similiter et eorum assignati nobis et successoribus nostris Abirdonensibus episcopis juramentum fidelitatis prestabunt seu prestabit Proviso tamen quod tenentes et inhabitantes villam de Quheitstane habeant terras aratabiles videlicet teild land sufficientes pro seminatione viginti bollarum avenarum dictarum terrarum de Tilligarmonth quemadmodum in rentali nostro de presenti araretur cum communi pastura in terris appellatis the braidboig cum marisio ejusdem Necnon cum licito introitu et exitu ad silvas et forestas de Glenawin et Lowdrum Volumus ulterius quod si dicti Robertus et Elizabeth aut aliquis suorum heredum in legitima etate existentium in solutione dicte summe et aliorum devoriorum prius specificatorum defecerit ut prefertur sic quod unus terminus in alium currat Tunc summam non solutam necnon et alia devoria prius specificata non soluta duplicabit Et si duo termini currant in tertium tunc presens infeodatio cadet incommissum et nullius roboris vel momenti sic quod extunc de eisdem nos et successores nostri libere disponere possimus Proviso tamen quod semper nobis et successoribus nostris pro hujusmodi summis et aliis divoriis predictis annuatim et terminatim dictas terras per officiarium seu serjandum nostrum namare et distringere licebit prout et quemadmodum ante presentem infeodationem poteramus seu etiam si nobis et successoribus nostris placuerit et expediens videbitur dictos Robertum et Elizabeth heredesque et assignatos suos predictos censura ecclesiastica ad solutionem summas et alia devoria predicta compellere licebit tantum pro omni alio onere exactione . . . Salvis supremo domino nostro regi et successoribus suis servitiis de hujusmodi terris solitis et consuetis Et nos vero prefatus Willielmus Abirdonensis episcopus et successores nostri antedicti Omnes et singulas predictas terras de Tillygarmonth cum pertinentiis dictis Roberto Hog et Elizabeth Fraser sponse secum in conjuncta infeodatione et eorum alteri diutius viventi eorumque heredibus et assignatis antedictis contra

omnes mortales warantizabimus acquietabimus et imperpetuum defendemus In super nos prefatus Willielmus miseratione divina Abirdonensis episcopus tenore presentium constituimus et ordinamus dilectos nostros Archibaldum Irwyng de Quhytstane Et eorum quemlibet conjunctim et divisim ballivos nostros in hac parte specialiter et irrevocabiliter constitutos quibus precipimus et firmiter mandamus quatenus statum Sasinam hereditariam pariter et possessionem corporalem actualem et realem omnium et singularum prenominatarum terrarum et ville de Tilligarmonth cum universis et singulis suis pendiculis et pertinentiis solitis et consuetis prefatis Roberto Hog et Elizabeth Fraser sponse sue secum in conjuncta infeodatione et eorum alteri diutius viventi et heredibus inter ipsos legitime procreatis seu procreandis quibus forte deficientibus heredibus propinquioribus legitimis ipsius Roberti et suis assignatis quibuscunque suisve certis actornatis vel procuratoribus presentium latoribus per terre et lapidis fundi earundem donationes ut moris est in similibus tradatis et deliberetis seu alter vestrum tradat et deliberet visis presentibus indelate . . . IN cujus rei testimonium huic presenti carte nostre feudifirme preceptum sasine in se continenti subscriptione nostra manuali subscripte sigillum nostrum rotundum appendi fecimus Apud palacium nostrum Abirdonense tertio die mensis Aprilis anno domini millesimo quingentesimo septuagesimo septimo coram hiis testibus Thoma Forbes de Clewaycht Thoma Burnett de Clunye Joanne Burnett burgensi de Abirdene Jacobo Burnett in Darisfuid et Andrea Kyng notario publico cum diversis aliis.

V^s ep^s Abdene.

ABSTRACT OF XXXIII.

CHARTER by William, Bishop of Aberdeen, to Robert Hog, burgess of Aberdeen, and Elizabeth Fraser his spouse, in conjunct fee and life-rent, and to the heirs between them, which failing, to the heirs of the said Robert, of the lands of Tillygarmonth, within the schyre of Bras, presently occupied by William Marteyne and Richard Blantyre, and which were also held by the said William Marteyne in feu-ferme and heritage, and resigned by him in favour of the said Robert Hog and his spouse: To hold of the Bishops of Aberdeen, in feu-ferme and heritage,

for the cumulative rental of £10 7s. 4d., two geese, six poultry, one boll of barley, one boll of oats, one load of dry wood, at Whitsunday and Martinmas, by equal half portions, with duplication of rental on the entry of each heir, &c. : Contains Precept of Sasine directed to Archibald Irvyng of Quhytstane : Dated at the Bishop's Palace of Aberdeen, 3rd April 1577 : Witnesses—Thomas Forbes of Clowayth, Thomas Burnett of Cluny, John Burnett, burgess of Aberdeen ; James Burnett in Darisfurd, and Andrew Kyng, notary.

XXXIV.

A FAMILY surnamed Davidson, retainers of the Earls of Huntly, were settled in Aboyne at an early period. They afterwards possessed the lands of Belwode from the Earls of Sutherland, who held these lands under their kinsmen, the Earls of Huntly. In XXIII. we have given the succession of the Sutherland Earls. John and his Countess, as we observed, were poisoned at Helmsdale—a fate which well nigh befell Alexander, Master of Sutherland, a youth in his fifteenth year. The ward of Earl Alexander was purchased by the Earl of Caithness from John, Earl of Athole. The Earl of Caithness having thus obtained possession of Sutherland's person and estates, married him to his daughter, Barbara Sinclair, a lady thirty years of age, described as neither "virtuous nor moral."

By a stratagem the young Earl of Sutherland escaped from the power of the Earl of Caithness, and sought refuge among his kinsmen at Strathbogie, where he remained until of age. His first act was to get himself served heir to his father ; and, having divorced his wife, married the Lady Jean Gordon, daughter of the Earl of Huntly, the divorced wife of the Earl of Bothwell. Lady Jean Gordon's marriage with Bothwell was considered null from the beginning, because of the parties being within the forbidden degrees. A document in the Dunrobin

Charter Chest, however, proves that Letters of Dispensation for the marriage of James, Earl of Bothwell, and Lady Jean Gordon were regularly procured from John, Archbishop of St. Andrews, on 13th March 1565. Therefore, there can be little doubt that (as she did not found upon this document during the divorce proceedings) Lady Jean Gordon was prevailed upon, either by the Queen or her own husband, to give her consent to the dissolution of the marriage with Bothwell. By this lady, the Earl of Sutherland had several children, the second son being Sir Robert Gordon, the historian of the Earldom of Sutherland.

The deed below is a gift by King James VI. to George Davidson in Belwode, his heirs and assigns, of the "Ward, nonentry, mails, &c., of the lands of Belwode, haldin be him of our couising Alexander Erll of Sutherland," until the lawful entry of the righteous heir:—

JAMES be the grace of God King of Scottis to all and syndre our liegis and subdittis quhome it efferis quhais knowlege thir our letters sal cum greting WIT YE US with avise and consent of our rycht traist couising James Erle of Mortoun lord Dalkeith &c. Regent to us our realme and liegis to have gevin and grantit and be thir our letters gevis and grantis to our lovit George Davidsoun in Balwoid his airis and assignais ane or ma the ward nonentres mailis fermes proffittis and dewiteis of all and hail the landis of Balwoid with thair pendiclis and pertinentis lyand within the lordschip of Oboyne and our schirefdome of Abirdene pertenyng to the said George in heretage haldin be him of our couising Alexander erll of Sutherland quha held the samin of umquhile George Erll of Huntlie that last deceissit of all yeiris and termes bygane that the samin hes bene in our handis be ressoune of ward or nonentres sen the deceis of the said umquhill Erll or quhatsumevir his predicessouris last lauchfull tennentis to us or our predicessouris possessouris of the saidis landis and siclyke of all yeiris and termes to cum ay and quhill the lauchfull entre of the rychtious air or airis thairto being of lauchfull aige with the releif thairof quhen it sal happin TO BE HALDIN and to be had the waird nonentres and releif of the landis abone specifit and all mailes fermes proffittis and dewiteis of the samin during the space foirsaid to

the said George his airis and assignais anc or ma with all and syndre commoditeis fredomes proffittis and rychtious pertinentis quhatsumevir pertenynge or that rychtiouslie may pertene thairto WITH POWER to the said George his airis and assignais foirsaidis to intromet and uptak all and syndre the mailles fermes proffittis and dewiteis of all and hail the landis abone writtin with thair pertinentis and thairupoun togidder with the releif thairof quhen it salhappin to dispone at thair plesour and to occupy the samin with thair awin propir guidis or to set thame to tenentis as thay sall think maist expedient during the tyme of the ward and nonentres thairof abone specifit with court plent herezeild mercheit unlawis americamentis and eschettis of the saidis courtis and all uther commoditeis and fredomes PROVYDING that incais ony of the saidis landis contenit in this oure gift pertene nocht heretable unto the said George bot to sum uther persone in that caice this oure gift to be of nane avall force nor effect and our said donatour to have na action thairupoun Bot in caiss foirsaid it salbe lesum to us and oure said Regent to mak new dispositioun thairof siclyke as this oure gift had nocht bene grantit And forder in caice the said George or ony of his predicessouris hes annaileit thir landis abone specifit or ony pairt thairof haldin of thame selffis in propirtie or in few or hes disponit lyverentis thairof to ony uther persones that oure said donatour salbe astrictit for to mak sufficient rycht unto the saidis proprietaris thair airis and assignais of the haill rycht of this our gift in that pairt and to the saidis lyverentaris induring thair lifytymes of the mailles fermes proffittis and dewiteis of the landis pertening unto thame in propirtie or lyferent or ony pairt thairof the saidis proprietaris or lyferentaris payand unto our said donatour according to the rait of the saidis landis as he hes payit unto us for this oure gift Provyding alwis that incaice ony of the personis foirsaidis in quhais favouris the benefit foirsaid is consavit being dewlie requirit upoun fourty dais warning personalie or at thair duelling places in presence of anc notar and witnes to pay unto our said donatour that pairt of the said compositioun efferand to the rait and quantitie foirsaid refuiss or postpone to do the samin in that caice thay sall amit and tyne the rycht of the said benefit and it sall be lesum to our said donatour to use this gift siclyke as gif the said conditioun had nocht bene adjectit and gif ony of the saidis lyverentaris induring the tyme of the said ward depart or that our said donatour be verteu of ony reversioun or rycht perteing unto him redeme

ony of the said propirtie annaleit or wedset of befor induring the tyme of the said ward the said donatour to refound unto the executoris or assignais of the saidis lyverentaris and to thair subvassellis fra quhome the saidis landis salbe redemit thair airis and assignais quha salhappin to have componit with oure said principall donatour for thair particular ward the pairt of the said compositioun effering unto the yeiris that is to ryn of the said ward according as thay payit of the hail yeiris thairof and oure said donatour thairefter to haif full and fre power to use this our gift at his plesoure induring sa mony yeiris as sall rest of the said ward and the saidis proprietaris to be subject to tak sik ordour with thair saidis subvassellis and subtenentis in caice thay ony have and to mak thame sik rycht induring the tyme of the ward of thair awin landis for payment of sik dewitie as oure said donatour is astrictit unto thame ffrelie quietlie weill and in peace but ony revocatioun or agane calling quhatsumevir Quhairfore we charge straitlie and commandis you all and syndrie our liegis and subdittis foirsaidis that nane of you tak upoun hand to mak ony lat stop or distrubance to the said George Davidsoun his airis and assignais in the peceabill brooking joising intronmetting and disponyng upoun the ward nonentres and releif of the landis abone specifit and all mailles fermes proffittis and dewiteis of the samin during the space foirsaid eftir the forme and tenour of thir oure letters under all hieast pane and charge that eftir may follow : Gevin under oure privie seill at Halieruidhous the twenty fyve day of November the yeir of God j^m v^e thriescoir sevintene yeiris And of oure rignne the ellevint yeir.

Per signaturam manu dicti domini Regentis Subscriptam.

ABSTRACT OF XXXIV.

GIFT by James the Sixth King of Scots, with consent of James, Earl of Morton, his Regent, to George Davidsoun in Balwoid, his heirs and assignees, of the Ward, non-entry, maills, farms, profits, and duties of the lands of Balwoid, with the pendicles and pertinents, in the Lordship of Aboyne and Sheriffdom of Aberdeen, pertaining to the said George in heritage, holden by him of Alexander, Earl of Sutherland, who held the same of the deceased George, Earl of Huntlie, that last deceased, of all years bygone that the same has been in His Majesty's hands since the

decease of the said Earl or his predecessors, last lawful possessors of the same, and of all years to come until the lawful entry of the righteous heir: With power to the said George, his heirs and assignees, to uplift all and sundry the fermes, maills, profits, &c., of the said lands. Dated at Holyrood House, 25th November 1577.

XXXV.

WE have already given some notes about the Gordons of Auchmalidy and Tilphoudie (pp. 88-97), and in later notes will be found a Genealogical deduction of the Family.

Upon 16th June 1563, there is confirmation by Mary, Queen of Scots, under the Great Seal, narrating that the lands of Tilphoudie, with the croft called Tillybreen, lying in the Barony of Aboyne, were set in Tack to George Gordon and Helenor Gordon his spouse, for twenty-five years. The lands pertained to them in feu farm and heritage, holding immediately of John, some time Earl of Sutherland, for payment of twelve merks of yearly rent and 13s. 4d. of augmentation. Sutherland held the lands of the late George, Earl of Huntly, and they were now in the Queen's hands by reason of escheat, on account of the forfeiture of the said Earls for the crime of treason. The said George not being "partaker with the said "Earls in their treasonable deeds, and having his principal dwelling house "upon the said lands together with his wife and children; therefore, and "also for the good and faithful service rendered and to be rendered by the "said George to her Majesty, she grants the said lands to him and his "said spouse in conjunct fee, and to their heirs male: To hold of the "Queen and her successors in feu-ferm and heritage for the duties "foresaid" (*Aboyne Charter Chest*).

There is Sasine upon a Precept from Chancery for infefting George Gordon, styled therein "of Auchmalidy," and Helenor Gordon his spouse, in the said lands, narrating the circumstances as above. This Precept is

directed to John Stewart in Bonte, as bailie in that part, and he as an obedient son (*tanquam filius obediencia*) gave Sasine in the usual manner. The Sasine is signed by Patrick Gordon of Correchie, which is very unusual in such a document.

The croft of Marywell and its pertinents appear to have formed part of the ancient lordship and forest known as "Fodderbris," a rental of which, dated 1552, we now give:—

"MARYWELL.—One tenant. Rent, 13s.; grassum, 13s.

BANDORRIE.—Two ploughs, five tenants. Rent, £5; 4 wedders worth 10s. each; 12 poultry; grassum, £5.

BELHANGY.—One plough, one tenant. Rent, £3 6s. 3d.; 2 wedders; 5 poultry.

TORQUINLACHY.—One plough, two tenants. Rent, £5; 2 wedders; 5 poultry; grassum, £5.

HALF MILL OF CATTY.—One tenant. Rent, £1 1s. 8d.; second tithes, 8s. 4d.; 6 poultry; grassum, £3 6s. 8d.

OVER COBILL CROFT SETE.—One plough, one tenant. Rent, £2 13s. 4d.; 2 wedders; 3 poultry; grassum, £2 13s. 4d.

NEDDER COBILL SETE OF INCHEBLAIR.—One tenant. Rent, £1; 3 poultry; grassum, £1.

CROFT OF BANDORRIE.—One tenant. Rent, 6s.

The whole lands of Fodderbris pay £2 among them for a custom cow" (*Castle Forbes Muniments*).

We give below Deed of Gift by King James VI. under Privy Seal in favour of George Gordon of Tilphoudie of the ward and non-entry of his lands in the Lordship of Aboyne:—

JAMES be the grace of God king of Scottis To all and syndrie our liegis and subdittis quhome it efferis quhais knowlege thir our letters sal cum greting WIT ye ws with avise and consent of our icht traist cousing James Erll of Mortoun Lord Dalkeith &c. Regent to us our realme and liegis to have gevin and grantit and be thir our letters gevis and grantis to our lovit George Gordoun of Tollochthuodeis his airis

and assignais ane or ma the ward nonentres mailes fermes proffittis and dewiteis of all and syndrie the landis mylnis croftis and utheris underwritin thay ar to say the landis of Wratoun the croft thairof Tolquyhne mylne of the samin the cobill croft Tollochthquodie Casteltoun Balnagowin the croft of Bontie callit Mylnes croft Bontie with the mylne thairof the half landis of Tarquhonneir and the half croft of Mariewell with all and syndrie thair annexis connexis multuris sequelis partis pendiclis and pertinentis lyand within the Lordship of Aboyne and oure schirefdome of Abirdene pertenyng to the said George in heretage haldin be him of Alexander erll of Suthirland quha held the samin of umquhile George erle of Huntlie that last deceissit off all yeiris and termes bygane that the samin hes bene in oure handis be ressoune of ward or nonentres sen the deceis of the said umquhile erle or quhatsumevir his predicessouris last lawchfull tennentis to us or oure predicessouris possessouris of the saidis landis and siclyke of all yeiris and termes to cum ay and quhill and lawchfull entre of the rychtious air or airis thairto being of lauchtfull aige with the relief thairof quhen it sal happin To be haldin and to be had the ward nonentres and relief of the landis abone specefiit and all mailes fermes proffittis and dewiteis of the samin during the space foirsaid to the said George Gordoun his airis and assignais ane or ma with all and syndre commoditeis fredomes proffittis and rychtious pertinentis quhatsumevir pertenyng or that rychtiouslie may pertene thairto WITH power to the said George his airis and assignais to intromet and uptak all and syndrie the mailes fermes proffittiis and dewiteis of all and syndrie the landis mylnis croftis and utheris abone writtin with thair pairtis pendiclis annexis connexis multuris sequelis and pertinentis abone specefiit and thairupoun togidder with the releif thairof quhen it sal happin to dispone at thair plesoure and to occupy the samin with thair awin propir guidis or to set thame to tennentis as they sall think maist expedient during all the time of the ward and nonentres abone specefiit with court plent herezeild mercheit unlawis amerciamentis and escheittis of the saidis courtis and all uther commoditeis and fredomes PROVYDING in caice ony of the landis abone writtin mylnis or croftis of the samin pertene nocht heretably unto oure said donatour bot to sum uther persone In that caise this oure gift to be of nane availl force nor effect and oure said donatour to have na actioun thairupoun Bot in caice foirsaid it sal be lesum to us and oure regent to

mak new dispositioun thairof siclyke as this gift had nocht bene grantit and forder in caice the said George Gordoun or ony of his predicessouris hes annaleit thir landis abone specifiit or ony pairt thairof haldin of thame selffis in propirtie or in few or hes disponit lyverentis thairof to ony other personis that our donatour salbe astrictit for to mak sufficient rycht unto the saidis proprietaris thair airis and assignais of the hail rycht of this oure gift in that pairt and to the saidis lyverentaris in during thair lyftime of the mailes fermes proffittis and dewiteis of the landis pertenyng unto thame in propirtie or lyverent or ony pairt thairof The saidis proprietaris or lyverentaris payand unto oure said donatour according unto the rait of the saidis landis as he hes payit unto us for this oure gift PROVYDING always that in caice ony of the personis foirsaidis in quhais favouris the benefiet foirsaid is consavit being dewlie requirit upoun forty dayis warnyng personalie or at thair duelling places in presens of ane notar and witnesses to pay to oure said donatour that pairt of the said compositioun efferand to the rait and quantitie foirsaid refuse or postpone to do the samin in that cais they sall amit and tyne the rycht of the said benefiet and it sall be lesum to oure said donatour to use this oure gift siclyke as gif the said condition had nocht bene adjectit and gif ony of the saidis lyverentaris induring the tyme of the said ward depart or that our said donatour be vertew of ony reversioun or rycht pertenyng unto thame redeme ony of the said propirtie annaleit and wodset of befoir induring the tyme of the said ward the said donatour to refund unto the executouris or assignais of the saidis lyverentaris and to thair saidis subvassellis fra quhome the saidis landis salbe redemit thair airis and assignais quha sal happin to have composit with the said principall donatour for thair particulare ward the pairt of the said compositioun effering unto the yeiris that is to ryn of the said ward according as thay payit of the hail yeiris thairof And oure said donatour thairefter to have full and fre power to use this oure gift at his pleasoure induring sa mony yeiris as sall rest of the said ward and the saidis proprietaris to be subject to tak sik ordour with thair saidis subvassellis and subtennentis in caice they ony have and to mak thame sik rycht induring the time of the ward of thair awin landis for payment of sik dewitie as oure said donatour is astrictit unto thame ffreliie quietlie weill and in peace but ony revocatioun or agane calling quhatsumevir Quhairfore we charge straitlie and commandis you all and syndrie oure

liegis and subdittis foirsaidis that nane of you tak upoun hand to mak ony lat stop or impediment to the said George Gordoun his airis and assignais in the peceabill brouking joising intrometting and disponyng upoun the ward nonentres and releif of the landis mylnis croftis and utheris abone specifit and all mailes fermes proffittis and dewiteis of the samin during the space foirsaid aftir the forme and tennour of thir oure letters under all hieast pane and charge that eftir may follow Gevin under oure Privie Seill at Halieruidhous the twentic fyve day of November the yeir of God j^m v^c thre scoir sevintene yeiris and of oure regnne the ellevint yeir.

Per signaturam manu dicti domini Regentis subscriptam.

ABSTRACT OF XXXV.

GIFT by King James the Sixth, under the Privy Seal, to and in favour of George Gordoun of Tullochquhodeis, his heirs, and assignees, of the Ward and non-entry of all and sundry the lands of Wratoun and Croft thereof, Tolquhyne and Mill of the same, the Cobill Croft, Tollochquhodie, Casteltoun, Balnagowin, the Croft of Bontie called Mylne's Croft, Bontie and Mill thereof, the half lands of Tarquhonncir, and the half Croft of Mariewell, with all and sundry their parts, pendicles, and pertinents, lying within the Lordship of Aboyne, and sheriffdom of Aberdeen, pertaining to the said George Gordoun in heritage: Holden by him, his heirs, and assignees, of Alexander, Earl of Sutherland, who held the same of George, Earl of Huntlic, last deceased. Dated at Holyrood House, 25th November 1577.

XXXVI.

ALEXANDER, Earl of Sutherland, still held the property of the Lordship of Aboyne, and grants a charter of the lands of Drumgask, by way of "pure vendition," to James Gordon, natural and lawful son of George Gordon of Auchmenzie.

In the foregoing note we make reference to the Gordons of Auchmenzie, styled also "of Auchmalidy," who afterwards became designed "of Tilphoudie." James Gordon died at the battle of Glenlivet, along with his brothers John and Alexander, but his descendants held the lands for a considerable period.

The witnesses to the deed are the retainers of the Earl, who accompanied him to Edinburgh, where the deed is dated. Gilbert Gray was the second Laird of Skibo and Swordale in Sutherland. He was the great-grandson of that Andrew Gray (second son of Andrew, 3rd Lord Gray,) who had to fly to Ross for killing his brother-in-law, Sir James Scrimgeour, Constable of Dundee. Gilbert was for many years Chanter of Caithness, and was served heir to John, his father, in the lands of Ospisdale 23rd June 1597 (*Sutherland Retours*). From this Gilbert descended the Grays of Arboll, Newton, Creich, Rogart, and other families. He died at Skibo on 23rd October 1624.

Thomas Polson, another Sutherlandshire laird, is a witness. The Polsons of Creichmore were said to be descendants of Paul MacTyre, Lord of Strathcarron, Strathoykell and Westray—a famous Sutherland freebooter of the 14th century. The ruins of his grim fortress on the Dun of Creich, commanding the Kyle of Sutherland, still attracts attention. The lands of Creichmore were acquired by the Polsons from the Lord of the Isles on the forfeiture of Thomas Mackay of Creich for the slaughter of Mowat of Freswick. Among the witnesses to various Sutherland charters appear John Polson of Creichmore in 1545, and from 1559 to 1577 the name of Thomas Polson appears (*Origines Parochiales Scot., vol. ii., p. 687*).

The charter in favour of James Gordon has got the signature of the Earl:—

OMNIBUS hanc cartam visuris vel audituris Alexander Comes de Sutherland &c. eternam in Domino salutem NOVERITIS nos utilitate nostra in hac parte vndique previsa et diligenter considerata pro quadam certa summa pecunie nobis per dilectum nostrum Jacobum Gordoun

Patrick Kinnaird of Kinnaird, who, upon 10th August 1573, grants a charter in her favour of the Mains of Kinnaird with the fortalice thereof (*Ibid.*, xxxiv., 152). There are Letters of Legitimation in favour of Margaret Carnegie, illegitimate daughter of Sir John Carnegie of Kinnaird, dated 28th July 1580. Three years later Sir John granted a charter to Margaret, his daughter, of the lands of Ruthven, Over and Nether Bellestraid, in the Lordship of Cromar. He had Sasine of these lands upon 11th May 1566, and paid £4, being double feu-duty on his entry (*Liber Responsionum in Saccario, Gen. Reg. Ho.*).

Mr. David Carnegie of Culluthie, who witnesses the following deed, took a prominent part in public affairs. He was one of the four Commissioners appointed in 1583 to "intercommune with the rebellis and "informe thame of the sinceritie of his hienes disposition and clemency "whare he sall find submission and trew obedience."

The Commissioners had to appoint their place of meeting with the rebels thirty miles distant from the Royal residence (*Reg. of Privy Council, iii., p. 611*). In 1603 he had commission from the King, then on his way to assume the English Crown, as "ane in special to accompany our dearest bedfellow," the Queen, to London, for which service he was knighted. He succeeded his elder brother, Sir John, and was father of David, first Earl of Southesk, and John, first Earl of Northesk.

The Bond of Reversion has got Sir John Carnegie's seal appended :—

To all and sindry quhome it efferis quhais knowlege thir present letters sall cum Schir Johne Carnegy of Kynnard knyght greting in God evirlesting Wit your universiteis that albeit ane nobill and mychte lord Alexander Erll of Sutherland hes sauld and analeit to me my airis and assignais ane or maa all and hail his landis of Farer with thair pertinentis lyand within the lordschipe of Aboyne and Shirefdome of Abirdene lyk as in the chartour and uther evidentis maid and deliverit to me thair-upon at mair lenth is contenit NEVIRTHELES I will and grantis and als be the tenour heirof I straitlie byndis and oblisces me my airis and assignais to the said nobill lord his airis successouris and assignais that quhat tyme or how sounne it sal happin him or thame to content pay and

deliver to me my airis or assignais togidder and at anis upone ane day betuix the sone rysing and passing down of the same within the Cathedrall kirk of Brechin all and hail the soume of ane thousand pundis usuale money of this realme havand course of payment for the tyme (stampit money except) togidder with ane sufficient letter of tak and assedatioune selit and subscrivit be the said erll his airis or assignais of all and hail the saidis landis of Farer with the pertinentis ffor all the dayis space and termes of fyve yeirs next and immediatlie following the redemptioun of the saidis landis of Farer with the pertinentis ffor the yeirlie payment of thre score foure pundis money forsaidis at the feistis of Witsunday and Mertimes in wynter be equall half portiones allerlie AND incontinent eftir payment of the said soume of ane thousand pundis money forsaidis and delivering of the said tak and assedatioun selit and subscrivit as is before rehersit to renounce ourgiff frelie deliver and quitclame fra me my airis and assignais to the said nobill lord Alexander Erll of Sutherland his airis successouris and assignais all and hail the saidis landis of Farer with the pertinentis with all chartouris preceptis instrumentis of sasing and uther evidentis maid and deliverit to me thairupone togidder with all rycht titill and clame of rycht propirtye and possessioun quhilkis I my airis and assignais had hes or ony wayes may have or clame thairto but fraude or gyle And I forsuith the said Schir Johne Carnegie my airis nor assignais sall nocht fraudfullie absent me nor thame fra the resseit of the said soume of ane thousand pundis money forsaid and delivering of the said letter of tak and assedatioun abone mentionat sua that we be lauchfullie warnit thairto other personalie apprehendit or oppinlie in our parroche kirk before nowne within the samin upone the premunioun and warnyng of fourtye dayis before the feist of Witsunday in presense of ane famous notar and witnes as efferis And gif I my airis or assignais wilfullie or fraudfullie absentis me or thame fra the resseit of the forsaid soume and letter of tak abone mentionat lauchtfull warnyng beyng maid as said is Than and in that cais it salbe lesum to the said nobill lord Alexander Erll of Sutherland his airis successouris and assignais to have als full and fre regres and ingres agane in and to the propirtye and possessioun heretabill of all and hail the saidis landis of Farer with the pertinentis lyke as thay had of the same before the alienatioun maid to me thairupone without ony process of law stope lat or impediment quahatsumevir and I my airis and

assignais to be secludit thairfra for evir NEVIRTHELES the said soume of ane thousand pundis money forsaidis with the letter of tak and assedatioun abone specifeit to be consignit in the ballies handis of Brechin beyng for the tyme and consignit in thair commoune kyst in sower keiping furthcumand to the utilitye and profeit of me my airis and assignais all fraud and gyle secludit and away putt In wites of the quhilkis to thir my letters of reversioun subscrivit with my hand my seall is appensit At Kynnard the thrid day of Maij the yeir of God ane thousand five hundreth threscore aughtene yeiris before thir wites Mr. David Carnegy of Colluthe my brother George Lyell and Thomas Petrie my servitouris with utheris dyvers.

Jhon Carnegy of Kynnard wyth my hand.

ABSTRACT OF XXXVII.

BOND OF REVERSION by Sir John Carnegy of Kynnard, Knight, to and in favour of Alexander, Earl of Sutherland, his heirs, successors and assignees, that on payment of £1000, within the Cathedral Kirk of Brechin, he will resign and overgive all and hail the Lands of Farer, with the pertinents, lying within the lordship of Aboyne and Sherifffdom of Aberdeen: which lands had been sold and annalied by the said Earl to the said Sir John, on condition, that whenever redeemed, a Tack and Assedation should be made and granted by the Earl to Sir John of the said lands, for the space of five years, immediately following the redemption of the same, at the yearly rent of £64. Dated and subscribed at Kynnard 3rd May 1578, before these witnesses, Mr. David Carnegy of Colluthe, brother of the said Sir John, and George Lyell and Thomas Petre, his servitors.

XXXVIII.

PATRICK Gordon of Correchie, son of the Laird of Tilphoudie, settles the lands of Correchie (which he purchased from his brother Robert) in liferent in favour of Margaret Erskine, his future spouse, the daughter of John Erskine of Balhagartie.

This Patrick of Correchie, along with John, Master of Forbes, on 26th March 1569, went to the house of John Abernethy of Balcorse and "lap ower the wallis thair of brak up durris and kistis and serchit and socht him for his bodily harm and slaughter." They also levied money from his tenants at Fintray, because the "puyr tenentis" did not join in the Earl of Huntly's raid into Kincardine. The Lords of Council intimate to Patrick and the Master of Forbes that if they repeat such offences, they will be punished with all "regour in exempill of utheris" (*Reg. of Privy Council, vol. i., p. 683*).

In regard to the Erskines, they possessed for many generations the barony of Balhagartie. On 12th November 1358, Sir Robert Erskine and Christian Keith his spouse had a charter from the Earl of Mar of the lands of Balhagartie (*Acts of Parliament, Scotland, i., 524*). His descendant John Erskine, the father of foregoeing Margaret, was son and heir of Sir Thomas of Brechin, and married Marjory, daughter of Archibald Douglas of Glenbervie. The Queen confirmed to him and his spouse, Marjory, a charter of the town and lands of Pittodrie and others in the barony of Balhagartie, 19th August 1558 (*Reg. Mag. Sig., xxxii., 232*). The Erskines and the Leslies of Wards, Cults, and Tullifour were at feud in regard to the "berging using and ganging of the Mill of Pittodrie." William Leslie of Tullifour was pursued by Erskine for "casting said Mill under silence of night," and William's defence was "the berging of the Mill on his lands of Bennoch." The Leslies became bound in large sums of money not to molest the Erskines, but the feud was not abated until after 1582 (*Registers of Privy Council, vols. ii. and iii.*). John Erskine, the next laird of Balhagartie, married Margaret, daughter of John Gordon of Cluny. They had a charter of the barony of Balhagartie, in implement of a contract of marriage, dated at Aberdeen, 2nd July 1587. He was served heir to his father, 5th March 1623, and two years later his son, Thomas, was retoured as his heir male (*Inquis. Spec. Aberdeen*). The family is now represented by the Knight-Erskines of Pittodrie.

The Settlement in favour of Margaret Erskine is dated at Tilphoudie, and is witnessed by the Laird of Auchindore, the cousin of Patrick, and Robert Carnegie of Kirktown of Aboyne. The Carnegies had obtained possession of the lands of Nether Formastoun in 1573. On 22nd February 1605, David Carnegie had Sasine of the lands of Kirktown of Aboyne, and on 16th September 1625, Patrick Carnegie had Sasine on the same lands. This Patrick had Sasine on the lands of Wester Kincardine 18th May 1626, and on same day Robert Carnegie had also Sasine ; his spouse Catherine Coutts being infeft in the Mill of Kincardine 23rd August 1623 (*Aberdeen Sasines*). In 1624 Robert Carnegie of Kirktown of Aboyne was criminally pursued for the murder of Alexander Ros in Lumphanan. He had a daughter named Jean.

The signatures of Patrick and George Gordon, his father, are appended :

OMNIBUS hanc cartam visuris vel auditoris Patricius Gordoune de Correchie filius et heres apparens Georgii Gordoune de Tulloquhodye eternam in Domino salutem Noveritis me utilitate mea in hac parte undique previsa et diligenter considerata ex certis causis rationabilibus animum meum ad hoc moventibus dedisse concessisse et hac presenti carta mea confirmasse Necnon tenore presentium dare concedere et hac presenti carta mea confirmare probe mulieri Margarete Erskyn filie legitime honorabilis viri Joannis Erskyn de Balhagardie mee future conjugii jam in sua viduitate existenti in vitali reddito pro toto tempore vite sue et heredibus masculis inter me et prefatam Margaretam legitime procreandis quibus forte deficientibus heredibus et assignatis meis masculis quibuscunque hereditarie Totas et integras terras meas de Corrochie cum suis pendiculis et pertinentiis jacentes in dominio de Cromar infra vicecomitatum de Abirdene pro quadam certa summa pecunie quam prefatus Joannes Erskyn nomine prefate Margarete filie sue mihi tempore confectionis presentis carte mee in pecunia numerata bene et fideliter pre manibus persolvebat . . . TENENDAS et habendas . . . de nobili et potenti domino Comiti de Mar et suis successoribus comitibus de Mar in feudifirma seu emphiteosi hereditaria imperpetuum per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine . . . REDDENDO inde annuatim . . . prefato

domino Comiti de Mar et suis successoribus summam decem librarum et undecim solidorum usualis monete regni Scotie ad duos anni terminos usualis Pentecostes videlicet et Sancti Martini in hyeme per equales duas medias portiones nomine feudifirme Necnon faciendo et perimplendo omnia alia et singula que in carta mea feudifirma desuper concessa continetur Tantum pro omni alio onere seruitio seculari exactione seu demanda que de predictis terris cum pertinentiis aliquo modo exigi poterint aut requiri ET ego vero prefatus Patricius Gordoun heredes mei et assignati omnes et singulas predictas terras de Correchie . . . contra omnes mortales warrantabimus acquietabimus et imperpetuum defendemus omnibus dolo et fraude seclusis Uterius ego prefatus Patricius Gordoun de Corrochie tenore presentium constituo creo et ordino dilectos meos et eorum quemlibet conjunctim et divisim ballivos meos in hac parte irrevocabiles quibus precipio do in mandatis ac firmiter mando quatenus sasinam et possessionem . . . omnium et singularum predictarum terrarum de Corrochie cum suis pendiculis et pertinentiis prefate Margarete Erskyn me future conjugii . . . per terre et lapidis fundi earundem donationem tradatis et deliberetis . . . RESERVANDO tamen per omnia liberum tenementum proficuum et usum fructuum hujusmodi terrarum cum pertinentiis mihi prefato Patricio post decessum prefate Margarete Erskyn pro toto tempore vite mee IN cujus rei testimonium huic presenti carte mee preceptum meum sasine in se continenti subscriptione mea manuali subscripte sigillum meum proprium est appensum Apud Tillaquhodye primo die mensis Novembris anno domini millesimo quingentesimo septuagesimo nono coram his testibus W^m. Gordone off Craige of Auhindi Wilhelmo Gordone in Dunkinstone Robert Carnegie of Kirkstone of Abyne.

George Gordone off Awchindze with my hand.

Patrik Gordone appeirand off Awchindze with my hand.

ABSTRACT OF XXXVIII.

CHARTER by Patrick Gordoune of Correchie, son and heir apparent of George Gordoune of Tulloquhodye, to Margaret Erskyn, daughter of John Erskyn of Balhaggardie, and future spouse to the said Patrick, being now in her widowhood, in liferent, and to the heirs male to be

procreated between them, heritably of the lands of Corrochie in the lordship of Cromar: To be holden of the Earl of Mar for the yearly payment of £10 11s. Contains Precept of Sasine, and is dated at Tillaquhodye, 1st November 1579: Witnesses—William Gordoune of Craige of Auchindoir, William Gordoune in Dunkinstoune, Robert Carnege off Kirkton of Aboyn.

XXXIX.

ON 10th March 1577, the Earl of Sutherland granted a charter to James Gordon, son of George Gordon of Auchmenzie and Tilphoudie, of the lands of Drumgask. James married Margaret, daughter to Andrew Strachan of Tillifroskie, by whom he had George and Patrick.

The Strachans were Lairds of Tillifroskie for several generations. Andrew Strachan and Christian Sibbald his wife, had a feu charter from William, Bishop of Aberdeen, of the lands of Tillifroskie, in the barony of Birse, 18th April 1556. This charter was confirmed by the King at Stirling on 18th August 1585 (*Reg. Mag. Sig., xli., 4*). Andrew had three sons:—(1) Alexander, fiar of Tillifroskie, who became cautioner in 1594 for David Sibbald of Keir and John, his son, that they would not harm David Wood of Craig (*Reg. of Privy Council, v., 180*); (2) William of Cluny; and (3) Mr. John, Rector of Kincardine, who married Agnes, one of the co-heirs of Andrew Hunter, burges of Aberdeen (*Reg. Mag. Sig., xli., 360*).

Andrew Strachan, with consent of Alexander, his son, upon 29th April 1597, granted the lands of Tillifroskie to John Sibbald, younger of Keir. From Sibbald the lands passed to John Irvine of Kinnoch, who granted them in 1601 to William Strachan of Cluny (*Ibid., xliii., 49*). This William married Christian, daughter of Archibald Irvine of Whitestone, and had several sons: the third, William, received a charter of the lands of Whitestone from his maternal grandfather (*Ibid., xliv., 45*).

The following is Letter of Reversion by James Gordon of Drumgask, and Margaret his spouse, in favour of Alexander, Earl of Sutherland, of the lands of Drumgask, redeemable by the Earl for 300 merks. On the back of the Deed is Renunciation and Discharge by said James Gordon, dated at Kirktown of Aboyne 22nd May 1591: Witnesses, Robert Carnegie of Wester Kincardine, Mr. Robert Middleton, Cordiner, and Alexander Gordon in Bonte.

The two seals are wanting, and neither James Gordon nor his spouse "culd wret":—

To all and sindrie quhome it efferis to quhais knawelege thir presentis sall cum Us JAMES GORDOUN lauchfull sone to umquhile George Gordoun of Auchemengzie and Margrett Strauthauchine lauchfull dochter to Andro Strauthauchin of Tillequhoskie spous to the said James Gordoune makes it manifest and knawin albeit ane nobill and potent lorde Alexander erle of Sutherland hes sauld and annaleit heretablie be chartour and precept of seassing to us the saidis James and Margrett and to the langest leivear of us twa and to the airis gottin or to be gottin betwix us quhilkis failleing to the airis and assignais quhatsumevir of me the said James all and haill his toun and landis of Drumgask with the croft and ailhous belangand thairto callit the Muirtoun with all and sundrie thair pendicules and pertinentis lyand within the lordeschipe of Aboyne and schirrefdome of Abirdene, as in ane chartour and seasing maid and deliverit to us thairupoun at mair leyntht is contenit NEVERTHELES we the saidis James and Margrett willis and grantis and als be the tennour heirof bindis and oblegis us and the langest leivear of us twa our aires and assignais abone wretin heretable possessouris of the saidis landis to the said nobill lord his airis assignais and successouris that quhat tyme and howesoune it sal happine the said nobill lord his airis and assignais to thankfullie content and pay to us the saidis James and Margret the langer leiveand of us twa our airis and assignais abone wretin upoun ane day betwix the sounne rysing and doun passing thairof within the parroche kirk of Oboyne the soume of three hundreth merkes usuall monie of this realme haiveand course and passage of payment within the samin for the tyme togidder with ane sufficient letter of take of all and haill the said toun and landis of Drumegask with the said

croft and aillous thairof parttis and pendiculis of the samin maid to us and the langest leivear of us twa our airis and assignais forsaidis be the said nobill lord his airis and assignais undir his or thair seill and subscriptioun as effearis for the space of sexteine yeiris nixt and immediatlle following the day of the redemptioun thairof for yeirleie payment of the soume of auchteine poundis money forsaid allanerlie at twa termes in the yeir Witsounday and Mertimes be equall portiones upoun the premonitioun of fourty dayis preceeding And in caice of wilfull absenting of us the longest leivear of us twa and our forsaidis fra the ressait of the forsaid soume and letter of tak being lauchtfullie warnit thairto as said is the forsaid soume of three hundreth merkes money forsaid to be tauld numberit and consignit with the said lettir of tak in the handis of Johnne Steuart of Balfour or Thomas Gordoun or thair airis thay being of perfyit aige Quhilkis failzeing the said soume and letter of tak to be deliverit deponit and consignit in the handis of thair tutouris and curatouris being responsall utherways to be consignit in the maist responsesall and sufficient menis handis within the said parroch in suir keiping to the utilitie and profeit of us the saidis James and Margrett and the langest leivear of us twa and our forsaidis Quhilkes being done we our airis and assignais abone writtine sall resigne quytclame discharge renunce and frelie ovirgif to the said nobill lord his airis and assignais all and haill the saidis toun and landis of Drumegask with the croft and aillous thairof abone wrettine pendicules and pertinentis of the samin with all chartouris seassings and utheris evidentis maid and deliverit to us thairupoun and grant the samin lauchtfullie redemit and out quit fra us our airis and assignais forsaidis Reserving alwayis to us and our foirsaidis the saidis sexteine yeiris tak to be deliverit to us or thame the tyme of the redemptioun forsaid and that specialie in respect it is notourlie knawin that I the said James had sa mony yeiris takes to rin of the saidis landis befor the alienatioun of the samin for payment of the yeirleie maill abone wrettine to the said nobill lord IN witnes of the quhilkis to thir presentis subscrivit with our handis as is undir wretin our seillis ar appendit at Milladeis the last day of November the yeir of God ane thousand five hundreth fourscoir twa yeiris befor thir witnesses Johnne Steuart of Balfour Thomas Gordoun in Millades George Davidsoun W^m. Gordoun in Ferrar and Adam Gordoun with utheris diverse Patrik of Auchmenze Robert Myddiltoun in Brodland James Gordoun of Drumgask and

Margarit Strathauquhin myn spows with our handis respective at the pen led be the notaris ondyrwritin be us speciale requirit heyrto and at our command becaus we culd nocht writ ourselfis.

Ita est Alexander Youngson notarius publicus ex speciali mandato dictorum Jacobi et Mergarte M. P. scripsit.

James Gordoun of Drumgask and Margret Strathauchin my spous with our handis respective at the pen led be the notar underwritin at our commandis becaus we culd nocht wret ourselfes.

Ita est Mayister Willelmus Anderson notarius e speciali predictorum requisitus manu sua scripsit.

(On the back.)

I James Gordoun of Drumgask for me my airis and assigneyis grantis the hail contentis of the reversioun within writtine fulfillit in all pointis be payment to me of the sowme of three hundreth merkis heirin contentit and thairfoir for me and takand the burdein upoun me for Mergret Strathachin my spous grantis and confessis the toune and landis of Drumgask with the pendiclis and pertinentis with the croft callit the Muirtoune fulfillit and lauchfullie redemit conforme to the tennour of the reversioun within wrettine in all pointis And lykewayes bindis and obleissis me my airis and assigneyis to caus the said Mergret my spous compeir judiciallie or utherwayes and consent to the redemptioun forsaid and that in respect I am satisfeit of the principal sowme within contentit Renunceand heirby all chartouris seassingis contractis wreittis and documentis quhotsomevir maid to us thairupone Reservand alwayes to me and my said spous and the langest lever of us our airis or assigneyes sextein yeiris takis nixt and immediatlie following the terme of Whitsunday anno fourscoir alleivin yeiris for the yerle deuetie contentit in the said assedatioun In witnes heiroy I the said James for my self and in name of my said spous hes subscrivit thir presentis with my hand at Kirktoune of Oboyne the xxii day of May the yeir of God ane thousand fyve hundreth fourescoir alleivin yeiris befoir witnesses Robert Carnegie of Wester Kincardin Mr. Robert Myddilton Cordinor Alexander Gordoun in Boyntie and Robert Boyd.

James Gordoun in Drumgask for my self and in name of Mergret Strauthachin my spous with my hand at the pen led be the notar under wrettine at my command.

Ita est Adamus Gordoun notarius publicus de mandato dicti Jacobi ad hec manu sua.

ABSTRACT OF XXXIX.

LETTER OF REVERSION by James Gordoun, son to the deceased George Gordoun of Auchemenzie, and Margaret Strauchauchine, daughter to Andrew Strauchauchin of Tillequhoskie, spouse to the said James Gordoun, to and in favour of Alexander, Earl of Sutherland, his heirs, assignees and successors, of All and Whole the town and lands of Drumgask, with the croft and alehouse called the Muirtoun, and their pendicles and pertinents, lying within the Lordship of Aboyne and Sheriffdom of Aberdeen: Redeemable by the said Earl for the sum of 300 merks, to be paid within the parish kirk of Aboyne: with a Letter of Tack of the said lands to the said James Gordoun and spouse, their heirs and assignees, for the space of 16 years. Dated at Milladeis 30th November 1582: Witnesses, John Steuart of Balfour, Thomas Gordoun in Milladeis, George Davidsoun, William Gordoun in Ferrar, and Adam Gordoun.

XL.

THOMAS Gordon in Millades, who is a witness to the foregoing deed, has a charter from Alexander, Earl of Sutherland, to him and Helen Skayde his spouse, of the lands of Millades, &c. There is reservation of the liferent of Marion Donaldson, relict of Thomas Gordon in Millades.

This charter is witnessed by Hugh Gordon of Ballinlon, a Sutherlandshire laird and a faithful retainer of the Earl's family, and by Mr. Thomas Tweedie, the Commissary of Aberdeen. The deed is signed by the Earl; has got his seal very indistinct, and is in the following terms:—

OMNIBUS hanc cartam visuris vel auditoris Alexander Comes Sutherlandie dominusque terrarum subscriptarum salutem in Domino sempiternam Noveritis nos dedisse concessisse ac de titulo oneroso et pure

venditionis tam alienasse et confirmasse . . . dilecto nostro Thome Gordoun in Millades et Helene Skayde ejus sponse et eorum alteri diutius viventi in conjuncta infeodatione heredibusque et assignatis dicti Thome quibuscunque Omnes et singulas terras nostras vocatas Millades . . . cum molendino terris molendinariis et multuris earundem jacentes in dominium de Oboyne et vicecomitatum de Abirdeine Reservato vitali reddito Mariote Donaldsounre relicte quondam Thome Gordoun in Millades de totis et integris terris predictis et predicto molendino in quantum ipsa Mariota de presenti possidet et in sua possessione habet TENENDAS et habendas . . . dictis Thome Gordoun et Helene Skayde ejus sponse et eorum alteri diutius viventi in conjuncta infeodatione . . . reservato dicto vitali reddito dicte Mariote durante ejus vita ut supra per omnes rectas metas suas . . . REDDENDO inde annuatim . . . nobis dicto Alexandro Comiti Sutherlandie nostrisque heredibus et assignatis dictarum terrarum dominis in festo Penthecostes unum denarium usualis monete Scotie si petatur tantum . . . ET nos vero dictus Alexander Comes Sutherlandie pro nobis et nostris heredibus et assignatis dictas omnes et singulas terras . . . contra omnes mortales varantizabimus acquietabimus et imperpetuum defendemus IN super dilectis nostris Archibaldo Schewas burgensi de Abirdeine ballivis nostris . . . vobis et vestrum cuilibet precipimus . . . statum sasinam hereditariam . . . dicte Thome et Helene ejus sponse heredibusque et assignatis dicti Thome secundum tenorem et continentiam dicte nostre carte quam de nobis inde habet per terre et lapidis traditionem ut moris est tradatis et deliberetis Reservato vitali reddito Mariote Donaldsounre . . . IN cujus rei testimonium huic presenti carte nostre manu nostra subscripta sigillum nostrum est appensum Apud Dunrobin vigesimo sexto die mensis Novembris anno domini millesimo quingentesimo octuagesimo tertio Coram his testibus Hugone Gordoune de Ballinlon Magistro Thome Tueadie commissario de Abirdene et Henrico Fermour et Adamo Gordoun camerario de Caythnes.

Alex^r. erll off Sutherland.

ABSTRACT OF XL.

CHARTER by Alexander, Earl of Sutherland, to Thomas Gordon in Millades and Helen Skayde his spouse, and the survivor of them, in conjunct-fee, and their heirs, of the lands of Millades, with mill, mill

lands, &c., in the lordship of Oboyne; reserving the liferent of Marion Donaldson, relict of Thomas Gordoun in Millades, of so much of the said lands as are now possessed by her. To be held blench: Contains precept of Sasine, directed to Archibald Scheves, burgess of Aberdeen, and is dated at Dunrobin 26th November 1583: Witnesses, Hugh Gordon of Ballinlon, &c.

XLI.

I N 1577, as already noticed (page 137), King James VI. granted a Gift of the ward, non-entries, &c., of the lands of Belwode in favour of George Davidson there, who held the lands from the Earl of Sutherland.

We next have contract between Alexander, Earl of Sutherland, and George Davidson and Marion Skaid his spouse. The Earl obliges himself to make, seal, subscribe, and deliver to the Davidsons a charter, with Precept of Sasine, of the town and lands of Belwode, under reversion for 500 merks. There is the curious stipulation, to which attention has already been directed, that the money should be paid at the parish kirk of Aboyne, "ane Sondag befor none in tyme of preiching or prayeris." It may be that the reason for selecting such a time for the completion of the transaction was the greater security, because of the sanctity of the place and the publicity given to the bargain.

Alexander, Earl of Sutherland (along with his kinsmen, the Earl of Huntly and Sir Patrick Gordon of Auchindoun), was frequently accused of aiding Jesuits. In 1590, he was ordered, along with the above parties, to enter Mr. James Gordon, uncle to the Earl of Huntly, "ane avowit Jesuit," before the Lords of Council, under pain of rebellion (*Reg. Privy Council, iv., 484*). He had in same year to find caution in 20,000 merks to answer for good rule in his district (*Ibid., p. 803*). Two years later he is ill, and is excused attendance upon the King at Aberdeen on account of "present disease and inhabilitic."

The Contract is dated at Belwode and Dunrobin :—

AT Dunrobin and . . . respective the fourteine . . . dayis
 respective of Januar . . . the yeir of God j^m. v^c. fourscoir aucht yeiris
 It is appointit faythfullie obleist endit and aggreit betuix ane noble and
 potent lord Alex^r. Erle of Sutherland on the ane pairt and George
 Davidsoun of Ballewod and Marioun Skaid his spouse on the uther pairt
 in maner forme and effect as efter followis That is to say the said noble
 and potent lord grantis and confessis himself to have ressavit realie and
 with effect in numerat mony fra the handis of the said George and
 Marioun his spouse the sowme of fyve hundreth merkis gude and usuall
 mony of this realme off the quhilk he holds him weill content satisfeit
 and payit exonerit and quyteclomit the said George and Marioun their
 airis and assigneyis thereof for him his airis and assigneyis for now and
 ever For the quhilk caus the said noble lord sall mak seall subscriyve and
 delyver to the said George and Marioun his spouse and to the langest
 lewand of thame twa togider in conjunct fie and to the airis gottin or to
 be gottin betuix thame quhilk failzeing the airis and assigneyis of the
 said George quhatsumever ane sufficient chartour and precept of sasing
 therein contenit in competent and dew forme with all clausis neidfull
 quhilk sall contene speciall warandice from all wardis releiffis nonentress
 lyfrentis ladyis terces forfaltouris recognitionis takis assedationis annual-
 rentis few maillis or uther parrellis quhatsumever off all and haill the
 town and landis of Ballewod with pairtis pendicles and pertinentis thereof
 lyand within the baronie of Aboyne and sherefdome of Abirdene To be
 halden of the said noble lord his airis and assigneyis blenche for yeirlie
 payment of ane penny gif it beis requirit alanerlie At the ressait of the
 quhilk infestment the said George and Marioun his spouse sall mak seall
 subscriyve and delyver to the said noble lord his airis and assigneyis ane
 sufficient lettir of Reversioun contenand what tyme or howsone it sall
 happin the said noble lord his airis and assigneyis to content pay and
 delyver to the said George his airis and assigneyis or to the said Marioun
 or the langest lewand of thame twa togider in conjunct fie and to the
 airis gottin betuix thame quhilk failzeing the airis and assigneyis of the
 said George quhatsumever all and haill the foirsaid sowme of fyve
 hundreth merkis gude and usuall mony of this realme all and togider at
 aynis and upone ane day betwix the sone rysing and the ganging to of

the samen upone that ilk day within the parosche kirk of Aboine upone fourtie dayis warning to be maid of befor be the said noble lord or his predicesoris to the said George or his foirsaidis heritable possessour for the tyme of the foirsaid towne and landis of Ballewod with the pertinentis personalie aprehendit or at thair duelling places and failzeing thereof at the parosche kirk of Oboyne upone ane Sondag befor none in tyme of preicheing or prayeris befor ane notar and sufficient witnes And in caice of wilfull absenting of thameself fra the ressait thereof the same to be put togidder with ane sufficient lettir of tak of all and haill the said town and lands of Ballewod partis pendicles and pertinentis thereof for the space of nyntene yeiris nixt and immediatle following the redemptioun thereof for yeirle payment of ten lib. mony alanerlie at twa termes in the yeir Witsunday and Martemes alanerlie and the same to be put and consignit in the handis of Robert Carnegie of the Kirktoun of Oboyne or his airis being of perfyte age and to be furthcummand to the weill utilitie and proffeit of the said George and Marioun and their foirsaidis Quhilk being done the said noble lord his airis and successoris to have als full frie regres ingres and interes agane in and to the said town and landis of Ballewod with the pertinentis as gif the said alienatioun had nevir bene maid Except the said lettir of tak to be effectuall to thame for the said space of nyntene yeiris for yeirle payment as said is and all uther wreittis and evidentis maid to thame thereof to be of na avail force nor effect but cassit annullit and expyrit in thameself And gif this present contract be nocht sufficient to the effect foirsaid baith the saidis parteis ar content the same be amplit and reformit ay and quhill the same be sufficient be the advys of men of law and thereafter to be insert and registrat in the Shireff and Commissary buikis of Abirdene to have the strenth of ane confessit act and judiciall decreit and executoriallis of horning and poiding to pas thereupone in forme as effeiris and to that effect makis and constitutis their procuratoris conjunctlie and severalie to consent to the registratioun hereof in uberiori juris forma procurationis promittentes de rato In witnes hereof bayth the saidis parteis hes subscrivyt this present contract with their handis as followis At Ballewod and Dunrobin respectie the xiiii and . . . dayis of Januar respectie the yeir of God j^m. v^c. fourscoir aucht yeiris Befor thir witnes Johne Gordoun in Thanetoun M^r. Arthure Andersoun Alex^r. Gordon in Bontie.

Alex^r. Erl off Sutherland.

ABSTRACT OF XLI.

CONTRACT betwixt Alexander, Earl of Sutherland, on the one part, and George Davidsoun in Ballewod and Marioun Skaid his spouse, on the other part, whereby, for the sum of 500 merks received by him from the said spouses, the said Earl obliges himself to make, seal, subscribe, and deliver to the said George and Marioun, spouses, a charter, with Precept of Sasine, of the town and lands of Ballewode, with parts, pendicles, and pertinents thereof, lying within the barony of Aboyne and Sheriffdom of Aberdeen: To be holden of the said noble lord, his heirs, &c., for the yearly payment of one penny Scots, if it be asked allenarly: Under reversion of 500 merks to be paid at the parish kirk of Aboyne upon "ane Sondag befor none in tyme of preiching or prayeris," before a notary and faithful witness, upon premonition of forty days; and in case of "wilfull" absence of the said George Davidsoun, the said sum, with a sufficient letter of tack of the said town and lands for the space of nineteen years, to be put into the hands of Robert Carnegie of the Kirketoun of Aboyne. Dated at Ballewod and Dunrobin, 14th January 1588; Witnesses—John Gordon in Thanetoun, Mr. Arthure Anderson, and Alexander Gordon in Bontic.

XLII.

WE here have the last deed in this collection relating to the tenure of Aboyne by the Earls of Sutherland. Earl Alexander makes Assignation to George, Earl of Huntly, of the rights and reversions of the lands of Ferrar, Castletoun, Drumgask, Nether Formastoun, Belwode, and Dess, in the Lordship of Aboyne. The consideration for these rights seems to have been the office of Sheriff-Depute of Inverness, which, on 8th December same year, Huntly conferred by charter upon the Earl of Sutherland. About the same time, too, the Earl of Sutherland received from Huntly the superiority of the lands of Strathnaver, which gave a

subordinate title to the family. This grant led to a dispute between the Earls of Caithness and Sutherland. The two families were constantly at issue, struggling for the ascendancy, and Caithness tried to get the Earl of Huntly to revoke the grant in favour of Sutherland, and bestow the superiority of Strathnaver upon himself. The Earl of Sutherland resented this, because the bargain he had made had been long concluded. Shortly afterwards the Earl of Caithness killed a vassal of Sutherland's, which led to the invasion of Caithness by the Sutherland men, who destroyed the town of Wick. But neither this, nor the mediation of friends, put an end to the strife, for it was carried on for several years; and in 1594, while the Earl of Sutherland was on his deathbed, the intelligence was brought to him that his country was being pillaged by the men of Caithness. The historian of Sutherland says "he was ane honourable and high-minded man. One that loved much to be well followed, verie liberal. He was young at his father's untimely death, and was then exposed to the dangers of his enemies wherein he was so ensnared. Then on his return to his own country he found the same in great trouble and disorder, occasioned by the government of ane enemy during his minority, which he pacified without the effusion of blood, thereby purchasing the undoubted commendation of clemency. Some he appeased and reconciled by his liberality, others he essayed by fair forbearance to purchase their love."

The Assignation in favour of the Earl of Huntly is dated at Elgin, 1st December 1589, and the witnesses are:—Robert Bruce of Badrig, Harie Gordon of Gowlis, John Drummond of Stronmuck, and Mr. Francis Cheyne. Robert Bruce of Badrig frequently witnesses northern charters. On 22nd July 1588, there is caution by William Wallatt in Touch and Robert Kellop of Muretoun, for Abraham Wallatt of Wester Badrig and others, in 500 merks each, that Robert Bruce of Badrig, his tenants and servants, shall be harmless of them, specially in "using and josing of his gaittis and passaiges to and fra his heuch of Badrig for conveying of the coilis and water fra the same" (*Reg. Privy Council, iv., 298*).

Harrie Gordon of Goval or Goulis was Laird of Haddo. He was often in trouble with the authorities, and was designed a "traitor and conspirator against the trew religion." Ultimately he had to ward in Aberdeen during the King's pleasure. Another witness is John Drummond of Stronemuck, who may be the person who witnesses charters wherein he is styled "Servitor to the Earl of Huntly."

The deed has got the signature of the granter :—

BE IT KEND till all men be thir present letters us Alexander erle of Sutherland heretabill proprietar of the townis landis mylnis multuris suckin toftis croftis pairtis pendiclis and pertinentis of the lordshipe of Obyne liand within the Shirefdom of Abirdene for gude deidis gratitudis and sowmes of money done maid and paid to us be ane noble and potent lord George erle of Huntlie lord Gordoun and Badzenocht &c. quhairoff we hald us weill content and paid renunceand the exceptioun of none numerat money quitclames and dischargis the said noble lord George erle of Huntlie his airis executouris and assignais for us our airis executouris assignais successouris and all utheris quhome it efferis of the samyn for now and evir to haif maid constitute and ordanit and be the tennour heirof makis constitutis and ordanis the said noble lord George erle of Huntlie his airis and assignais our veray lauchfull undoutit and irrevocabill sessionaris donatouris and assignais veluti in rem suam cum dispositione libera in and to the letters of reversion and rycht of redemptioun thairin contenit maid and grantit to our umquhill predicessouris of gude memorie and us be the personis efter mentionat for redemptioun of the landis underwrittin to witt In and to ane letter of reversion made and grantit be Sir John Carnegie of Kynnard to us our airis and assignais for the redemptioun and outquiting of the toun and landis of Farrar with houses biggingis toftis croftis pairtis pendicles and pertinentis thair of Ane letter of reversion maid and grantit be umquhill George Gordoun of Auchtmaledie for redemptioun of the toun and landis of Castelltoun Ane letter of reversion maid be James Gordoun to us our airis and assignais for the lauchfull redemptioun and outquiting of the toun and landis of Drumgask Ane letter of reversion maid and grantit be Robert Carnegie to us and our forsaidis for lauchfull redemptioun and outquiting of the ane half of Nether Formestoun Ane letter of reversion maid and grantit to us

and our forsaidis be Alexander Gordoun sone lauchfull to the said George Gordoun of Auchtmaledie for the lauchfull redemptioun and outquiting of the uther half of the said toun and landis of Formestoun with the pertinentis and all and hail the toun and landis of . . . Formestoun with the pertinentis Ane letter of reversioun maid and grantit be George Davidsoun for redemptioun of the toun and landis of Belwoid with the pertinentis and in and to ane letter of reversioun maid and grantit by Thomas Gordoun [Millades?] for the lauchfull redemptioun and outquiting of the myln of Deis multuris and suckin thair of the forsaidis hail landis and myln liand within the lordschipe of Obyne and Shirefdome of Abirdene The saidis reversiounis and ilk ane of thame containing the payment of the soumes of money and letters of tak and assedationes thairin respective contenit to be pait and deliverit to the saidis personis grantaris of the reversiounis forsaidis thair airis and assignais as the former reversiounis in thameselfis at mair lenth proportis Quhilkis letters of reversiounis befor mentionat we bind and obliss us our airis and assignais to warrand valliabil and affectual to the said noble lord George erle of Huntlie and his forsaidis for redemptioun of the saidis tounis landis and myln forsaid and that na soumes of money nor takkis sall be augmentit thairto oblyssing us and our forsaidis to deliver to the said noble lord and his forsaidis the said letters of reversioun and all and quhatsumevir utheris letters of reversioun of the saidis landis and myln quhilkis we may purches and obtene betwix the dait of thir presentis and the aucht day of Marche nixt to cum and that upoun our honor and grite aitht under the panis of horning upoun ane simpill charge of sex dayis TURNAND and transferrend and be thir presentis turnis and transferris for us our airis and all utheris our assignais all rycht titill of rycht entres clame petitour and possessour propirtie and possessioun quhilkis we had hes or any wayis nicht or may haif in and to the saidis letters of reversioun and rycht of redemptioun thairin contenit in the said noble lord George erle of Huntlie his airis and assignais denudand and be thir presentis denudis us and our forsaidis therof simpliciter for cvir And be thir presentis surrogatis the said noble lord George erle of Huntlie and his forsaidis in our place and ouris forsaidis of the former letters of reversioun and rycht of redemptioun therein contenit and in sign and takin of reall assignatioun hes bund and oblessit us and our forsaidis to deliver to the said noble lord George erle of Huntlie and his

forsaidis the reversionis forsaidis as is abone writtin And be the tennour heirof bindis and oblissis us and our forsaidis to reforme and renew this our assignatioun to the said noble lord and forsaidis swa oft and how oft as we sall be requirit thairto quhill the samin be anis maid sufficient with all specialiteis soumes of money letters of tak daitis and contentis of the former reversionis and utheris clauses necessar and requisit in assignatiounis In witnes of the quhilk thing to thir presentis subscrivit with our hand our seill is appendit at Elgin the first day of December the yeir of God j^m. v^e. four seoir nyne yeiris befor thir witnesses Robert Bruce of Badrig Harie Gordon of Gowlis John Drummond of Stronemuk and Mr. Frances Chene.

Alex^r. Erll off Sutherland.

ABSTRACT OF XLII.

ASSIGNATION by Alexander, Earl of Sutherland, in favour of George, Earl of Huntlie, of the following rights (1) Letter of Reversion by Sir John Carnegie of Kynnard to the said Alexander, Earl of Sutherland, for redemption of the lands of Farrar: (2) Letter of Reversion by the late George Gordoun of Auchmaledie for redemption of the lands of Castle-toun: (3) Letter of Reversion by James Gordoun to the said Alexander, Earl of Sutherland, for redemption of the lands of Drumgask: (4) Letter of Reversion by Robert Carnegie to the same for redemption of the half lands of Nether Formestoun: (5) Letter of Reversion to the same by Alexander Gordoun, son of the said George Gordoun of Auchmaledie, for redemption of the other half of Formestoun: (6) Letter of Reversion by George Davidsoun for redemption of the lands of Belwad: (7) Letter of Reversion by Thomas Gordoun for the redemption of the Mill of Deas, &c., all lying within the Lordship of Obyne. Dated at Elgin, 1st December 1589. Witnesses—Robert Bruce of Badrig, Harie Gordoun of Gowlis, John Drummond of Stronemuk, and Mr. Francis Chene.

XLIII.

ALEXANDER Gordon of Lesmore was one of those who took part in Huntly's rebellion in 1589, and had to find caution in £5000, along with John Gordon of Newton, that they should attempt

nothing in hurt and prejudice of his Majesty; nor yet intercommune with "rebellious and unnatural subjects in their treasonable practices and conspiracies" (*Register Privy Council, v., 378*).

We give below Notarial Instrument anent the delivery of a letter of Tack and Assedation granted by the Earl of Huntly to Alexander Gordon of Lesmore of the town and lands of Tullich. The sum of "2000 merkis usual scottis money" being paid, "all togidder and in ane sume," Lesmore resigned and renounced the lands.

The procurator for the Earl of Huntly was Thomas Gordon of Segieden, a relative of Lesmore. George Gordon of Cochlarachie is one of the witnesses. He was one of those gentlemen "nocht to be occupiaris nor handleris with merchandes," who were made burgesses of Aberdeen in May 1582. In 1590 there is Bond of Caution by James Gordon of Knockespock (or Lurgyndaspock as it was called of old) for George Gordon of Cochlarachie in 1000 merks, that he wont harm James and George Leslies. Cochlarachie in July same year is cautioner in one thousand pounds for John Lumsden of Cushny that he will not harm James Robertson in Leochel, who appears to have incurred the resentment of William Strachan of Glenkindie (*Register Privy Council, v., pp. 520, 629*). The Laird of Cochlarachie was present at the battle of Glenlivet in 1594, for which he had a remission in 1603. He married Bessie Duncan, one of the daughters of James Duncan in Merdrum. Along with her sisters, Janet (wife of Abraham Forbes of Blacktoun) and Marjorie, she had in 1602 Sasine on the lands of Mortlich and mill thereof, lands of Corbanchrie, Overtouris, Cokstoun, Jempson, Duncanstoun and New Merdrum, Balnakellie, Balthinie, Wester Fowlis, Craigmill, &c. (*Aberdeen Sasines, vol. ii.*). Both Bessie and Janet Duncan, with their husbands, had Sasine on the third part of above lands. On 17th May 1602, there is Sasine in favour of George Gordon of Cochlarachie and Bessie Duncan his spouse in liferent, and to Alexander and George Gordons, their sons, heritably on the half lands of Merdrum and Balnakellie. Alexander was the second son, and he had Sasine on the said lands on same day (*Ibid.*).

The Notarial Instrument anent the Tack of Tullich runs thus :—

IN Dei nomine amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo quingentesimo nonagesimo primo die mensis Novembris undecimo regni que supremi domini nostri regis anno vigesimo The quhilk day in presence of me notar publict and witnes underwritten Thomas Gordoun of Segiden procurator to ane nobill and potent Lord George Erll of Huntlie &c. (quhais mandat was cleirly knawin to me) payit and reallie delyverit to Alexander Gordone of Lesmoir all and hail the sowme of twa thousand merkis usuall Scottis money all togidder and in ane sowme For the quhilk sowme abonewritten and for fulfilling his part of ane contract maid betwixt the said nobill Lord and the said Alexander of the daitt at Edinburgh the ellevint day of October the yeir of God ^{j^m}, v^e, fourscoir and ellevin yeiris as in the same at mair lenth is contenit the said Alexander delyverit ane letter of tak and assedatioun granted be the said Erll to umquhill George Gordone of Lesmoir of all and hail the toun and landis of Tullicht with pertinentis and pendicles thereof for all the dayes and spaice of nyntein yeiris for the yeirly payment and dewties therein contenit to the said Thomas procurator foresaid And renuncit dischargit and simpliciter owergeiff the haill strenth force and effect of the said assedatioun with all richt titill of richt entres kyndnes possessioun bayth petitour and possessour of the said toun and landis of Tulliche with the pertinentis forsaidis that he his airis or assignayis haid hes or ony wayis micht have thairto in and be the said assedatioun or quhatsumever vther richt preceding the daitt heirop In favouris and in the persone of the said nobill lord his airis successouris and assignayis sua that it sall be lefull to the said nobill lord and his forsaidis or onye wtheris in his name to sett vse occupie and dispone thairupone at his will and pleasour pecciable without contradictioun oppositioun reclamatioun clame actioun of ejectioun intrusione spuilze or violence to be maid or intendit be the said Alexander or his forsaidis and the said assedatioun to be of nane awaill bot alluterlie cassat annullit and destroyit to have na fayth nor creditt quharsoever the same beis producit in judgment or without Acta erant hec in fortelito de Lesmoir horam circiter quartam pomeridianam aut eo circa sub annis die ac mense quibus supra superquibus omnibus et singulis premissis prefatus Thomas procuratorio nomine

antedicto a me notario publico subscripto sibi fieri petiit instrumentum publicum seu publica Presentibus ibidem Jacobo Duncane in Merdrum Georgio Gordone de Cuclarachye Georgio Gordone filio dicti Alexandri et Thoma Robertson eius servitore.

ET ego vero Magister Patricius Andersone clericus diocesis Moraviensis Regia autoritate notarius publicus ac per dominos concilii admissus et approbatus (&c. in communi forma).

ABSTRACT OF XLIII.

NOTARIAL Instrument anent the delivery of a Letter of Tack and Assedation granted by George, Earl of Huntlie, to Alexander Gordone of Lesmoir, of the town and lands of Tullicht, with pertinents and pendicles thereof, for 19 years, and now resigned and renounced by the said Alexander to the said Earl, on payment of 2000 merks. Dated 11th November 1591. Thomas Gordoun of Segiden appears as procurator for the said Earl, and Patrick Anderson is notary public; James Duncane in Merdrum, George Gordone of Cuclarachye, George Gordone, his son, and Alexander Robertsoun, and Thomas Robertsoun, servitors, are witnesses.

XLIV.

GEORGE Davidson in Belwode died before 30th November 1591, upon which date the Earl of Huntly granted a charter in favour of Robert Davidson, his eldest son. The charter is of the "shadow half of the town and lands of Belwode, with the fourth part of the boat, and fourth part of the salmon fishing upon the water of Dee." From the foregoing it would appear that there was a ferry and boat at Belwode. It was directly opposite to the Kirk of Birse, and was an exceedingly dangerous crossing.

The following is the Instrument of Sasine upon said charter. Bernard Stewart, in whose presence sasine is given, was one of the

witnesses to a Bond by John Gordon of Kennertie that he would not harm William Leslie of Seville (*Reg. of Privy Council*). He married Helen Gordon, and had a daughter Janet who had Sasine (31st December 1603) on the lands of Birse: reserving the duty of the third part of said lands to Helen Gordon (*Aberdeen Sasines, vol. iii.*).

Robert Ros in Birsemore, who is Bailie, married a daughter of Forbes of Newe, and was of the Family of Tillisnaught or Ballogie. The Crawfords in the Parish of Birse (one of whom is a witness) were a branch of the Crawfords of Fedderat.

The Sasine is in these terms:—

IN Dei nomine amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno incarnationis dominice millesimo quingentesimo nonagesimo primo mensis vero Januarii die quarto et regni supremi domini nostri regis Jacobi sexti anno vigesimo primo in mei notarii publici et testium subscriptorum presentia personaliter constitutus probus adolescens Robertus Davidsoun filius natu minimus legitimus quondam Georgii Davidsoun olim in Ballwod commorantis habens et tenens in manibus suis quandam cartam feudifirme nobilis et potentis domini Georgii Comitis ab Huntlie domini Gordoun ac Badzenocht prefato Roberto Davidsoun suis heredibus et assignatis quibuscunque de et super tota et integra umbrali dimedietate umbralis dimedietatis ville et terrarum de Balwod cum quarta parte cymbe privilegiorum ac commoditatum ejusdem ac quarta parte piscarie salmonum piscium ejusdem super aquam de Dee cum silvis nemoribus ac parcis ad dictam dimedietatem spectantibus per dictum nobilem Comitem factam et concessam jacente infra dominium de Oboyne et vicecomitatum de Aberdene una cum precepto sasine ejusdem Comitis in calce dicte carte contento sigillo suo subscriptione manuali roboratam et subscriptam QUAMQUIDEM cartam una cum sasine precepto in se comprehenso honorabili viro Roberto Ros in Birsmoir ballivo in hac parte prefati Comitis in dicto precepto specialiter constituto et principaliter nominato ea qua decuit reverentia exhibuit produxit et presentavit quam ego notarius publicus subscriptus de manibus dicti ballivi accipiens alta et intelligibili voce perlego ac nostro sermone Scoticano interpretavi hujusmodi preceptum sasine cujus precepti tenor sequitur et est talis IN super dilectis nostris

Roberto Ros in Birsmoir et eorum cuilibet conjunctim et divisim ballivis nostris in hac parte specialiter et irrevocabiliter constitutis salutem vobis precipimus et firmiter mandamus quatenus visis presentibus indelate statum sasinam et possessionem hereditariam actualem realem et corporalem totius et integre predictae umbralis dimedietatis dicte umbralis dimedietatis predictae ville et terrarum de Ballwod cum quarta parte cymbe predictae ac quarta parte dicte piscarie salmonum piscium predictarum . . . prefato Roberto Davidsoun suis heredibus et assignatis predictis vel suo certo actornato vel suis certis actornatis presentium latori seu latoribus per terre et lapidis fundi dictarum terrarum retis ac cymbe dicte piscarie donationem ut moris est in similibus tradatis . . . ad quod faciendum vobis . . . nostram plenariam et irrevocabilem tenore presentium committimus potestatem IN cujus rei testimonium huic presenti carte nostre preceptum nostrum sasine in se continenti manu nostra subscripte sigillum nostrum est appensum Apud Halyruidhous ultimo die mensis Novembris anno domini millesimo quingentesimo nonagesimo primo Coram hiis testibus Georgio Gordoun Normanno Leslye burgensi de Aberdene Magistro Arthuro Gordoun dicti Comitum servitore Jacobo Davidsoun burgensi de Aberdene sic subscribitur George Erle of Huntlie George Gordoun witnes Normound Leslye witnes James Davidsoun burges off Aberdene witnes Maister Arthour Gordoun witnes POST cujus quidem precepti sasine presentationem et lecturam sic ut premittitur factam prefatus Robertus Davidsoun suprascriptum ballivum in hac parte humiliter requisivit quatenus ad debitam et efficacem executionem hujusmodi precepti procedere dignaretur . . . QUIQUIDEM ballivus hujusmodi requisitionem sciens justam rationique consonam ad predictas terras de Ballwod et piscariam ejusdem cum dicto Roberto Davidsoun personaliter accessit et ibidem prout sibi ex officio incubuit virtute precepti sasine statum sasinam et possessionem hereditariam totius et integre dimedietatis umbralis umbralis dimedietatis predictae ville et terrarum de Ballwod cum quarta parte cymbe predictae ac quarta parte dicte piscarie salmonum piscium predictarum cum silvis nemoribus aliisque suis pendiculis privelegiis commoditatibus et pertinentiis in dicta carta specificatis prefato Roberto Davidsoun personaliter acceptanti suis heredibus et assignatis per terre et lapidis fundi hujusmodi terre retis et cymbe piscarie predictae donationes ut moris est contulit et cum effectu deliberavit ipsumque Robertum in hujusmodi terris cymba et piscaria ut dictum

est induxit imposuit rite et legitime sasivit et investivit secundum tenorem precepti sasine supra inserti SUPER quibus omnibus et singulis dictus Robertus Davidsoun a me notario publico subscripto sibi fieri petiit instrumentum seu instrumenta unum vel plura Acta erant hec super solum hujusmodi terre et apud hujusmodi piscariam hora quinta post meridiem aut eo circa presentibus ibidem Barnardo Stewart in Kirktoon de Brismoir Alexandro Craufurd in Balfuir Joanne Jamesone in Balwod Paulo Tod ibidem Joanne Chalmer servitore Roberti Dwne burgensis de Abirdene testibus ad premissa vocatis pariterque rogatis.

Et ego vero Jacobus Davidsoun clericus diocesis Abirdonensis auctoritate regali notarius publicus (&c. in communi forma).

ABSTRACT OF XLIV.

SASINE proceeding upon a Charter of feu ferm granted by George, Earl of Huntlie, in favour of Robert Davidsoun, eldest son of the deceased George Davidsoun, sometime in Balwod, his heirs and assignees, of the shadow half of the town and lands of Balwod, with the fourth part of the Boat, privileges and commodities thereof, and fourth part of the salmon fishing of the same on the water of Dee, with woods, groves, and others pertaining to the said half, in the Lordship of Aboyne and Sheriffdom of Aberdeen: Charter dated at Holyroodhouse 30th November 1591; George Gordoun and Norman Leslye, burgesses of Aberdeen, Mr. Arthur Gordoun, servitor to the said Earl, and James Davidsoun, burges of Aberdeen, are witnesses: Sasine is given on 4th January 1591, in presence of Barnard Stewart in Kirktoon of Birsmoir, Alexander Craufurd in Balfuir and John Chalmer, servitor to Robert Dune, burges of Aberdeen: Robert Ros in Birsmoir is bailie, and James Davidsoun is notary.

XLV.

ALEXANDER Gordon of Bonte, who grants the following Letter of Reversion in favour of Huntly, in 1592 became bound in the sum of 1000 merks to do nothing "in hurt of his Majesty's Government and

the trew religion nor take part with the Earl of Huntly nor na utheris Jesuits seminarie preistis trafficquing papistis nor na utheris his Majesty's declarit tratours rebellious and unnatural subjectis" (*Reg. of Privy Council*, v., 47). Alexander of Bonte was fifth son of George Gordon of Auchmenzie and Tilphoudie. He married Helenor (daughter of John Gordon of Bruny), relict of John Stewart of Bonte, and had a son Patrick. Upon 5th January 1593, he had a charter from Robert Stewart, burgess of Aberdeen, of the land called, of old, Alexander Sang's Croft in the barony of Kincardine O'Neil (*Reg. Mag. Sig.*, *xlvii.*, 140).

In 1594 he is charged, along with others, to appear before the King and Council to answer for good rule and loyalty. He fell in battle at Glenlivet same year.

The Letter of Reversion by Alexander Gordon and Helenor his spouse contains a curious stipulation as to redemption. The sum of 1000 merks must be paid in current money—"stampit plakis hardheidis aucht four and twa penny peices exceptit." Great hardship and much trouble was experienced in the north owing to the circulation of bad and adulterated coin. The coinage of the period was much debased, which accounts for the exception of "plakis" which were brass coins of the value of two pence. "Hardheidis" *alias* "Lions" were coins of mixed metals. Knox, in his *History* (page 147), makes the following reference to these coins:—"dailie thar war such numbers of Lions *alias* called Hardheides prented that the baseness thereof maid all things exceding deir." The coin was of value about three half pence.

Among the witnesses to the Letter of Reversion are Thomas Gordon of Segeden and Robert Carnegie of Wester Kincardine. We have also the name of Robert Boyd, Vicar of Aboyne, one of the few references we have in these papers to the clergymen of the parish.

The deed is dated at Bonte—the ancient name for the lands lying to the east of the old Ferry, near the present Bridge of Aboyne—and is signed by the witnesses, and also by Alexander Gordon and his spouse, who alas! "culd nocht wrett":—

BE IT KEND till all men quhom it effeiris Me Alexander Gordoun in Bountie and Helenour Gordoun my spous with my consent ffor fulfilling off ane certen pairt off ane contract and appoyntment maid betuix ane nobill and potent lord George Erll of Huntlie &c. on the ane pairt and me and my said spous on the vther pairt off the dait at Abirdein the nyntein day of Januar instant to be bund and faithfullie obligit and be the tenour heiroy bindis and faithfullie obligis us the langest leivar off us twa owr airis and assignis eftir specifeit to the said nobill lord his airis maill and assignis quhatsumevir in the maist strait and suir form off obligatioun that can be devysit That is forsamekill as the said nobill lord hes sauld analeit and disponit to me and my said spous the langest leiver off ws twa in conjunct fee the langest leivar of ws as said is the airis lawchtfully gottin or to be gottin betuix us quhilkis failzeing myne the said Alexander his airis and assignis quhatsumevir all and haill the toun and landis off Ovir Formeistoun with the houses biggingis pasturage focage propirtie and commoutie with thair pertinentis usit and wount lyand within the barronie of Obyne and shrefdome of Abirdein as in the said contract and chartour following thairon at mair lenth is contenit NEVIR-THELES at quhat tyme or quhowson it sall happin the said nobill lord or his forsaidis to refund content pey and delyver to us the langest leiver off us twa and our forsaidis all and haill the sowm off ane thowsand markis usual current Scottis money (Stampit plakis hardheidis aucht four and twa pennie peicis exceptit) with ane sufficient lettir of tak and assedatioun of the saidis landis with the pertinentis and privilegeis thairof forsaidis full and frie jurisdiction of baillerie of the samen court plent herezeld escheit of court and amerciament to me and my said spous the langest leiver of ws twa and our forsaidis contened warrandice according to the said contract for the haill spaice yeiris and termis of sevin yeiris nixt and immediatlie following the day of the redemptioun of the saidis landis ffor yeirlye peyment to be maid to the said nobill lord and his forsaidis be ws the langest leiver of us twa and our forsaidis off the sowm of fourtie aucht pundis pennie maill at the termis of Whitsunday and mertymes in wynter be equall portionis allanerlye togidder and att aneis upon ane day betuix the son rysing and ganging doun of the samen that ilk day within the paroche kirk of Oboyne wpon the premonitioun of fourtie dayis to be maid abefoir the feist off Witsunday be the said nobill lord and his forsaidis to me my said spous the langest leivar of us

twa and owr forsaidis personalie apprehendit or at owr duelling plaiceis and parochie kirk for the tym wpon ane Sounday in tym of devyne service befor nwne in presens of ane notar and famous witnessis Quhilkis being done we and our forsaidis receaveris of the saidis sowm and lettir of tak sall graunt the saidis landis with thair pertinentis lauchtfullie owtquytit and redemit renunce quytclame and dischaige all rycht tytill entres clame or possessioun (excepting the said lettir of tak abonespecifeit) quhilkis we or our forsaidis hes haid or mey pretend to haiff thairto in favouris off the said nobill lord and his forsaidis And gif it sall happin me my said spous the langest leivar off us twa and our forsaidis to wilfullye or fraudfullie absent ourselffis fra the receipt off the saidis sowm and lettir of tak abonespecifeit or being present refusis to receive the samen lawchfull warning being maid as said is IN they caiceis or ony of thame it salbe lesum to the said nobill lord and his forsaidis to consigne tell nummer and depone the said sowm of ane thowsand markis with the said lettir of tak contenend baillerie as said is in the handis of the gudemen of Tillaquhoudie Kyncragie or thair airis being of perfytt age for the tym and failzeing thereof in the handis of ony responsall landit man within the said parochin to the utilitie and proffeit of us the langest leiver of us twa and our forsaidis Quhilk consignatioun being dewlie maid as said is thaireftir the saidis landis with thair pertinentis to be als lauchtfully owtquytit and redemit as gif I my said spouse or owr forsaidis haid receawit the saidis sowm and lettir of tak and fra thyn furth the haill evidentis maid to us thairon to be ineffectuall and null and nevir to haiff fayth in jugement nor without the samen but fraud or guyill In faith and witnes quhairof to this owr lettir of reversioun subscriyvit with our handis as followis At Bonty the tuelf day of Februar jm. v^e. fourscoir and twelf yeiris befor thir witnesses Thomas Gordoun of Segeden Robert Carnegy of Waster Kincardin Robert Boyd Vicar of Obyne Robert Myddiltoun of Brodlands and Mr. W^m. Andersoun notar publict.

Thomas Gordoun witnes.

Robert Carnegy witnes.

Robert Boyd witnes.

Alex. Gordoun in Bonty with my hand.

Helenour Gordoun with my hand at the pen
led be the notar underwrittin at my com-
mand becaus I culd nocht wrett my self.

Ita est Mr. Willelmus Andersoun notarius publicus per dictam
Helenoram requisitus teste manu propria.

ABSTRACT OF XLV.

LETTER OF REVERSION by Alexander Gordoun in Bontye and Helenor Gordoun his spouse, to George, Erl of Huntlie, of the lands of Over Formestoun, redeemable for 1000 merks of current money ("stampit plakis hardheidis aucht four and twa pennie peices exceptit"), with a sufficient tak of the said lands for seven years after the redemption, for the yearly rent of £48. Dated at Bontye, 12th February 1592. Witnesses, Thomas Gordon of Segeden, Robert Carnegy of Wester Kincardin, Robert Boyd, Vicar of Obyne; Robert Myddiltoun in Brodland, and Mr. William Andersoun, notary, who leads the hand of the granter at his pen.

XLVI.

THE Farquharsons have been long settled on the upper reaches of the Dee as vassals of the Earls of Mar. They are descended from Ferquhar Mackintosh, a grandson of the Laird of Mackintosh, who came to Braemar before 1382; and even so late as 1620 they are styled Mackintoshes. Curiously enough they are not found mentioned in the public records until a comparatively late period, for the Earls of Mar seem to have been chary of granting parchment titles to their Highland vassals. The earliest of the Farquharson charters prove that the preservation of game was considered of the greatest importance by the superior; and severe fines were levied upon all who transgressed the stringent regulations of the Forests. From time immemorial the district has been celebrated for its sport, and the huntings of the Earls of Mar have always been upon a regal scale. John Taylor, the Water Poet, has preserved a minute description of these huntings at which the various chiefs, attended by their followers, appeared. When it was decided, at a meeting held at Aboyne Castle, to raise the Stuart Standard, it was under cover of one of these gatherings that the northern chiefs took the field in 1715.

The deed, which we give below, brings under notice Donald Farquharson of Tulligarmont, the eldest son of Finlay Mor by his second wife, Beatrice, daughter of George Garden of that Ilk and Banchory. This lady was a celebrated musician, and received a harp from Mary Queen of Scots. She married as second husband Robertson of Lude. In 1559 there is a Bond of Maintenance between George, Earl of Huntly, and Donald Farquharson of Tulligarmont (*Hist. MSS. Com., iv., 533*). Donald and Janet Ogilvie his spouse, had a charter of the lands of Tulligarmont 4th February 1580, from the Bishop of Aberdeen; and two years later he had a charter of the adjoining lands of Balfidy from his relative, David Garden of that Ilk (*Douglas' Baronage, p. 546*). From Robert, Alexander, James and John, his younger sons, sprung the families of Finzean, Allanquoich, Inverey, and Tullycairn. During the administration of the Earldom of Mar by the Earl of Huntly, Donald Farquharson acted as his bailie in Strathdee; and King James VI., in 1584, appointed him Keeper of the Forests in Braemar, Cromar, and Strathdee (*Privy Seal Register, li., 8*). On 4th February 1589, Sir Thomas Gordon of Cluny became cautioner for Donald Farquharson of Castleton in 1000 merks, that Andro Spalding of Ashintully and James, his brother, shall be harmless of him. In May following, Donald Farquharson and Lachlan, his brother, are denounced rebels for non-appearance to answer "tuiching the allegit practize tending to the subversion of the trew religion and perelling of his hienes person and estate" (*Reg. Privy Council, iv., 350-380*). He is surety at Aberdeen, on 2nd August 1589, for John Gordon of Kennertie and his son, William, in £2000, that they will not harm William Leslie of Seville, his servants or tenants (*Ibid., 405*).

Donald Farquharson, styled "of Tulligarmont," grants Letter of Reversion in favour of George, Marquis of Huntly, of the lands of Candachailzie and others. They are to be redeemable for 2100 merks, to be paid between sunrise and sunset, within the Kirk of Birse, as below.

In regard to the witnesses, James Gordon of Knockespock was the grandson of William of Knockespock (third son of John of Essie) by his

wife, Margaret Duguid of Auchinhuve. Alexander, the second laird of Knockespoock, married a daughter of Baillie of Ardnilly, and, along with others, had the above James Gordon of Knockespoock, who married Margaret, daughter of William Gordon of Arradoul. On 17th December 1590, this James and Margaret had a charter from Alexander Seton, Lord of Urquhart, of the lands and Barony of Fochabers (*Antiq. Banff and Aberdeen, vol. iv., p. 499*). He was one of those charged in 1594 to appear before the King to answer concerning "persute and invasion of his Majesty's declarit tratouris rebellious and unnatural subjectis," and to become bound for good rule and loyalty (*Reg. Privy Council, v., 146*). Four years later he had a charter, under the Great Seal, erecting the Town of Fochabers into a Burgh of Barony, with a weekly market on Saturday, and four fairs yearly, viz. :—St. Mary's, on 8th December ; Our Lady Day in Lent, 25th March ; 1st Lady Day in Harvest, on 14th August ; and Latter Lady Day in Harvest, held on 4th September (*Reg. Mag. Sig., xii., 507*). On 6th June 1599, Gordon of Knockespoock exchanged the lands of Fochabers with the Marquis of Huntly for the lands of Tullich, Mure, Milne, and Ballater on Dee (*Ibid., xlvi., 274*). His daughter, Beatrice, married Donald Farquharson, younger of Tulligarmont.

William Gordon of Sauchin, another witness, became bound, for John Gordon of Pitlurg, to pay 16s. for each poundland of his lands of Newtown, Kenmudie, Carvechin, &c., for his part of the taxation imposed for the raid of Dumfries, 18th June 1601 (*Reg. Privy Council, vi., 687*). He had Sasine on the lands of Sauchin, 17th December 1604 (*Aberdeen Sasines, vol. iv.*).

The signatures of the granter and witnesses are appended ; the Laird of Cluny signing as if he were a noble instead of being a knight :—

BE IT KEND to all quhome it effeiris be thir presentis That albeit the richt nobill and potent George Marquis of Huntlie &c. hes be his heretabill blensche chartour off the dait off thir presentis but ony mentioune off regres or reversioune thairin contenit sauld and annaleit to

me Donald Farquhairsoune of Tilligarmont my airis and assigneis quhat sumevir all and [hail] the landis off Candnachailzie Ballatrauche Ballintorrie Hiewaird Stronervie with the fishing of the saidis landis one the wattr of Die with frie pasturage scheillingis and grasingis in the forest of Etinche with all and sindrie the woddis bogis toftis croftis outseittis pendiclis pertinentis tenentis tenendries and service of frie tenentis of the same lyand in the lordschipe of Huntlie be annexatioune baronye of Inchmarnoch and paroche of Glenmuk and sherefdome of Abirdene as in the said chartour off the dait foirsaid at mair lenthe is contenit Yit nevirtheless I bind and faithfullie obleiss me my airis and assigneyis be the faithe and treuthe of our bodeis that at quhat tyme or quhow sone it sall happine the said nobill and potent lord his airis or assigneyis to thankfullie content pay and delyver to me my airis or assigneyis the sowme off tua thousand and ane hundreth merkis usuall monie of this realme haifand course and passage for the tyme and nocht under procleratioune of doune calling togidder and at aineis in ane sowme upone ane day betwixt the sone ryising and passing doune off the same that ilk day within the paroche kirk off Birs or in caice off absens or refusall to tell numer depon and consigne the said sowme off tua thousand and ane hundreth merkis money foirsaid in the handis off Sir Thomas Gordoune of Clunye Knicht James Gordoune of Knokepak Charles Ros of Tillisnaucht or thair airis of perfyte age And failzeing thereof in the handis off ane responsall landit man within the said parrochine for quhome the said nobill lord and his foirsaidis salbe answerabill to be furthcumand to the utilitie and profet off me my airis and assigneyis premonitioun alwayis off fourtie dayis preceeding to be maid be the said nobill lord his airis and assigneyis to me my airis and assigneyis personallie and failzeing thair off at our duelling place and paroche kirk befor ane notter and sufficient witness upoune ane Sondag befor nonne in tyme off Divyne Service as use is in sic caices That than and incontinent thairefter I and my foirsaidis sall grant the foirsaidis landis with the pertinentis lauchfullie out quyt and redemit and sall restoir rander and agane delyver to the said nobill lord and his foirsaidis all chartouris infestmentis and seasingis maid to me or my foirsaidis thairanent sua that the said nobill lord and his foirsaidis sall haiff als full and frie ingres regres and acces to the saidis landis and utheris abone specifeit as giff the same haid nevir bene sauld nor annaleit to me nor my saidis

WITH spetiall alwayis restrict provisioun and conditioun that it sall na wayis be leasoume to the said nobill lord his airis and assigneyis to redeme nor outquyt the foirsaidis landis and utheris abone mentionet or thair pertinentis for the space off nynteine yeiris nixt and imediatlie following the dait hereoff during the quhilk space off nynteine yeiris the said redemptioun salbe simpliciter suspendet and the saidis landis with the pertinentis na wayis redemabill quhill the said space be compleitlie and fullelie furthrunne In faith and witness of the quhilk to this present letter off reversion writtin be Alexander Middilton notar publict at Huntlie the fyift day off Juin the yeir of God ane thousand fyve hundreth nyntie and nyne yeiris befor witnesses Sir Thomas Gordoune of Cluny Knicht James Gordoune of Knokespak William Gordoune of Sauchine James Mackintoische of Gask Alexander Middiltoun notar publict writer heiroff and Mr. Thomas Wilsoune notar publict my proper seill of armis is appensit.

Cluny witnes.

Donald Farcharson off Tulligarmot.

Wm. Gordone of Sauchin witnes.

James Gordone witnes.

Ita est Alexander Middiltoun notarius publicus testis in premissis ac scriba presentis reversionis.

ABSTRACT OF XLVI.

LETTER OF REVERSION by Donald Farquharsoune of Tulligarmont, in favour of George, Marquis of Huntlie, of the lands of Candnachailzie, Ballatrauche, Ballintorrie, Hiewaird, Stronervie, and fishings thereof, granted to him by the said Marquis by his blench charter, without any mention of regress or reversion, but hereby acknowledged to be redeemable for 2100 merks, to be paid within the parish Kirk of Birs; upon one day between sunrise and sunset. Dated at Huntlie 5th June 1599. Witnesses, Sir Thomas Gordoun of Cluny, Knight, James Gordoune of Knokespach, William Gordoun of Sauchine, James Mackintoische of Gask, Alexander Middilton, notary, writer of the Deed, and Mr. Thomas Wilsoun, notary.

XLVII.

THE lands of Auchterarne, in the parish of Logie-Coldstone, were possessed at an early period by a family named Auchterarne. In 1364 there is a charter by King David II. confirming a grant by Thomas, Earl of Mar, to Ego, son of Fergus, of the lands of Auchterarne, with the pertinents in Cromar. John Auchterarne of that ilk died prior to 1504, when his daughter Elizabeth is served his heir in the lands of Auchterarne. Two years later John Auchterarne is served heir to John, his uncle, in said lands. This John apparently left two daughters—co-heirs, between whom the lands were divided. One of them, Marjory, married John Skene, and they had a charter to them and the lawful heirs of their marriage of the half of the lands of Auchterarne on 18th February 1506 (*Reg. Mag. Sig., xiv., 32*). The other daughter, Elizabeth, married Alexander Coutts of Auchtercoul, and upon same date they had a charter of the other half of Auchterarne. We have traced the descent of the Coutts portion of these lands into the possession of the Forbeses, and from them to the Gordons of Lesmore (pp. 100-2). The descendants of John Skene and Marjory Auchterarne held their portion of the lands for several generations. In 1563 the Sheriff of Aberdeen accounted for £57 as the fermes of the half lands of Auchterarne, Tulloch, &c., which were in the Queen's hands for the space of nine years; and £6 being paid for the relief of the lands William Skene had Sasine on 31st July 1563 (*Liber Responionum in Scaccario, General Register House*). The Gordons of Lesmore no doubt coveted the Skene half of Auchterarne, for we now have charter by Arthur Skene in favour of Alexander Gordon of Lesmore of the half of the shady half of the lands of Auchterarne, Tulloch and Drimmie, &c. Arthur Skene had three daughters; one of them (Janet) married Robert, third son of James Skene of Westercorse (*Memorials of Family of Skene, p. 103*).

Alexander Burnet of Leys, who is witness to the deed, was obliged on 10th November 1599, to get George Gordon of Glasgo-forest to be his surety that neither he nor his tenants, dwelling on the rivers Dee or Don, shall slay or destroy salmon fish, red fish, smolts, or any other kind of fry in forbidden time, under various penalties (*Reg. of Privy Council*). Another witness is Alexander Blackhall of that Ilk, a member of an ancient family, who frequently appear as witnesses to Aberdeenshire charters. Alexander Blackhall of that Ilk had Sasine of the town and lands of Meikle Cocklaw in January 1607 (*Aberdeen Sasines, vol. viii.*). He was succeeded by his son William, who married Elizabeth Strachan, and she as his relict had Sasine of her terce of the lands of Auldtoun of Knockinblews on 5th August 1625 (*Aberdeenshire Sasines, vol. v.*).

The granter and witnesses sign, but the seal is wanting :—

OMNIBUS hanc cartam visuris vel audituris Arthurus Skeyne portionarius de Ouchterarne dominus terrarum molendini multurarum aliorumque subscriptorum eternam in Domino salutem Noveritis me utilitate et commodo meis in hac parte undique previsis pensatis et diligenter consideratis maturaque deliberatione prehabita et pro perimptione certe mee partis cujusdam contractus initi et confecti inter me ab una et honorabilem virum Alexandrum Gordowne de Lesmoir partibus ab altera de data presentium NECNON pro nonnullis pecuniarum summis usualis monete regni Scotie mihi per dictum Alexandrum Gordoune de Lesmoir juxta tenorem dicti contractus gratanter et integre persolutis de quibusquidem summis fateor me bene contentum plenarieque et integre persolutum eundemque Alexandrum Gordoune de Lesmoir de eisdem per presentes exonero et quieteclamo in perpetuum aliisque causis onerosis rationique consonis animum meum ad hoc moventibus dedisse concessisse vendidisse tituloque pure venditionis alienasse assedasse arrendasse locasse et ad feudifirmam seu emphiteosim perpetuam hereditarie sine regressu aut reversione ulla dimississe et hac presenti carta mea confirmasse . . . prefato Alexandro Gordoune de Lesmoir heredibus suis masculis et assignatis TOTAM et integram dimedietatem dimedietatis umbralis ville et terrarum de Ouchterarne cum dimedietate dimedietatis molendini terrarum molendinarum et astricturarum multurarum earundem cum

dimidietate dimidietatis crofte vocate crofta de Tornamoyne Necnon totam et integram dimidietatem dimidietatis umbralis ville et terrarum de Tulloche villegue terrarum de Drymmie cum tenentibus tenendriis et libere tenentium servitiis annexis connexis toftis croftis domibus edificiis partibus pendiculis et pertinentiis earundem jacentibus infra parochiam de Coldstane et vicecomitatum de Abirdene TENENDAM et habendam . . . prefato Alexandro Gordoun de Lesmoir heredibus suis masculis et assignatis de me heredibus meis masculis et assignatis in feudifirma seu emphiteosi et hereditate in perpetuum per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine . . . REDDENDO inde annuatim prefatus Alexander Gordoune de Lesmoir heredesque sui masculi et assignati quicumque pro predictis terris aliisque premissis mihi heredibus meis masculis et assignatis summam Quatuor Librarum usualis monete regni Scotie ad duos anni terminos festa videlicet Pentecostes et Sancti Martini in hyemi per equales medias portiones nomine feudifirme tantum pro omni alio onere exactione questione demanda seu servitio seculari que de predictis terris molendino aliisque premissis per quoscunque aequaliter juste exigi poterint vel requiri ET ego vero prefatus Arthurus Skeyne heredesque mei masculi et assignati quicumque totam et integram prefatam dimidietatem dimidietatis umbralis ville et terrarum de Auchterarne . . . prefato Alexandro Gordoune de Lesmoir heredibus suis masculis et assignatis in omnibus et per omnia forma pariter et effectu ut premissum est NECNON liberos et immunes ab omnibus non introitibus forisfactoris recognitionibus purpresturis prioris data alienationibus . . . contra omnes mortales varrantizabimus acquietabimus et in perpetuum defendemus omnibus dolo et fraude seclusis IN super dilectis meis et eorum cuilibet conjunctim et divisim ballivis meis in hac parte irrevocabiliter constitutis salutem . . . VOBIS igitur et vestrum cuilibet precipio do in mandatis et firmiter mando quatenus visis presentibus indelate accedatis seu alter vestrum accedat ad predictas terras molendinum aliaque premissa et ibidem virtute officii ballivatus in hac parte vobis seu vestrum cuilibet commissi statum sasinam pariter et possessionem hereditariam realem actualem et corporalem totius et integre dimidietatis predictae dimidietatis umbralis ville et terrarum de Auchterarne . . . prefato Alexandro Gordoun de Lesmoir heredibus suis masculis et assignatis vel eorum certis actornatis seu procuratoribus presentium latoribus per terre et lapidum fundi dictarum terrarum nec

non per lie clap et happer dicti molendini aliarumque ut in similibus moribus est donationem tradatis et deliberetes seu alter vestrum tradat et deliberet . . . IN cujus rei testimonium huic presenti carte mee preceptum sasine in se continenti manu Wilhelmi Tod filii legitimi Jacobi Tod in Abirdene scripte meaque manu subscripte sigillum meum proprium armorum est appensum apud Abirdene penultimo die mensis Maij anno domini millesimo sexcentesimo quarto Coram his testibus Alexandro Burnet de Leyis Alexandro Blakhall de eodem Joanne Burnet in Kilduthie Magistro Roberto Davidsoune notario publico Abirdoneis comorante et dicto Gulielmo Tod scriba presentium.

A. Burnett of Leyis witness.	Arthour Skeyin with my hand.
A. Blakhall witness.	Mr. R. Davidsoune witness.
Jhone Burnet in Kilduthie witness.	Williame Tod writter heirof witness.
Johne Ruderfurd witness.	

ABSTRACT OF XLVII.

CHARTER by Arthur Skeyne, portioner of Ouchterarne, in favour of Alexander Gordoun of Lesmoir, his heirs male and assignees, of the half of the shady half of the lands of Ouchterarne, with half of the half of the mill, mill lands and dry multures thereof; and half of the half of the croft called Tornamoynne: also the half of the shady half of the lands of Tulloch and Drimmye, in the parish of Coldstane and shire of Aberdeen: To be holden of the granter in feu ferme and heritage, for the sum of £4 yearly in name of feu ferme: Contains precept of Sasine, and is dated at Aberdeen 30th May 1604: Witnesses, Alexander Burnet of Leyis, Alexander Blackhall of that ilk, John Burnet in Kilduthie, Mr. Robert Davidsoune, notary public and indweller of Aberdeen, and William Tod, writer of the Deed, son of James Tod in Aberdeen.

XLVIII.

IN previous notes we have given the genealogy of the Forbesees of Brux (pp. 61-3). John Forbes of Brux married Elizabeth, daughter of Gordon of Auchmenzie, and on 5th August 1576, they had a charter of

the lands of Drumllachy, with the Mill, Mill lands, and Multures, &c. The Laird of Brux died before 1602, for on 23rd March of that year George, Marquis of Huntly, grants Precept of Clare Constat directed to Robert Coutts, fiar of Auchtercoul, Patrick Gordon of Kincaigie, &c., for infefting John Forbes as heir of the late John Forbes of Brux, his father, in the lands of Gellen, with the Mill thereof, holding of the granter in chief in the form of ward and relief. The Precept is dated at Brechin, and the witnesses are :—John Gordon of Pitlurg, John Gordon of Carnborrow, John Gordon of Buckie, and James Gordon of Knockespock (*Aboyne Charter Chest*).

Two days later, John Forbes of Brux is denounced rebel, along with Lord Forbes and the Baron of Braichlie, for not entering before the Lords of Council certain of his men who came to the lands of Glenfarquhar, belonging to David Wood of Craig, and “reft from him and his tenants six score nolt and twelve score sheep.” The marauders drove this booty to Lord Forbes’s property, and there disposed of it (*Reg. Privy Council*, v., 363).

In same year, Brux, along with George Ogilvie of Carnousie and Alexander Murray of Cowbardy, became cautioner for Thomas Meldrum of Eden in 5000 merks that he will answer before the King when charged, anent the things imputed to him by Alexander McLoran, who is in ward for “fals cunzie” or any accusation concerning said coining (*Ibid.*, 771). Next year he is cautioner in 2000 merks that Robert Innes of Invermarkie will not harm the Douglasses of Elgin. Two years later, Arthur, Master of Forbes, becomes surety for Brux in 500 merks, that he will not slay salmon fish in forbidden time upon waters of the Dec or Don “with net, spear, creel, pock, herry water,” nor any other kind of engine (*Reg. of Privy Council*, vii., 600). In 1606, John Forbes of Pitsligo became his surety in 500 merks that he will not reset John Forbes of Badiroan (brother to Corsindae), who was concerned in the slaughter of William Irvine in Baidis (*Ibid.*, 637).

John Forbes of Brux married Isobel, daughter of John Gordon of

Carnborrow, and had, with several daughters :—Arthur of Brux, John, Patrick, William, and Adam. On 12th March 1607, Robert Lindsay, Vicar of Coull, with consent of Peter Blackburn, Bishop of Aberdeen, and his Chapter, “after lang deliberation, the weill utilitie and profit of me and my successours diligently considerit,” grants a Tack of the Teind Sheaves of the lands of Gellen in favour of John Forbes of Brux and Isobel Gordon his spouse in conjunct fee.

The deed has got the signatures of the granter, the Bishop, and Chapter, and part of the Bishop's seal :—

BE IT KEND till all men quhom it affeiris Me Robert Lindsaye Vicair of the parochin of Cowl with expres consent and assent of ane reverend father in God Petir bischop of Aberdene deane and chaptour of the cathedrell kirk of the same chaptourlye convenit to the effect under writtin efter lang deliberatioun the weill utilitie and profit of me and my successouris diligentlye considerit we ryplie and at lenth advysit therewith having servit ane publict Edict lauchfullie and ordourlye as affeiris all parteis haven or pretenden to haif entres thereby formalye summond to heir and see this assedatioun set na partie comperand to oppon in the contrer day and plaice appoyntit thereto as use is in sic caices understanden that anc honorabill man John Forbes of Brux is not onlye heretabill proprietor of the lands wndervertin bot his predicessouris and he during the memorie of man respectie and successive hes bein takismen and possessoris of the teynd scheves thereof and in respect that the said John hes augmentit my Rentell in the sowm off four pundis scottis munie be yeir mair than ewir wes payit abefor for the saidis teynd scheves and for ane certain sowm of munie payit to me with consent foresaid be the said Johne in name of gressum partlye convertit in my necesser adois partlye for reparatioun of the parochie kirk of Cowl partlye to the support of the puir of the said parochin Thairfor me with consent forsaid to haif sett in tak and assedatioun lattin and be thir presentis for me and my successoris settis in tak and assedatioun lattis to the said Johne Forbes and Issobell Gordon his spouse with him in conjunct fie the langest lewair off them and to the airis lawchfullie gottin or to begottin betuix thame quhilkis failzeing the said John his airis and assignis quhatsumewir thair subtenentis and helpis ane or meye all and

hail the teynd schewes of all and hail the said John his townis and landis of Mekill Gellen Lytill Gellen Milntown myln landis thair of croftis owtsettis insettis cottagis partis pendicles and pertinentis thereof quhillkis ar ane part of the patrimonie of the said vicarage lyand within the said parochin of Cowl diocie and shirefdom of Aberdene for all the dayis yeiris and termis of the lyiftymis of the saidis Johne Forbes and Issobell Gordon the langest lewair of thame tua And eftir the said John his deces to the said John his airis of immediat succession to the saidis landis ffor the haill spaice yeiris and termis off nyntein yeiris the saidis John and Issobellis entress thereto to haif bein and begin at the feist of Lammes callit divi Petri ad vincula last bypast in the yeir of God ane thousand sax hundreth and sax yeiris and the said air his entres thairto to begin immediatlye eftir the deces of the saidis John and Issobell the langest lewair of thame twaye linken thairby baith thair richtis and possessionis in ane and fa thyn furth to continowe thairwith during the saidis tua lyifrentis and ane nyntein yeiris Tak immediatlye thaireftir and in peciabil bruiking josing and possessing collecting gathering setting and raising thairon during the saidis yeiris fra the said feist of Lammes last bypast in the said yeir but interruption brek of termis trubill or impediment Payand therfor yeirlye the saidis Johne Forbes and Issobell Gordon his spouse the langest lewair of thame tua and the said John his airis of immediat succession and thair assignis to me and successouris Vicaris off Cowl or wtheris haven ovr power the sowm off tuentie pundis scottis munie at the termis usit and wont allanerlye And I forsuth the said Robert Lindesay Vicair forsaid and my successouris Vicairis of the said vicarage with consent forsaid obligis ws to warrand acquyet keip and defend this oure Letter of Tak and Assedatioun of the teynd schewe of the saidis landis of Mekill Gellen Lytill Gellen Milnton miln landis thair of wtheris abonwritin and thair pertinentis to the saidis John Forbes and Issobell Gordon his spouse with him in conjunct fie the langest lewair of thame tway and eftir their deces of the said John his airis assignis and successouris to the saidis landis in all and be all as is abonewritin ffor the spaice yeiris and dewtie forsaidis guid valeid and effectuell at the hands of all deidlye but fraud or gyill be this Letter of Tak writtin be Mr. Robert Paip advocat subscrivit with my hand and with the handis of the said Bischop Dean and Chaptor in takin of thair consentis my proper seall the commone seill of the said Chaptour and Bischop's seill ar

appendit at Aberdene the twelt day of Merche in the yeir of God ane thousand sax hundreth and sewin yeiris befor thir witnesses Alexander Forbes servitour to the said John, David Robertson kirk officer in Aberdene and Mr. W^m. Burnet servitour to the Laird of Leyis.

Robert Lyndesay minister and vicar of Coull with my hand.

P. Blackburne bishop of Abirdein.

R. Rait deane be office.

Mr. Rob^t. Maitland chantor be office.

Mr. John Strathauchine persone off Kincardine O'neill.

Rob^t. Youngson minister and person of Clatt with my hand.

T. Gray persone of Turreff with my hand.

Mr. Jhoane Gordoun person off Chrichmond.

Mr. Patrick Gardyne persone of Balhelveis.

Mr. Robert Merser persone of Banchori Dewnyik &c.

M. Alexander Scrogie minister and persone at Drumaok.

R. Burnet persone of Oyne.

A. Abircrumye person of Rayn.

M. J. Houson person of Tyrie.

ABSTRACT OF XLVIII.

TACK by Robert Lindsay, Vicar of the parish of Coul, with consent of Peter, Bishop of Aberdeen, and his Chapter, in favour of John Forbes of Brux and Isobell Gordone his spouse, in conjunct fee, and to their heirs, of the teind sheaves of the lands of Meikle and Little Gellen, Milltown, and mill lands thereof, in the parish of Coul, for 19 years, for £20 yearly. Dated at Aberdeen, 12th March 1607.

XLIX.

THE Salmon fishings of the Dee have ever been protected with the utmost solicitude. From an early period the Burgh of Aberdeen derived a considerable revenue from their fishings; and in

1604 Acts were passed prohibiting every Earl or Lord, under penalty of 1000 merks, from slaying salmon in Dee or Don in forbidden time with "coble net, spear, wand, pock, creel, herry water or any kind of engine." Every Baron and gentleman had to find caution in 500 merks. Thus it is that Thomas Gordon of Grandoun became suręty in 500 merks for Arthur Garden of Banchory upon 22nd December 1604, to above effect. Garden also becomes Gordon's cautioner in the like sum (*Reg. of Privy Council, vii., 369*). Three years later Robert Stewart, burgess of Aberdeen, became bound for Thomas Gordon of Grandoun in 1000 merks that he will not reset or intercommune with Patrick and Thomas Frasers, sons of Thomas Fraser, elder, of Durris, who are at the horn for the slaughter of William Irvine and Robert Burnet (*Ibid., p. 670*). Thomas Gordon married Margaret Forbes, and they had Sasine on the lands of Carnfetic 26th July 1604 (*Aberdeen Sasines, vol. iii.*). He grants the following Letter of Reversion to the Marquis of Huntly over the lands of Auchoilzie, redeemable for 2000 merks. On 18th September 1607, he had Sasine on the lands of Auchoilzie, Bordland and Waternady. Upon the back of the Letter of Reversion is a discharge and renunciation by said Thomas to the Marquis of Huntly of the sum of 2000 merks for redemption of said lands, dated at Huntly 19th January 1612.

The deed has got signatures of the granter and witnesses; and also the seal of Thomas Gordon, which is blurred:—

BE IT KEND till all men be thir presentis ME THOMAS GORDOUNE of Grandoun to be bound and oblegit and be the tenor heirof bindis and obleges me my airis and assignais lealalie and treulie be the faith and treuth in my bodey to the richt noble and potent GEORGE Marquis of Huntlye erll of Engzie lord Gordoun and Badzenocht &c. FORSAMIKLE as the said noble lord be his lordship's plain chartour conteinand precept of seasinge hes sauld and disponit to me and my forsaisd all and haill the toun and landis of Auquholzie with the pasturaiges scheillingis commodities privelegis usitt and wount partis pendicles and pertenantis belonginge thairto as the same is presentlie occupit be me lyand within the parochin of Glenmuick and shirefdome of Abirdein As also in

warrandies of the saids landis of Auquhalzie in all and haill his lordship's tounes and landis of Boirdland Newtown of Waternadye Nather Waternadye and Cobleheuche with thair commonoteis commone pasturaige privedges usit and wount partis pendicles and pertenantis belanginge thairto as in the infestmentis maid thairone att mair lenth is contenit NOCHTWITHSTANDINGE att quhat tyme or quhow soyne it sall happin the said noble lord his airis maill successouris or assignayis to pay and delyver to me the said Thomas Gordoun my airis or assignayis within the kirk of New Abirdein in that pairt thairof callit the Auld Kirk upone Witsonday evin all and haill the soum of tua thousand markis usuall current money of Northe Britane or in myne or my forsaidis absence or refusall to resave the same consignis the same in the handis of Mr. Thomas Menzeis burges of Abirdein and failzeinge of him in the handis of the thesaurer of the said burgh of Abirdein for the tyme to be furthcumand alwayes to the weall and profite of me the said Thomas Gordoun and my forsaidis upon the premonitione and warninge of fourtie dayes abefoir the feist and terme of Witsonday to be maid be the said Marquis or his saidis to me or my said to resave the said soum personallie and failzeinge thairof at our duellinge and paroche kirk for the tyme afoirnoun in tyme of preachinge upone ane Sondag in presence of ane notar and witnesses requeritt thairto as use is Be the quhilke payment or consignatioun as said is upone the premonitione forsaid all and haill the forsaidis landis als principallis of Auquhoilzie with thair pertenantis forsaidis as also the saidis landis of Boirdland Newtown of Waternadye Nather Waternadye and Cobleheuche with thair saidis pertenantis and prevelges gevin in warrandeis of the saidis landis off Auquhoilzie salbe hauldin lauchfullie redemitt and outqueatt from me and my forsaidis And I and they sall renunce discharge and ourgif the saidis landis principall and warrandies in favouris of the said noble lord and his forsaidis withe all richtt tytill entres and possessione petitour and possessour quhilkis we haif had or may pretend thairto togidder with all securiteis wreittis chartouris seasyngis actis contractis obligatiounes bandis and evidentis quhatsumever maid to me on the saidis landis to be delyveritt back to the said noble lord or his saidis to be usitt or destroyit as he or they sall think expedient and never to haif faith nor credeit for ony effect in tyme cuminge AND willis and grantis that the said noble lord and his forsaidis sall haiff als fre and peceable ingres regres acces and entres in and to the

saidis landis as gif the alienatione thair of haid never been maid Provydinge alwayes that it sall nocht be leassome to the said Marquis nor his forsaidis to redeim the saidis landis principall nor warrandeis with the pertenantis from me the said Thomas nor my forsaidis for the spaice of fyve yeiris beginand and includand the feist and term of Witsonday last in this instant yeir of God j^m. vj^e. and sevin yeiris duringe the quhilk spaice the saidis landis sall remain withe me and my foirsaidis onredemable IN faith and wtnes quhair of to thir presentis (wretin be James Andersone servitour to the said Marquis) and subscrivit with my hand my scall is appendit at Huntlye the fyift day of Junii the yeir of God j^m. vj^e. and sevin yeirs befor witnesses Johne Gordoun in Rynie Mr. William Anderson burges of Abirdein Mr. James Hendrie in Robeistoun and the said James Andersone wretre heiroff.

Thomas Gordoun off Grandone with my hand.

J. Andersoun wretre heirof wtnes.
Johne Gordoune wtnes.

Mr. William Andersone wtnes.
Mr. J. Hendrie wtnes.

Registrat in the Secretaris Register of the Shirefdome of Abirdene the sext day of Junij 1607 yeiris at the four scoir aucht leaf of the sext buik. J. Mowat.

ABSTRACT OF XLIX.

LETTER OF REVERSION by Thomas Gordon of Grandoun in favour of George, Marquis of Huntlie, over the lands of Auquhoilzie, lying in the parish of Glenmuck and Sheriffdom of Aberdeen, as principal, and the lands of Boirdland, Newtoun of Watternadye, as in warrandice, which the said Marquis had sold to the said Thomas, redeemably, for the sum of 2000 merks, to be paid upon Whitsunday even, within the Kirk of New Aberdeen called the Auld Kirk; and in the event of the refusal thereof by the said Thomas, the money to be consigned in the hands of Mr. Thomas Menzies, burges of Aberdeen, or in the hands of the Treasurer of the Burgh. Dated at Huntlye 5th June 1607; the witnesses being John Gordon in Rynie, Mr. William Anderson, burges of Aberdeen, Mr. James Hendrie in Robiestoun, and James Anderson, servitor to the Marquis of Huntlie, writer of the Deed. Registered in the Secretary's Register for Aberdeen 6th June 1607.

L.

SOME account has been given of the Gordons of Lesmore (pp. 75-80). They acquired possession of the lands of Little Coldstone and Achnarren in the Barony of Cluny, and the following notes deal with the subsequent history of the family and lands. On 23rd June 1559, George Gordon, styled "of Coldstone," is retoured heir to his father, James Gordon of Lesmore, in the lands of Balmad, Garrochie, and Craighead (*Inquis. Special. Aberdeen*). On 1st July 1559, the Sheriff of Aberdeen accounts for £8 as the fermes of the foregoing lands, and £16 for the relief of the same; George Gordon of Coldstone having Sasine upon same day (*Liber Responsionum in Scaccario; Gen. Reg. Ho.*). George Gordon of Lesmore, on account of many favours done to him by Alexander Forbes of Pitsligo, granted (29th June 1561) to Alexander Gordon, his son and heir apparent, and Mariot Forbes his spouse, the lands of Garrochie, the half of Craighead, the Mill of Balmad, with the lands, multures, and sequels, &c., to hold in conjunct fee, and to their heirs male lawfully procreated (*Reg. Mag. Sig., xxxiii., 137*). Lesmore took part in the rebellion of the 4th Earl of Huntly, and in October 1562, Alexander, his son, had to enter as surety and pledge for his father, within the Burgh of Edinburgh: to remain therein and within four miles thereabout, under pain of 2000 merks; and George, his father, and William Forbes of Tolquhon are conjunct sureties for performance (*Reg. Privy Coun., vol. i., p. 221*). In 1564, the Queen, on the application of William Forbes of Tolquhon, caused his deed of caution for Alexander Gordon, apparent of Lesmore, to be cancelled, because "sen syne the said Alexander is be hir hienes free of his said warding and licence grantit to him to pass quhair he pleasis" (*Ibid., p. 259*).

In virtue of a Precept from Chancery, dated 22nd January 1573-4, George, Earl of Huntly, by Precept dated at Bog of Gight, 9th March 1575, directs George Gordon of Auchmenzie and John Gordon of Bruny

to infeft George Gordon of Lesmore as heir to the deceased James Gordon, his father, in the lands of Little Coldstone and Achnarren, upon which Sasine followed, 8th August 1576 (*Aboyne Charter Chest*). George, Earl of Huntly, on 27th March 1576, grants a charter to his cousin, George Gordon of Lesmore, his heirs and assignees, of the sunny half of Auld Merdrum, with the perpetual right of Patronage to the parish church of Essie, in the Barony of Strathbogie and diocese of Moray (*Reg. Mag. Sig.*). On 20th January 1587, there is a charter of the above lands (Little Coldstone, &c.), lying in the Province of Cromar, by Thomas Gordon of Cluny, in favour of George Gordon of Lesmore and his heirs; and in special warrandice thereof, Cluny's lands of the sunny half of Tullimair in the Barony of Cluny: To hold of the granter in fee and heritage and free blench ferm for yearly payment of one penny: witnesses:—Patrick Gordon of Sauchin, John Erskine of Balhagartie, and John Gordon of Glasco-forest (*Aboyne Charter Chest*).

George Gordon of Lesmore married Katherine, daughter of Alexander Forbes of Towie, and had:—Alexander, his heir; George, ancestor of the old Gordons of Newton; John of Glasco-forest, who married Margaret Udney of Udney, and had, with others, James his heir; Patrick and James, whose legitimacy seems doubtful (*vide* p. 102); Janet, married to William Forbes of Tolquhon; Jean married Walter Ogilvy of Carnousie; and Margaret, who was wife of Walter Innes of Auchorsk, afterwards of Patrick Grant of Ballindalloch, and thirdly the wife of John Gordon, son of the Laird of Cluny. This Laird of Lesmore died prior to 11th October 1591, when George, Earl of Huntly, grants Precept of Infeftment in favour of his son and heir, Alexander, in the lands of Meikle Coldstone, with the Mill, &c., lying in the Barony of Aboyne. Witnesses:—George Gordon, burges of Aberdeen; Thomas Gordon in Drumbulg; John Drummond, servitor to the Earl; and John Gordon of Buckie (*Aboyne Charter Chest*). On 11th December same year, Alexander of Lesmore had Instrument of Sasine (following upon Precept of Infeftment by Sir Thomas Gordon of Cluny

as lord superior of the lands), as heir to George of Lesmore, his father, in the lands of Little Coldstone and Achnarren, and in the sunny half of Tullimair; witnesses to the Precept being:—Duncan Leslie of Pitcaple, Robert Leslie of Auld Craig, and Mr. Arthur Forbes of Auldtown (*Ibid.*). In 1589 Lesmore took part in the rebellion of the 6th Earl of Huntly (p. 167). He was served heir male of George of Lesmore, his father, in the lands of Groddie, which are now in the Barony of Kinmundy, extending of old to 10s.; new extent, 40s., on 3rd October 1600. On 20th December same year, he was retoured in the lands of Glasgo-forest in the Barony of Carnecrumlen, and by annexation in the Barony of Glencuthil; old extent, 20s.; new extent, £4 (*Inquis. Special Aberdeen*). He granted a charter of the lands of Old Leslie to his cousin, George Gordon of Terpersie, and George, his second son, on last day of August 1602. King James VI., at Edinburgh, on 25th September 1607, confirms, in favour of Alexander Gordon of Lesmore and James, his son, the charters granted by Arthur Skene (No. XLVII.), John Gordon of Glasgo-forest (p. 102), and Gilbert Chalmers of Cults (*Vide Notes to LXXII.*).

There is Instrument of Sasine, on Precept from Chancery, for infesting Alexander Gordon of Lesmore and James, his son and apparent heir, in the lands described in the charters confirmed as above, dated 18th October 1607; the witnesses thereto being:—James Anderson in Tulloch, George, his brother; William Ros in Easter Cults, and Patrick his son (*Aboyne Charter Chest*). Alexander Gordon of Lesmore married Mariot, daughter to Alexander Forbes of Pitsligo, and had:—(1) James, afterwards Sir James; (2) George of Glasgo-forest; (3) Mr. John, parson of Crimond; (4) Alexander. The daughters were:—Katherine, married to Alexander Burnet of Leys; Agnes married Bannerman of Watertown; Jane, wife of James Crichton of Fren draught.

On 23rd October 1607, there is Procuratory of Resignation by Alexander Gordon of Lesmore, with consent of James, his son, in favour of Alexander Gordon of Cluny, of the lands of Auchterarne, Tulloch, Tanamoyne, &c., described as lying within the Barony of Kinaldy (*Ibid.*).

The following document is granted by Lesmore in implement of a Contract of Excambion with the Laird of Cluny, and is witnessed by his two sons-in-law; also, by William Gordon of Sauchin, and John Ros, Rector at Cluny. The Rector was rather a bigot, and took a prominent part in the prosecutions against witches. He had Sasine upon the Kirkhill of Cluny on 8th December 1608. He married Isobel Roche or Rose, who, as his relict, had Sasine on the lands of Hill of Tullicarne, 31st January 1624 (*Aberdeen Sasines, vol. iv.*).

Lesmore's charter has got the signatures of the granter and witnesses:—

OMNIBUS hanc cartam visuris vel audituris Alexander Gordoun de Lesmoir hereditarius proprietarius terrarum aliarumque subscriptarum eternam in Domino salutem Quia virtute cujusdam contractus et apunctamenti initi et confecti inter honorabilem virum Alexandrum Gordoun de Clunye ex una me ac Jacobum Gordoun meum filium legitimum natu maximum ac apparentem de Lesmoir partibus ab altera prefatum Alexandrum Gordoun de Clunye suosque heredes subscriptos in terris aliisque subtus specificatis pro causis postea mentionatis infeodare teneor prout in dicto contractu de data apud Edinburgh vigesimo octavo die mensis Julii anno domini millesimo sexcentesimo septimo instanti ac in libris dominorum consilii et sessionis quarto die mensis Augusti nunc ultimo elapso inserto et registrato latius continetur NOVERITIS igitur me cum expressis avisiamento consensu et assensu prefati Jacobi Gordoun mei filii legitimi ac apparentis de Lesmoir ac nos unanimo consensu et assensu pro observatione ac perimptione illius partis dicti contractus vendidisse alienasse tituloque pure venditionis disposuisse ac hac presenti carta mea confirmasse tenoreque presentium vendere alienare . . . disponere et . . . confirmare prefato Alexandro Gordoun de Clunye suisque heredibus masculis et assignatis quibuscunque hereditarie ac irredimabiliter absque reversione redemptione aut regressu aliquali Totas et integras binas equales dimedietates videlicet tam occidentales quam orientales dimedietates omnium et singularum terrarum de Meikle Coldquholdstane et molendini earundem . . . jacentium in baronia de Obyne et infra vicecomitatum de Aberdene ET hoc in verum legitimum ac hereditarum excambium et per mutationem omnium et singularum dicti Alexandri Gordoun de Clunye suarum villarum et terrarum de

Carnevechunus Thornewray Corssilstane ac quarundem aliarum suarum villarum et terrarum omnes jacentes infra baroniam de Kynmundie per annexationem et dictum vicecomitatum de Aberdene per prefatum Alexandrum Gordoun de Clunye mihi in vitali reddito pro omnibus vite mee diebus ac dicto Jacobo meo filio in feodo et hereditate suisque heredibus masculis et assignatis hereditarie venditas alienatas et dispositas modo et forma in prefato contractu satis ample expressis et specificatis TENENDAS et habendas totas et integras dictas binas equales dimedietates videlicet tam occidentales quam orientales dimedietates omnium et singularum predictarum terrarum de Mekle Culquholdstane et molendini . . . In excambium et permutationem ut premittitur venditas . . . prefato Alexandro Gordoun de Clunye suisque heredibus masculis et assignatis quibuscunque hereditarie a me heredibus meis et assignatis de nobili et potenti domino Georgio Marchione de Huntlie Comiti de Engzie &c. suisque heredibus et successoribus comitibus ejusdem meis superioribus dictarum terrarum imperpetuum per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine . . . FACIENDO inde annuatim prefatus Alexander Gordoun de Cluny suisque heredes masculi et assignati predicti dicto nobili et potenti domino Georgio Marchioni de Huntlie suisque heredibus et successoribus comitibus ejusdem servitium inde debitum et consuetum . . . ET ego vero dictus Alexander Gordoun de Lesmoir cum expressis consensu et assensu dicti Jacobi Gordoun mei filii ac apparentis de Lesmoir Necnon nos unanimi consensu et assensu heredes nostri tam tallie quam provisionis successores et assignati quicunque conjunctim et divisim totas et integras predictas binas equales dimedietates videlicet tam occidentales quam orientales dimedietates omnium et singularum predictarum terrarum de Mekle Culquholdstane et molendini carundem cum universis et singulis suis pendiculis et pertinenciis jacentes ut supra in excambium et per mutationem ut premittitur venditas . . . liberas immunes et exoneratas ab omnibus wardis releviis nonintroitibus . . . et ab omnibus aliis periculis damnis oneribus et inconvenientiis quibuscunque que quovismodo prefatum Alexandrum suosque heredes heredes prescriptos in pacifica possessione usu et gavigione predictarum terrarum aliarumque suprascriptarum impediri possunt contra omnes mortales warrantizabimus acquietabimus ac imperpetuum defendemus omnibus dolo et fraude seclusis IN super dilectis meis Nicolao Furde . . . et vestrum cuilibet conjunctim et divisim ballivis

meis in hac parte irrevocabiliter constitutis salutem vobis precipio et firmiter mando quatenus vos seu vestrum aliquis statum sasinam et possessionem hereditariam realem actualem et corporalem Totarum et integrarum binarum equalium dimedietatum videlicet tam occidentalium quam orientalium dimedietatum omnium et singularum predictarum terrarum de Mekle Culquholdstane et molendini earundem . . . prefato Alexandro Gordoun suisque heredibus masculis et assignatis predictis vel suis certis actornatis et procuratoribus presentium latoribus uni vel pluribus per terre et lapidis fundi dictarum terrarum lie clap et happer dicti molendini donationes et traditiones respective ut in similibus moris est tradatis et deliberetis seu unus vestrum tradat et deliberet sine dilatione secundum vim formam tenorem et effectum dicti contractus et apunctamenti ac hujus presentis carte in omnibus punctis et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim ballivis meis in hac parte antedictis meam plenariam et irrevocabilem tenore presentium committo potestatem IN cujus rei testimonium presentibus per Thomam Crombie scribam Edinburgi scriptis meaque subscriptione necnon subscriptione dicti Jacobi mei filii subscriptis sigillum meum armorum est appensum Apud Ecclesiam de Leslye vigesimo tertio die mensis Octobris anno domini millesimo sexcentesimo septimo coram his testibus Alexandro Burnett de Leyis Jacobo Crichtoun de Fren draucht Willelmo Gordoun de Sawchyne Thoma Crombie scriba Magistro Johanne Ros rectore de Clunye.

A. Burnett of Leyis witness.

Alexr. Gordoun of Lesmoir.

Mr. Jhone Ros witness.

J. Gordoun apperand of Lesmoir.

J. Crichtoun witness.

T. Crombie scribe presentium ac testis.

Wm. Gordoun off Saquhan witness.

ABSTRACT OF L.

CHARTER by Alexander Gordon of Lesmoir to Alexander Gordon of Clunye in implement of contract between them, of date at Edinburgh, 28th July 1607, whereby, with consent of James Gordon, eldest son of the granter, he disposes to the said Alexander Gordon of Clunye, by way of excambion, the east and west halves of the lands of Mekle Coldquholdstane and mill thereof, in exchange for the lands of Carnevechuns,

Thornewray, Corsilstane, and certain others, lying in the barony of Kynmundie by annexation: To hold the said lands of Mekle Culquholdstane, &c., from the granter, of George, Marquis of Huntlie, his superior, for the service due and wont. Contains Precept of Sasine, and is dated at the Kirk of Leslye, 23rd October 1607. Witnesses—Alexander Burnet of Leyes, James Crichton of Fren draucht, William Gordon of Sawchyne, Thomas Crombie, writer; Mr. John Ros, rector of Clunye.

LI.

THE next deed brings the ancient family of Coutts of Auchtercoul once more under notice. In 1518 the Sheriff of Aberdeen accounted for £32 as the fermes of the lands of Auchtercoul with the pertinents, which were in the King's hands for two years past; and £16 for the relief of these lands, Sasine of which was given to William Coutts (*Liber Responsionum in Scaccario*). The Sheriff of Aberdeen in 1546 (May 21st) accounted for 40s. as the fermes of the half part of the lands of Auchterarne, with the half part of the mill thereof, called the "Blak Myln," with the pertinents, which were in the Queen's hand since the term of St. Martins last; and for £4 as the relief thereof; Sasine being given to William Coutts of Auchterarne. William Coutts was killed in battle (at Pinkie) with the English on 10th September 1547, and his son John had Sasine of the lands of Auchtercoul, Auchterarne, and its pertinents, on 6th July 1548 (*Ibid.*). As noted (page 100), a great portion of the Coutts' lands passed by charter from Margaret Forbes, relict of John Coutts of Auchtercoul, into the possession of the Forbeses of Towie in 1550. On 31st July 1553, Robert Coutts is served heir to the above John, his brother german, in the lands of Auchtercoul (*Inquis. Special Aberdeen*). The lands appear to have been for four years in the Queen's hands, and the fermes amounted to £80. Robert Coutts received Sasine of his patrimony on 18th August 1553, the sum of £20 being paid for the relief of the lands (*Liber Responsionum in Scaccario; Gen. Reg. Ho.*).

Robert Coutts married Janet, youngest daughter of Patrick Gordon of Fulzemont, and had :—William, Robert, and George. He was succeeded by his second son, Robert. This Robert married Elizabeth Forbes, daughter of Alexander Forbes of New. By this lady he had 24 children, of whom there survived one son and five daughters, viz. :—1 Robert, who succeeded. (1) Margaret, wife of John Forbes of Pitsligo, who had sons, John, William, Alexander, and Robert ; (2) Elizabeth, married to Nicol Ros, 7th of Auchlossin, with issue :—Patrick, William, Robert, Alexander, Helen, and Jean ; (3) Elspet, wife of the Laird of Kinstair, by whom she had William and Robert ; (4) Marjory, married to Patrick Gordon of Kincaigie, by whom she had Patrick, Alexander, Elizabeth and Jean ; (5) Katherine married Robert Carnegie of Kirktown of Aboyne, and had issue :—Robert and Alexander (*MS. Pedigree*).

Robert, the next Laird of Auchtercoul, married Jean Gordon, daughter of John Gordon of Carnborrow. On 6th July 1609, Robert Coutts, along with Adam Gordon of Carnborrow, Patrick Gordon of Gight, Patrick Keith of Clachriach, Patrick Ros of Auchlossin, Patrick Gordon, apparent of Kincaigie, Patrick Gordon of Bonte, and six score others went to Aberdeen and followed Andrew Fraser of Stonywood and Alexander Fraser of Durris with drawn swords and bent “hagbuts and pistols.” They would have slain the Frasers had not the Magistrates interfered. For his part in this affair, Coutts had to find George Currou of Inshdrue, as cautioner, in the sum of £2000, that he would neither harm the Frasers nor bear hagbuts or pistols ; and engaged to appear before the Lords of Council when charged (*Reg. Privy Council, viii., pp. 332, 706*). Robert Coutts had by Jean Gordon three sons—William, Alexander, and George, also a daughter, Elizabeth, who married Arthur Rose of Newmill (*Pedigree of the Roses of Newmill*).

Robert Coutts and Jean Gordon his spouse grant Letter of Reversion in favour of John Forbes of Brux and Isabel Gordon his spouse over the lands of Gellen and others, as below, redeemable for 10,000 merks, to be paid in the Kirk of St. Nicolas “about that place quhair the pulpit

standis." In the event of the "fraudful" absence of said John Forbes and spouse, the money to be consigned to the parties specified.

George Gordon of Terpersie, who is witness to this deed, and simply signs "Terpersie," was son of William of Terpersie, the fourth son of James Gordon of Lesmore (pp. 78-9). George was apparently son of the first marriage of William of Terpersie, whose second wife, Elspet, daughter of George Gordon of Tilphoudie, was the relict of John Forbes of Brux. This lady, after the death of Terpersie, married William Innes of Calrossie, in Ross (*MS. Pedigree, circa 1580*). On 30th August 1602, Alexander Gordon of Lesmore granted a charter to his cousin, George Gordon of Terpersie, and George, his second lawful son, of the lands of Old Leslie. In 1618, George Gordon of Terpersie had Sasine on the town and lands of Ardlair; and, on 7th July following year, he granted a Reversion of the east half of the Kirktown of Clatt to James Gordon of Knockespock (*Aberdeen Sasines, vol. i., 11*). He was succeeded by his son, William, who, together with his brother, John, is also a witness. In 1630, there is procuratory of resignation for William Gordon of Terpersie, and John and Henry, his sons, they having obtained the superiority of the lands of Leslie and Leith-hall from John, Earl of Mar (*Ibid.*).

The Reversion, which we now give, has got the signature and seal of the granter: Jean Gordon his wife evidently could write, but she does not subscribe:—

BE IT KEND till all men quhome it effeiris Me Robert Couttis of Oughtercoull for myself and takand the burdein one me for Jeane Gordoune my spous obligeand me for hir for fulfilling of ane certane pairt of ane contract past betwix the richt honourable Johne Forbes of Brux for himself and takand the burdein on him for Isobell Gordoun his spous on the ane pairt and me for myself and takand the burdein on me for my said spous on the uther pairt of the daif of thir presentis To be bund and straitlie obligit and be thir presentis faithfullie bindis and obligis me and my said spous our airis and assigneyis under writin to the said Johne Forbes his airis and assigneyis in the maist strait and suir

forme of obligatioun that can be devysit That is to say forsamekill as the said Johne Forbes hes infest me and my said spous the langest leiver of us tua the airis lawfullie gottin or to be gottin betwixt us quhilkis failzeing me my airis and assigneyis quahatsomever in all and hail the toun and landis of Gellen housses biginges yeardis toftis croftis outseittis inseittis cottagis mosses medowis lasuris commountie commoune pasturages pairtis pendicles and pertinentis thairof and siclyk hes infest me the said Robert my airis and assigneyis in all and hail the toun and landis of the Miltoun of Gellen mill of Gellen mil landis astrict multers sukin and knewschipsis thairof housses biginges yeardis toftis croftis outseatis inseatis pairtis pendicles and pertinentis thairof all lyand within the parrochin of Coull barony of Aboyne and shirefdome of Abirdene as in the said contract chartouris and seasinges following thairon at great length is contenit Nevertheles at quhat tyme or quhow soune it sal happin the said Johne Forbes his airis or assigneyis to thankfullie content pey and delyver to me and my said spous all and hail the soume of sevin thowsand merkis guid and usuall current monie and to me my airis and assigneyis all and hail the soume of thrie thousand merkis usuall monie foirsaid makand in the hail the soume of ten thousand merkis havand cours and commoune passage of peyment in thir pairtis for the tyme and nocht under proclamatioun of douncalling togidder at anes and in ane soume and upone ane day beand Witsunday evin betwixt sun rysing and ganging doune of the same that ilk day within Sanct Nicolas Kirk callit the Auld Kirk of the broughe of Abirdene about that pairt quhair the pulpit standis upon the premonitioun of fourtie dayis to be maid abefoir the said terme be the said Johne Forbes his airis or assigneyis to me and my said spous or our forsaidis personally apprehendit or at our dwelling place and parroche kirk for the tyme on ane Sondag befor nowne in tyme appoyntit for devyne service in presens of ane notar and famous witnesses Quhilkis being done I and my said spous our airis and assigneyis forsaidis receaveris of the said soume of ten thowsand merkis sall grant and confes the said towne and landis of Gellen Miltoune of Gellen mill of Gellen mill landis thairof lasuris multuris sukin knewschippis of the same utheris abone writin and thair pertinentis lawfullie outquyt and redemit And thane sall renunce the saidis landis mills and utheris abone writin and thair pertinentis togidder with all richt tytill of richt entres clame kyndnes propirtie or

possession quhilkis we haid hes may ask cleame or pretend to have thairto or to ony pairt thair of To and in favouris of the said Johne Forbes or his fairsaidis peyaris of the said soume and sall presentlie delyver the said contract and chartour to the said Johne and his fairsaidis redemaris fairsaidis to be cuttit cancellit and destroyit keipit the same sall never mak faithe judicially nor utherwayes and gif it sal happin me my said spous or our fairsaidis wilfully or fraudulentlie to absent our selfis fra the receipt of the saidis soumes or being present refusit to receive the same premonitioun being maid as said is in that cace it salbe lesum to the said Johne Forbes and his fairsaidis to nummer consigne and depone the said soume of ten thowsand merks monie fairsaid day and place fairsaidis in the handis of Patrik Forbes of Cors Patrik Gordoun of [Kin]cra[igie] and William Forbes of Polfluig and failzeing of thame in the handis of ane makand residence within the said broughe of Abirdene for quhome the said Johne Forbes and his fairsaidis salbe answerabill in sure custody and keiping thair of the soume (of seven) thowsand merkis usuall monie fairsaid to the weill utilitie and profeit of me my said spous and our fairsaidis and the soume of thrie thousand merks siclyk makand in the hail the said soume of ten thowsand merks monie abone specifit The said soume of thrie thowsand merks abone specifit to be furth cummand to me my airis and assigneyis upon resignation being lawfully maid as said is the saidis landis miltoun mill mill-landis utheris abone writin and thair pertinentis salbe als lawfullie outquyt and redemit in all respectis as gif we had receavit the saidis sowmes and grantit the saidis landis mill utheris abone writin and thair pertinentis lawfullie redemit in And fra thyn furth the saidis contract chartour and seasing utheris writis and documentis maid to us thairwpon salbe null and of no avall force strength nor effect as gif the said had bein cancellit and distroyit and that but declaratour or proces of law Provyding alwayis nocht obstant of the premises that it sall not be lesum to the said Johne Forbes nor his fairsaidis to outquyt or redeme the saidis landis mill utheris abone writin and thair pertinentis fra me my said spous or our fairsaidis for the space of fyve yeiris nixt and immediatlie following the feist of Witsunday last bypast in this instant yeir of God j^m. sax hundreth and ten yeiris during the quhilk space the said redemptioun is suspendit and the said Robert for him his said spous and thair fairsaidis is content the said Lord Marqueis and his fairsaidis

give ane letter of regres for redemptioun of the said toune and landis of Gellen Miltoune mill mill-landis utheris abone writin and thair pertinentis to the said Johne Forbes and his forsaidis contenand the said soume of ten thowsand merks monie to be peyit or consignit in maner forme and to the effect abone writin be this my letter of reversioun writin be William Cordoner notar publict in Abirdene subscrivit with my hand and with the hand of the said Jeane Gordoun and sealit with my seill at Aberdein the first day of Junij j^m. sax hundreth and ten yeiris Befor witnessses George Gordon of Terpersie William Gordoun fear thairof his sone William Simsone at the mill of Keig Johne Gordoun sone to the said George Gordoun William Craigheid sonne to William Craigheid burges of Aberdein and the said William Cordoner.

Robert Couttis of Ouchtercoull with my hand.

Terpersie witnes.

William Gordoun wittnes.

Johne Gordoune wittnes.

Williame Simsone witnes.

Williame Craigheid witnes.

William Cordoner wreiter heirof witnes.

ABSTRACT OF LI.

REVERSION by Robert Couttis of Auchtercoull and Jean Gordone his spouse, in favour of John Forbes of Brux and Isobell Gordone his spouse, over the lands of Gellen, mill, milltown, and mill lands thereof, redeemable for 10,000 merks, to be paid upon 40 days' premonition in the Kirk of Saint Nicholas, called the Auld Kirk of the burgh of Aberdeen, "about that place quhair the pulpit standis," upon a Sunday forenoon in the time appointed for divine service; and in the event of the "fraudfull" absence of the said John Forbes and his spouse, the money to be consigned with Patrick Forbes of Cors, Patrick Gordone of Kincaigie, and William Forbes of Polfluig: Dated at Aberdeen, 1st June 1610: Witnesses—George Gordon of Terpersie, William Gordon, fear thereof; William Simsone at the mill of Keig, John Gordone, son to the said George; William Craighead, son of William Craighead, burgess of Aberdeen; and William Cordiner, writer of the Deed.

LII.

THE following Tack by Alexander Gordon of Cluny corrects the mistake into which genealogists have fallen in regard to the seniority of the children of George, first Marquis of Huntly. Lawrence Gordon, in whose favour this Tack of the Teind Sheaves of Meikle Coldstone, &c., is drawn up, had Sasine on the lands of Cabrach, and pasturage thereof, on 16th March 1605 (*Aberdeen Sasines, vol. iv.*). John Gordon, who, with Sophia Hay his spouse, had Sasine on the lands of Aboyne 8th July 1626, afterwards became Viscount Melgum and Aboyne, and was burnt at Fren draught Tower in 1630, was fifth son instead of second, and Adam Gordon, who had Sasine of the Lordship of Aboyne on 19th March 1605, was third son. Adam Gordon granted renunciation of the lands and Lordship of Aboyne, in favour of his father, on 22nd June 1620, and six years later his brother John was infeft in the lands and living of Aboyne (*Aberdeen Sasines, vols. ii., v.*).

The genealogy of the Gordons of Cluny is given with a later deed.

We give elsewhere some notes as to the witnesses. The deed is endorsed "Tak of the Teynd Schawes of Litill Colquholdstane and Auchinairne for tua Lyfrentis and thrie nyntein yeiris sett be Alexander Gordoun of Cluny to Laurens Gordoun fourt lauchfull sone to my Lord Marques Huntlic" :—

BE IT KEND till all men be thir present Letteres Me Alexander Gordoun of Cluny haifand the only guid undouttit and heritabill richt to the teynd schawes and uthairis teyndis of the paroche kirkis of Tulliche and Oboyne (quhair of the teynd schawes of the landis underwrittin ar popir partis and pertinentis) be richt and alienatioun and Dispositioun maid and grantit to me thair of be James Lord Torphichen conforme to the infeftmentis richtis and securities maid to me thair upon Forsameikill as be ane Band and Obligatioun maid and subscrywitt be me of the day and daitt of thir presentis I am bund and obleist to give grant extend subscriwe and delyver to Laurens Gordoun fourt lauffull sone to

the richt nobill and michtie George Marques of Huntlie Erle of Enzie Lord Gordoun and Badzenoch &c. to his airis maill tailzie and thair assignees under expremitt and sufficient Letter of Tak and Assedatioun of the teynd schawes of the landis underwritten during the haill tyme and space eftirmentionat as the said band in the selff at mair lenth proportis Tharfoir and for fulfilling of that pairt of the said band and for divers sowmes of money reallie and with effect payit and delyverit to me be the said nobill Marques in name of his said sone quhairof I hald me weill content satisfieit and payit and for me my airis executoris and successoris exoneris quitclames and discharges the said nobill and potent Marques and his said sone their airis executoris and successoris thairof for now and evir and siclyke for payment of the yeirlic dewtie underwritten To have sett and in tak and assedatioun lattin and be the tennour heirof settis and in tak and assedatioun for the yeirlic dewtie under expremitt lattis to the saidis Laurens Gordoun and to the airis maill lauchfullie to be gottin of his body quhilkis failzeing to John Gordoun fyft lauchfull sone to the said nobill Marques and to the airis maill lauchfullie to be gottin of his bodie quhilkis failzeing to Adame Gordoun thrid lauchfull sone to the said nobill Marques and to the airis maill lauchfullie to be gottin of his body quhilkis all failzeing as God forbid to the said nobill Marques and his nerreste and lauchfull airis maill or assignais quhatsum-evir thair subtennentis and helpis ane or ma all and sundrie the teynd schawes of all and haill the tua halfis baith eister halff and wester halff of all and haill the landis of Meikill Coldquholdstane and mylne landis thairof lyand within the barronie of Oboyne and scherefdom of Abirdeine And als of all and haill the landis of Litill Coldquholdstane and Auchnairne with thair pertinentis lyand within the province of Cromar and scherefdom foirsaid with all and sundrie the toftis outsettis partis pendicles and pertinentis thairof for all the dayis space yeiris and termes of the lyftyme of the said Laurens Gordoun and sua lang as it salhappin him to live and eftir his deceis for all the dayis space yeiris and termes of the lyftyme of his nerreste and lauchfull air maill of immediat successioun and sua lang as it salhappin the said air to leiff And eftir baith thair deceisses for all the dayis space yeiris and termes of nyntein yeiris and efter the ische and expyring thairof for all the dayis space yeiris and termes of uthir nyntein yeiris Quhilkis being lykwayes owt run and expyrit for all the dayis space yeiris and termes of uthir nyntein yeiris

making in hail tua lyfrentis and thrie nyntein yeiris takis to be altogidder owtrun and fulillie expyrit successive ilk ane eftir uthairis but ony trubill or impediment nixt and immediatlle following the said Laurens and his foirsaidis thair entrie to the saidis teynd schawes quhilk salbe and begin at the feist and terme of Lambes callit Ad Vincula Petri nixtocum in this instant yeir of God j^m. vj^c. and tuelff yeiris Payand thairfoir yeirlie the said Laurens and his foirsaidis to me my airis assignais and successouris our factouris and chalmerlanes haifand our power the sowme of . . . as the auld dewtie and teynd silver quhilk was usit and accustomat to be payit of befoir at the termes of payment usit and wont Beginnand the first termes payment thairof at the terme of Candilmes in the yeir of God j^m. vj^c. and threttein yeiris and sua furth thaireftir during the hail space and time befoir exprest with speciall alwayes provisioun giue it sallhappin the said Laurens or his foirsaidis to failzie in thankfull payment of the said teynd silver at the said terme yeirlie or at the furthest within the space of fourtie dayis nixt eftir ilk terme in that cais the said termes dewtie to be dowblitt and the said Laurens and his foirsaidis to be alwayes astrictit in dowbill payment thairof but ony actioun question or impediment quhatsumevir to be mowit or proponit in the contraire And I foirsuith the said Alexander Gordoun of Cluny faithfullie bindis and obleissis me my airis and successouris be this present letter of tak and assediatioun of the saidis teynd schawes during the hail space and tyme befoir exprest fra our awin proper factis and deidis allenarly and according to the richtis and securities maid to us thairupon sall warrant acquiet and defend to witt that I or my airis and successouris has nather done nor sall do ony hurt fact or occasioun prejudiciall or hurtfull to the samin In witness quhairoff I haiff subscriwit thir presentis with my hand (written be Williame Sinclair servitour to Mr. Laurens Makgill advocate) my seill is appendit at Huntlie the fourt day of Maii the yeir of God j^m. vj^c. and tuelff yeiris befoir thir witnessis John Gordoune of Buckye James Gordoune of Knockaspak Williame Gordone of Sawchine Mr. Laurens McGill advocat Thomas Crombie writer the said Williame Sinclair.

A. Gordone of Cluny withe my hand.

Mr. Laurens Makgill witnes.
 Williame Sinclair witnes.
 T. Crombye witnes.

Jhone Gordone witnes.
 James Gordone witnes.
 Wm. Gordone witnes.

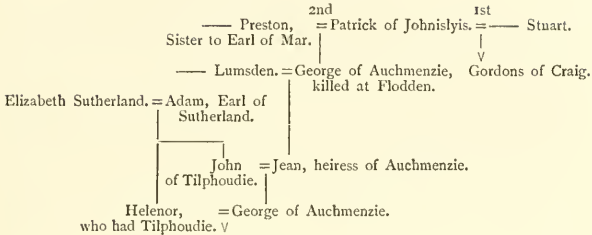
ABSTRACT OF LII.

TACK by Alexander Gordon of Cluny to Laurens Gordon, fourth son of George, Marquis of Huntlie, and the heirs male of his body, which failing, to John Gordon, fifth son of the said Marquis, which failing, to Adam Gordon, third son of the same, and the heirs male of their bodies, which failing, to the nearest lawful heirs male of the said Marquis, of all and sundry the teind sheaves of the two haves, both easter and wester, of the lands of Mekle Colquholdstane and mill lands thereof; and of the lands of Litill Coldquholdstane and Auchnairne, &c., for the lifetime of the said Laurens, and the lifetime of his heir male, and thereafter for 19 years, and then for two similar terms, making in all two lifetimes and three nineteen years, for a yearly rent, not stated. Dated at Huntlie, 4th May 1612. Witnesses—James Gordon of Knokaspak, William Gordon of Sawchine, Mr. Laurence McGill, advocate; and Thomas Crombie, writer.

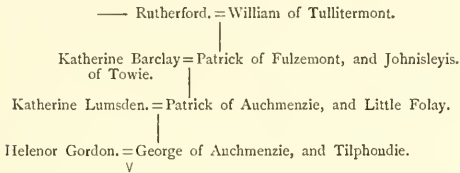
LIII.

A Genealogical account of the Gordons of Tilphoudie is necessary because they were settled for several generations in the Barony of Aboyne, and were parties to sundry deeds in this collection. Their descent presents the usual difficulties on account of the conflicting statements of the family historians. According to the Tilphoudie Manuscript the family descended in the male line from John, second son of Adam Gordon, Lord of Aboyne. The author of a Manuscript Pedigree, written about 1580, deduces the family from William Gordon of Tullitermont. The following charts shew both the descents :—

TILPHOUDIE MS.



MS. PEDIGREE, circa 1580.



The extraordinary vanity of the author of Tilphoudie Manuscript in attempting to establish a direct male descent from the Earls of Sutherland made him overlook the fact that George Gordon of Auchmenzie is made to marry his aunt Helenor!—a most improbable union. Sir Robert Gordon in his *Earldom of Sutherland* says that John of Tilphoudie, second son of Earl Adam, had a daughter who married George Gordon [second] of Cochlarachie, and the author of the Manuscript of 1580 gives the same account. Fortunately, documents in this collection help to prove the true descent of the Gordons of Tilphoudie.

William Gordon of Tullitermont married a lady of the name of Rutherford and had Patrick of Fulzemont and Johnisleyis, of whom we give some notes (pp. 38-9). This Patrick married Katherine [or Rachel] Barclay, daughter of the Laird of Towie, and had issue:—

- I. William of Johnisleyis and Auchindore (vide p. 38).
- II. Patrick Gordon of Auchmenzie, Dalwhing, and Wrattoun.
- III. Thomas Gordon of Kincaigie married to Janet, daughter of Robert Lumsden of Cushny, and had William (*MS. Pedigree*).
- IV. George Gordon of Cochlarachie married to a daughter of Oliphant of Berridale, by whom he had :—George his heir, James and Bessie (*Ibid.*). George, second of Cochlarachie, married the daughter of John Gordon of Tilphoudie (*ante*, p. 42), and had George of Cochlarachie, of whom elsewhere as the husband of Bessie Duncan (*p. 168*).
- V. Mr. John, chaplain of Cochlarachie.
 1. Katherine married to Patrick Bisset of Lessendrum, and had issue :—Patrick, William, Bessie and Elizabeth.
 2. Bessie (?) married to Patrick Forbes, portioner of Cochlarachie, and had :—Alexander, burgess of Aberdeen, who married Marion, sister of Alexander Cullen, Provost of Aberdeen, with issue :—Thomas of Skethockley, Andrew, Robert and David (*MS. Pedigree*).
 3. Elizabeth, who was wife of Patrick Strachan of Glenkindie, and had Patrick, who married Bessie, sister of Robert Stuart of Laithers, with issue :—William, married to Margaret Forbes of Brux ; and Agnes, wife of John Lumsden of Cushny, by whom she had :—John, Arthur and Bessie (*MS. Pedigree*).
 4. Janet married to Robert Coutts of Auchtercoul (*vide ante*).

Patrick Gordon of Auchmenzie had a charter from his father of the lands of Dalwhing and Wrattoun on 24th April 1514 (*p. 39*). In 1543 William Stewart, Bishop of Aberdeen, granted the lands of Auchmenzie to Patrick Gordon "in feu ferm for yearly payment of £9 12s. for ferm and grassum ; one mart ; two muttuns ; 24 poultry ; 12 wild fowls ; 2 bolls oats with fodder ; 3s. 4d. for bondage silver ; 13s. and 4d. for services used and wont ; 16s. 8d. in augmentation of rental ; doubling

the payments on every entry of an heir, and giving three suits at the bishop's three head courts" (*Registrum Epis. Aberdonense, i., p. 422*).

Six years later there is Assedation by William Gordon, Bishop of Aberdeen, in favour of his well beloved friend and kinsman Patrick Gordon of Auchmenzie of the Kirktown of Clatt and other lands (*Ibid., p. 438*). On 26th June 1551, Queen Mary confirmed Patrick Gordon of Auchmenzie and Katherine Lumsden his spouse, in the town and lands of Little Foyal (one-half of which pertained to umquhile William Blackhall of that Ilk, and the other to umquhile Robert Blackhall, burghess of Aberdeen,) in the regality of Garioch (*Reg. Mag. Sig., lxxx., 650*).

Mary, Queen of Scots, on 16th June 1563, granted a charter to Patrick Gordon of Auchmenzie of his lands of Dalwhing and Wrattoun, which he held of John, sometime Earl of Sutherland, who held them of George, sometime Earl of Huntly. The lands were in the Queen's hands by reason of forfeiture of said Earls; and the Queen, understanding that said Patrick was sixty years of age, and that neither he nor his children were partakers with the said Earls in their treason, is therefore willing that Patrick should not be hurt in his property of said lands, which yield a yearly rent of £12, and grants them to him and his heirs ane (*Aboyne Charter Chest*). There is Precept of Sasine, on this charter, given by John Stewart in Bonte, bailie in that part, on 7th July 1563.

Patrick of Auchmenzie died before 1573, leaving issue by his wife:—

I. George, his successor.

II. John, the discreet young man, who had a charter from Duncan Forbes of Cults of the lands of Caldhame (pp. 69, 70). He became styled "of Bruny," and marrying (1st) Janet, daughter to John Forbes of Barns, had:—Patrick of Kinraigie, John, Katherine, Helenor, Christian, Janet and Elizabeth. He married (2ndly) Isobel Gordon (relict of William Forbes of New) of the Pitlurg family, and had William Gordon, burghess of Aberdeen. Patrick of Kinraigie married Marjory Coutts (p. 200). Of the

daughters, Katherine married (1st) Archibald Sibbald, and had John; she married (2ndly) John Ferguson, burges of Aberdeen. Christian married Gilbert Middleton, and Janet married (1st) Thomas Burnett, and thereafter William Burnet (*M.S. Pedigree, circa 1580*).

George Gordon was retoured heir to his father in the lands of Little Folley on 6th October 1573. In 1562 George Gordon and Helenor Gordon his spouse, had a charter of the lands of Tilphoudie and Tillybreen (*ante, p. 98*). He has confirmation of the lands of Tilphoudie and Tillybreen by Mary, Queen of Scots, under the Great Seal (*ante, p. 140*). George Gordon, styled in his father's lifetime "of Correchie" and "Auchmalidy," acted as the Chamberlain of John, Earl of Sutherland. The Earl during his exile in Flanders owed "the sum of twelve score and ten pounds to Robert Morreis of Campheir, whereof he wald hav maid thankful payment gif it had plesit God to continue his life." Earl John had ordered George of Correchie, his Chamberlain, to pay the money. Gordon paid only seven score and five pounds, and in consequence Robert Morreis in 1569 laid a complaint before the Lords of Secret Council. The Laird of Correchie and John Stewart of Bonte appeared before the Council and said "the tenants [of Aboyne] owed sufficiënt money to pay the balance." The Lords ordered the money to be paid within fifteen days under pain of rebellion (*Reg. of Privy Council, vol. i., p. 678*).

Alexander, Earl of Sutherland, grants Precept of Clare Constat, dated at Elgin 1st May 1576, for infesting George Gordon as heir to the deceased Patrick of Auchmenzie, his father, in the lands of Dalwhing and Wratoun, lying in the Lordship of Huntly and Aboyne. Among the witnesses are Patrick and Mr. Thomas Gordons, brothers-german to the Earl of Huntly; John Sinclair of Dun, and Capt. Thomas Kerr (*Aboyne Charter Chest*). George Gordon had Instrument of Sasine eight days later, by the hands of John Stewart in Bonte, before John Sandson in Wratoun, Richard and John Gordons there (*Ibid.*).

On 24th September 1577, there is a charter by George Gordon of

Auchmenzie narrating a contract of marriage between William, his second son, and Elizabeth, daughter of William Seton of Meldrum. He gives to them in conjunct-fee, and to the heirs lawfully procreated between them, whom failing the heirs and assignees of said William whomsoever : his lands of Castletoun, Balnagowan, Bonte, mill and croft thereof, and the multures used and wont, the half croft of Mariewell, &c., for payment of two pennies yearly in name of blench ferm (*Ibid.*).

George of Auchmenzie and Tilphoudie married Helenor, daughter of Adam Gordon, Lord of Abovne and Earl of Sutherland, and died before 1582. They had :—

- I. Patrick of Correchie, who succeeded.
- II. William of Balnagowan. He married Elizabeth Seton (*ut supra*), and had William, James, and Beatrice, and a natural son John (*MS. Pedigree, circa 1580*).
- III. John. He was called "misteric," and was that "stout and bold man who took the Master of Forbes a prisoner at Crabstane." He died without issue.
- IV. James Gordon of Drumgask. He married Margaret Strachan, daughter of Andrew of Tillifroskie (*vide, pp. 154-5*), and had George and Patrick. He was killed at Glenlivet.
- V. Alexander of Bonte, married to Helenor, daughter of John Gordon of Bruny (*vide, pp. 173-5*), by whom he had a son Patrick, and was killed at Glenlivet with his brothers. His wife was the relict of John Stewart of Bonte.
- VI. Robert, sometimes styled of Correchie. He married Elizabeth, daughter of Thomas Hay of Rannes.
- VII. George, who took part in the burning of Donibristle along with his brother Patrick, and was denounced rebel (*Reg. of Privy Council, vol. iv., p. 735*).
- VIII. Adam Gordon married first Elspet Duguid of Auchinhuive, and had Patrick and Elspet ; secondly, Jean, daughter of Alexander Burnet of Kineskie.

IX. Hew Gordon married Jean Meldrum, daughter of Patrick Meldrum of Eden, and had by her:—John and Patrick.

1. Elspet married to John Forbes of Brux; she afterwards married William Gordon of Terpersie, upon whose death she married William Innes of Calrossie in Ross.
2. Beatrix Gordon, wife of James Gordon, second of Lochiston, and had issue:—John, George and Robert.

Patrick Gordon, the next Laird of Auchmenzie and Tilphoudie, on 26th October 1562, had to enter as hostage and surety for his father, George of Correchie, and his grandfather, Patrick of Auchmenzie, within the city of St. Andrews, there to remain within a circuit of four miles, under penalty of 2000 merks. Mr. Robert Lumsden of Tullicarne became surety for the Lairds of Auchmenzie and Correchie, who became bound to relieve him (*Reg. of Privy Council, vol. i., p. 221*).

On 21st November 1582, Alexander, Earl of Sutherland, directs Precept of Clare Constat to John Sanderson in Wratoun for infesting Patrick Gordon as heir to his father, the deceased George of Auchmenzie, in the lands of Dalwhing and Wratoun. The witnesses to the Sasine, dated 26th August 1583, are William Gordon of Castleton, Alexander Gordon in Bonte, Alexander Reach in Wratoun, &c. (*Aboyne Charter Chest*).

Patrick Gordon of Auchmenzie, son and heir to deceased George of Auchmalidy, with consent of William Gordon in Balnagowan, his brothergerman, granted a Bond of Reversion in favour of Alexander, Earl of Sutherland, his heirs and assignees, of "all and hail the town and lands of Castleton, Balnagowan, Bonte, Mill, Mill lands, Multures, and knaveships thereof, the half lands of Torquinlochy and half croft of Marywell, &c., lying in the Barony of Aboyne." These lands had been sold and disposed by Charter of Alienation by John, Earl of Sutherland, father to said Alexander, to the deceased George Gordon, under reversion on payment of 2000 merks. Patrick having now been paid, resigns and surrenders said lands and others to the Earl of Sutherland at Huntly on 23rd

March 1589. The witnesses are John Chalmers of Balbithan, Mr. James Chalmers, his brother-german; George Gordon and Malcolm Laing, servitors to the Laird of Auchmalidy (*Ibid.*). To complete the title of Patrick, his brother William Gordon in Balnagowan, for himself and Elizabeth Seton his spouse, resigns the lands in favour of Patrick, on the latter paying him the sum of 2000 merks on the same day at Gartly, before the same witnesses (*Ibid.*).

Patrick of Auchmenzie and Tilphoudie died before 1601. He married first Margaret Forbes, daughter of John of Brux, by whom—I. John, his successor; II. Alexander; and a daughter, Margaret, married to Hugh Calder of Assuanly, and afterwards to Fraser, minister of Botriphine.

The second wife of Patrick was Margaret Erskine, daughter of John Erskine of Balhagartie (p. 152), by whom he had:—III. Robert in Correchie; IV. Thomas; V. Patrick. The daughters were—Magdalen, Jean, and Beatrice; one of whom married John Innes of Coxtown, and another was wife of Leslie of Buchanston (*MS. Pedigree*).

On 21st August 1601, there is Precept of Clare Constat by George, Marquis of Huntly, directed to John Gordon of Bonte, for infesting John Gordon of Auchmenzie, as nearest and lawful heir male of the late Patrick Gordon, his father, in the lands of Tilphoudie and Tillybreen holding of the granter and his predecessors. This Precept is dated at Bog of Gight, and the witnesses are:—John Gordon of Newton, John Gordon in Rhynie, Adam Duff, apparent of Torriesoul; and James Anderson, notary (*Aboyne Charter Chest*).

Another Precept of Clare Constat, by the Marquis of Huntly, of date 23rd January 1602, for infesting said John in the lands of Dalwhing and Wratoun, is directed to Adam Gordon in Balnagown, and is dated from "Tullochgoudye," being witnessed by the parties above mentioned (*Ibid.*).

John of Tilphoudie was retoured as heir to his grandfather, George Gordon of Tilphoudie, in the lands of Little Foday in the parish of Fyvie, on 29th November 1610 (*Inquis. Special Aberdeen*).

The following is Contract whereby, for the sum of 7000 merks, John

Gordon of Tilphoudie renounced and surrendered the lands of Dalwhing and Wratoun to the Marquis of Huntly. He becomes bound to "cause his spouse, Bessie Cheyne, to renounce her conjunct fee, liferent, or other rights belonging to her," thus shewing of how little avail were parchment settlements in those days.

The Deed has got the signatures of the parties and witnesses :—

AT Oboyne the tuelff day of Februar the yeir of God j^m. vj^e. and fourteen yeiris It is appoyntit contractit faithfullie oblegit agreit and enditt betwixt ane noble nichtye and potent lord George Marquis of Huntlye erll of Engzie Lord Gordone and Badzenocht superiour of the landis of Dalquhing and Wreytoun under wretin on the ane partt and Johne Gordone of Tullochoudes heretable proprietor of the saidis landis and mylne bigitt thairone on the uther partt in maner forme and effect as efter follows THAT is to say the said Johne Gordone grantis and confesses him to have resavit fra the said lord Marquis all and hail the soum of sevin thousand markis usuall current Scoittis monie tauld numerit and delyverit to him reallie and with effect at the macking heirof of the quhilk soum he hauldis him weall contentit plesandlie satisfeit and compleitlie payit and thairof for him his airis executouris and assignayes exoneris quietclames and discharges the said Lord Marquis his airis executouris and assignayis for now and ever renunceand the exceptione of nocht numerat monie and all utheris whilkis may be alledgit or proponit in the contrar FOR the quhilkis soumes alreadie payit as said is the said Johne Gordone oncompellit coactit compellit or begyillit of his awne fre motive will sett purpois and deliberat mynd certiorat of his richtis hes resignit renuncit surranderit puirlie and simple upgevin And be thir presentes for himself his airis of lyne maill tailzie successouris and assignayes titulo oneroso resignis renunes discharges surranderis puirlie and simple upgeves be staff and battoun as use is in sick caces in the handis of the said lord Marquis as in the handis of his immediat superiour All and hail the saidis tounes and landis of Wreytoun and Dalquhing mylne mylnelandis astrict multure suckinis and knaifchipsis of the same and salmond fischinge thairof upone the watter of Die with all and sindrie thair houses biggingis yardis toftis croiftis outseattis inseattis cottaigis moisses medowes leassouris commondtie comond pasturaig fewall foigaidge

fail dovatt buskis medowes and all thair pairts pendicles and pertinentes lyand within the lordschip of Oboyne and Shirefdome of Abirden Togidder with all richt tytill of richt entres clame propertie or possession whilkis the said Johne Gordone haid hes may ask clame or pretend to have thairto or ony partt thairroff To and in favouris of the said noble Lord Marquis of Huntlye his airs maill assignayes and successouris quhatsumever ad perpetuam remanentiam consolidating and conjoining heirbye the said Johne Gordone his propertie of the forenamit townes and lands of Wreytoun Dalquhing Mylne multer and utheris abow wrytin and thair pertenes with the said Lord Marquis his said superioritie thairroff and the haill maillis fermes keanes customes deuaties and dew service of the foirnamit landis mylne multuris and utheris abow wrytin and thair pertenentis of this instant croip j^m. vj^c. and fourteen yeiris Witsunday and Mertemes termes thairroff sall apertein to the said lord Marquis and his forsaidis as of thair awne proper heretaig And the said Johne Gordone obleges him and his forsaidis conjunclie and severallie to warrand acqueatt keip and defend the saidis landis of Wreytoun Dalquhing mylne multuris uthers abow writtin and thair pertenentis according to the resignatione thairroff abow specifict conjoining the said Johne his propertie of the saidis superioritie with the said George Marquis of Huntlye and his forsaidis in all and be all as is abow rehersit guid valeid and effectuall fre and salve fra all actiones of lawe perrellis dangeris and inconvenientis quhatsumever As also the said Johne Gordone obleges him and his forsaidis to caus Bessie Cheyne his spous Alexander Midletoun in Broidland and Jehan Gordone his spous befor the feist of Whitsunday nixtocum judiciallie with all solemnities requiseit viz. the said Bessie to renunce hir conjunct fie lyvrent or ony kynd of richt scho haid hes or may pretend to have in and to the saidis landis of Wreytoun Dalquhinge mylne multuris utheris abow wrettin stoick or teyndis thairroff with thair pertenes And the said Alexander Midletoun and Jehan Gordoun to renunce all richt or tytill thay haid hes or may pretend to have in and to the said mylne off Dalquhinge mylnelandis multuris suckin and knaifchip thairroff utheris abow wretin and thair pertenes in favouris of the said lord Marquis and his forsaidis gif thair corporall aithes that thay ar nocht compellit thairto renunceand all exceptiones of lawe or practique whairbye thay may cum in the contrar Lyikas the said Johne Gordone for him and his forsaidis renunes all richt tytill kyndes or guid will whilkis he haid hes

or may pretend to haif in and to the teyndis great or small of the saidis foirnamit landis and thair pertenentes in favouris forsaid Also the said Johne Gordone obleges him and his forsaidis to delyver to the said lord Marquis and his forsaidis the haille chartouris preceptis instrumentis of seasing utheris wreittis and documentis quhatsumever whilkis he hes (upone his saull and conscience) concerninge the saidis landis stoick or teyndis to be usit thairefter be the said lord Marquis and his forsaidis as thair awne proper evidentis whareon thair salbe a perfyit inventour maid to be subscrivit be the said lord Marquis obleigand him and his forsaidis to mack the saidis wreittis patent and furth cummand to the said Johne Gordone and his forsaidis as thay sall haif to do thairwith for maintenance of the richt of the saidis landis And failzeing of the macking of the saidis renunciations and delyvrance of the evidentis befor the said term of Whitsonday nixtocum the said Johne Gordone obleges him and his forsaidis to pay and delyver to the said lord Marquis and his forsaidis within aucht dayes efter the said term of Witsonday nixtocum in this instant yeir the soum of ane thousand markis money forsaid as for liquidat expenses damaig and interest by attour and with the delyvrance of the saidis renunciaciones evidentis and wreittis all fraud and gyill secluditt And for observing of the premises the saidis parties ar content and consentis thir presentis be insert and registrat in the buikis of counsaill shireff or commissar buikis of Abirden ad futuram rei memoriam and to have the strenth of ane confessit and judiciaill decreitt with executoriallis of hornings and poyndinge to pas thairon in forme as efferis and to that effect mackis and constitutis . . . and ilk ane of tham conjunctlie and severallie thair procuratouris to consent thairto promittentes de rato &c. Be thir presentis (wretin with the hand off James Anderson notar publict in Dumbenane) subscrivit be the saidis parties day yeir and plaice forsaid befor witnesses Mr. Johne Cheyne of Arnaig Johne Gordone of Buckie Patrick Gordone of Kyncragie Mr. Robert Paip advocat Alexander Midletoun and James Anderson wreter heirof co-notaris.

Johne Gordoune of Tillachodi
with my hand.

Mr. Johne Cheyne witnes.

Jhone Gordone witnes.

Patrik Gordoun of Kyncragie witnes.

George Marquis of Huntlye.

Alexander Middlltoun witnes.

J. Anderson notar publict wreter
heirof witnes.

Mr. Ro. Paip witnes.

ABSTRACT OF LIII.

CONTRACT between George, Marquis of Huntlie, as superior, and John Gordone of Tullochoudes, as proprietor, whereby, for the sum of 7000 merks, paid to him by the said Marquis, the said John Gordone renounces and surrenders in the hands of the said Marquis, his lands of Wretoun and Dalquhing, mill and mill lands, multures, &c., and salmon fishings on the water of Dee, *ad perpetuam remanentiam*; and the said John becomes bound to cause Bessie Cheyne his spouse to renounce her conjunct fee, liferent, or other right whatsoever belonging to her in the said lands of Wretoun; and also to cause Alexander Middleton and Jehan Gordone his spouse to renounce their right to the Mill of Dalquhing, mill-lands, &c.; and to deliver the writs of the said subjects to the Marquis, all before Whitsunday next, under the penalty of 1000 merks. Dated at Oboyne, 12th February 1614. Witnesses—Mr. John Cheyne of Arnaig, John Gordone of Buckie, Patrick Gordon of Kyncragie, Mr. Robert Paip, advocate; Alexander Middleton, and James Anderson, notary in Dumbenane, writer of the Deed.

LIV.

THE Gordons of Abergeldie referred to in the following document descend from Sir Alexander Gordon, second son of the first Earl of Huntly. A brief account of this cadet of the family may be of some interest, and from the following facts it would appear that the Pedigree given in *Burke's Landed Gentry* is incorrect.

Sir Alexander Gordon received various lands in the barony of Midmar, which for several generations was the property of the Browns, styled "of Midmar." On 26th December 1482, by deed of gift dated at Edinburgh, King James III. granted the lands of Abergeldie, in the parish of Crathie, to Alexander Gordon. In 1485 he had a lease from David, Abbot of Arbroath, of the great tithes of the churches of Coull and Kinernie (*Antiq. of Banff and Aberdeen, vol. ii., p. 28*).

On 22nd November 1488, George, Earl of Huntly, granted a charter to Sir Alexander Gordon of Midmar, his brother-german, of the lands of Tullitermont, for faithful service done and to be done to him during his life (*Aberdeen Burgh Sasines, vol. i.*). He had also a grant from the King on 23rd January 1489, of the lands of Eastoun in Cromar upon the resignation of John Rutherford of Tarland. He resigned the Barony of Midmar into the Earl of Huntly's hands, and received it again on account of brotherly affection (*Reg. Mag. Sig., xiii., 213*). In November 1501, the King, by charter dated at Inverness, confirmed to Sir Alexander and his heirs, the lands of Abergeldie and Eastoun, which out of special favour were incorporated into one free barony (*Ibid.*).

Sir Alexander in 1503 entered into an Indenture with James, Lord Ogilvie of Airlie, whereby he sold the lands of Old Midmar to Ogilvie, who, however, was to "tak na profit of the said lands" till Alexander, son and apparent heir of George Gordon, or, failing him, James, his brother-german, comes of lawful age, to complete a marriage with Janet Ogilvie, or, failing her, Marion, her sister, daughters to said Lord Ogilvie and Janet Lyle his spouse. If the marriage fails the lands are to remain in possession of the Ogilvies until the sum of 600 merks is paid (*Abergeldie Charter Chest*).

The Knight of Midmar died before January 1504, when his son, George, is retoured in the lands and barony of Abergeldie, now worth £20 per annum, and valued at £10 in time of peace. Beatrice Hay, relict of Sir Alexander, on 1st October same year, was found entitled to her terce of the Davoch of these lands, and also of the lands of Beldestone, Meikle Glasgo, and the barony of Midmar (*Liber Curie Vicecomitatum de Aberdeen, vol. i.*).

George Gordon married Margaret Stewart, and, upon his resignation, they had a charter, under the Great Seal, to them and the heirs lawfully procreated between them, of the lands and barony of Abergeldie. In 1507, the King claimed the lands of Abergeldie as part of the Earldom of Mar, but the Lords of Council, by decree dated at

Edinburgh on 25th February, decerns the said "George quit fra the said petition and claime because it was clarely sene . . . to the saids Lordis that the said lands of Abergeldie war destynnet and separate landis fra the properte of Mar when it wes cled with ane Earl, and quhen it wes uncled with ane Earl, as oure soverane Lordis old rollis sene and considered propertis" (*Ibid.*). He was succeeded by his second son, James, the elder son, Alexander, being apparently dead.

The ward and marriage of James Gordon of Abergeldie was held by Walter Ogilvie in Boyne. Upon 24th April 1523, the young Laird of Abergeldie, having arrived at the years of "discretion and marriage," petitioned his guardian that he might be "coupled" in lawful matrimony. Ogilvie considered the petition reasonable, and offered him his choice of two damsels in every respect equal to himself—Janet Sinclair and Elizabeth Ogilvie, as proved by an Instrument which was drawn up on said date in the great chamber of the Bishop's palace at Aberdeen (*Original in General Register House*). The choice of the Laird of Abergeldie fell upon neither of the maidens above mentioned, for he married Janet Leith, and they had, on penult day of May 1528, confirmation of a charter by John Stewart, Earl of Buchan, of the lands of Grandoun, Achmull, Perslie, &c., to be held ward of the King (*Reg. Mag. Sig.*). In 1530 the Laird of Abergeldie became surety for William Gordon of Netherdale, who made a raid upon the lands belonging to Agnes Grant, the widow of John McAllan in Inverernan (afterwards wife of Thomas Cuming), and took away a great booty (*Antiq. Banff and Aberdeen, iv., p. 477*). James Gordon was not retoured heir to his father until 6th October 1534, his mother, Margaret Stewart, having died only two months previously (*Abergeldie Charter Chest*). He was slain at Pinkie on the tenth of September 1547, as instructed by a Precept from George, Earl of Huntly, directing George Bisset, his officer, to give Sasine to Alexander Gordon, son of James, in the lands and barony of Abergeldie, "takand securitie for the soum of xiii. lib. vi^s. viii^d. for the fermes of said landis and barronie for the last term and xxvi. lib. xiii^s. iiiii^d. for relieff of the samyn and vi.

lib. xiiij^s. and iiiij^d. for the fermes of Grandoun Auchmull Perslie and Crabstoun and xiii. lib. vi^s. and viii^d. for relief of the samyn" (*Abergeldie Charter Chest*). Besides above Alexander, James of Abergeldie left a daughter, Beatrix, who became second wife of Alexander Gordon of Birkenburn, and had for her liferent the lands of Knock in Glenmuick (*Ibid.*).

Alexander Gordon of Abergeldie took part in the Earl of Huntly's rebellion in 1562, and was compelled to ward in St. Andrews, under a penalty of 5000 merks. Two years later his lands were restored to him by Queen Mary (*Abergeldie Charter Chest*). In 1566 there is Assedation by James, Lord St. John, Preceptor of Torphichen, to an honourable man, Alexander Gordon of Abergeldie, his heirs and assignees, "ane or ma being of na hiar degree nor himself," of the teind sheaves, &c., of the parishes of Tullich and Aboyne for the space of 19 years. The Laird of Abergeldie became bound to pay the sum of seventy-five merks yearly. He was not to obtain possession until the expiration, in 1574, of the Tack granted to "Beatrix Gordon Lady Auchlossin and Mr. Robert Gordyn [*sic*] hir son" (*Register of Deeds, vol. viii., fol. 303*).

In 1574, James Gordon of Haddo became surety in £1000 that Alexander Gordon of Abergeldie shall not harm Alexander Knollis, burgess of Aberdeen; and in same year the Laird of Abergeldie is one of those who signed a Bond of Allegiance to the King. He also in 1589 subscribes a Bond at Aberdeen in defence of the trew religion and his Majesties Government as "Aberzeldie" (*Reg. of Privy Council, vol. iv., p. 377*).

Alexander Gordon, apparent of Abergeldie, becomes bound in £1000 for George Bannerman of Elsick in 1588. He married Margaret Mackintosh, who had previously been the wife of the Lairds of Grant and Pitsligo, and left an only daughter, Beatrice, who had Sasine on the lands of Hilleyd, Waukindale, Talliboy, lands of Hilloch, Auldtown, Newton, &c., on 20th January 1601 (*Aberdeen Sasines, vol. ii.*). Margaret MacIntosh, spouse to Alexander Gordon of Abergeldie, on 2nd April

1604, has Sasine on the lands and Barony of Abergeldie (*Ibid.*), and on 21st December following she (styled "Lady Abergeldie") becomes second wife of William Sutherland of Duffus (*Reg. Mag. Sigil., P. R., i., 27*).

Mr. William, son of Abergeldie, in 1592, was one of those who failed to answer "touching the hearing of mess and resetting of priestis and papistis," and is denounced rebel, as one of the treasonable "practizars against the estate of the trew religion" (*Ibid., vol. v., p. 48*). William, on 31st May 1601, is retoured heir to his immediate elder brother, Alexander of Abergeldie, in the lands and barony thereof (*Inquis. Spec. Aberdeen*). In July 1605, William of Abergeldie is denounced rebel for robbing and wounding William Johnstone, servant to James Fenton of Ogle, and has to find caution in 300 merks to enter, before the Lords of Council, his men who were engaged in the above assault (*Reg. of Privy Council, vol. vii.*).

William of Abergeldie had Sasine of the lands of Ballogie, Mill hole, &c., 21st November 1602; and on 20th December following, there is Sasine in his favour of the Barony of Midmar (*Aberdeen Sasines, vol. ii.*).

He had charter, under the Great Seal, of the lands and Barony of Abergeldie on 13th August 1607, and in the following year he became surety in £1000 that the Laird of Drum would not harm Arthur, Lord Forbes (*Reg. Privy Council, vol. viii.*). On 14th March 1621, he was retoured heir to James Gordon, his grandfather, in the lands of Carntralzane, Beldestone, and others (*Inquis. Spec. Aberdeen*). On 2nd June 1627, his son, Alexander Gordon, apparent of Abergeldie, and Katherine Nicolson his spouse, had Sasine of the lands of Ballogie, Diracroft, and Abergeldie (*Aberdeen Sasines, vol. v.*).

Having now given the succession of this family, as supported by deeds in the Charter Chest and the public Records, we return to the Charter which William Gordon of Abergeldie receives from Arthur, Lord Forbes, of the lands of Abergairn, &c. It may be noted that Lord Forbes was the second son of John, Lord Forbes, being eldest son of his second wife, Janet Seton of Touch. The eldest son of the first wife, Margaret,

daughter of Huntly, is said to have entered a religious order and died abroad without issue. His death occurred before 20th December 1598, for on that date Arthur, eldest son of John, Lord Forbes, and Janet Seton, has a charter of the Lordship of Forbes (*Douglas Peerage, i., p. 592*).

The Deed in favour of Abergeldie has got the signatures of the granter and witnesses:—

OMNIBUS hanc cartam visuris vel auditoris Arthurus dominus Forbes dominus terrarum molendinorum aliorumque infrascriptorum eternam in Domino salutem NOVERITIS me utilitate mea in hac parte undique previsa et diligenter considerata ex certis causis rationabilibus animum meum ad id moventibus ac pro impletione certe mee partis cujusdam contractus initi et confecti inter me parte ab una et Gulielmum Gordoune de Abergeldie parte ab altera de data primo die mensis Aprilis anno domini millesimo sexcentesimo decimo quarto Necnon pro pecuniarum summis in dicto contractu specificatis et mihi per dictum Gulielmum Gordoun in pecunia numerata plenarie persolutis de quibus teneo me bene contentum Et ideo pro me heredibus meis executoribus et assignatis eundem Gulielmum Gordoun heredes suos executores et assignatos de eisdem exonero et quietos clamo per presentes imperpetuum VENDIDISSE alienasse et hac presenti carta mea confirmasse Necnon tenore presentium vendere alienare et hac presenti carta mea confirmare hereditarie absque reversione redemptione aut regressu aliquali dicto Gulielmo Gordoune de Abergeldie heredibus suis masculis et assignatis Omnes et singulas terras meas de Eister et Waster Abirgardynes cum omnibus lie scheillingis et scheillingcroftis ac silvis earundem cum molendino de Abergardyne terris molendinariis ejusdem cum partibus pendiculis et pertinentiis earundem vocatis Pronie cum piscariis salmonum piscium super aquas de Dee et Glengardyne ac cum domibus edificiis et fortalicio de novo inedificato et in opere ad huc non completo jacentes infra parochiam de Glengardyne Baroniam de Aboyne et vicecomitatum de Abirdene Omnes et singulas terras meas de Sonehunnie cum domibus edificiis partibus pendiculis et pertinentiis tenentibus tenandriis et libere tenentium servitiis jacentes infra parochiam de Midmar baroniam de Clunie et vicecomitatum antedictum TENENDAS et habendas omnes et singulas . . . a me heredibus meis et assignatis prefato Gulielmo Gordoune de Abirzeldie heredibus suis masculis et assignatis de nobili et potenti domino Georgio

Marchioni de Huntlie comite de Enzie domino Gordoune et Badzenocht &c. heredibus suis et successoribus in feodo et hereditate imperpetuum per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine . . . REDDENDO inde annuatim dictus Gulielmus Gordoune de Abirzeldie . . . tres sectas curie ad tria placita capitalia tenenda apud lie Gray steane de Clunie tantum pro omni alio onere . . . ET ego vero dictus Arthurus dominus Forbes heredes mei et assignati omnes et singulas predictas terras . . . contra omnes mortales varrantizabimus acquietabimus et imperpetuum defendemus omnibus dolo et fraude seclusis IN super dilectis meis . . . Et vestrum cuilibet conjunctim et divisim ballivis meis in hac parte specialiter constitutis salutem Quibus precipio do in mandatis ac firmiter mando quatenus visis presentibus indilate statum sasinam et possessionem hereditariam actualem realem et corporalem omnium et singularum dictarum terrarum . . . prefato Gulielmo Gordoune . . . per terre et lapidis fundi dictarum terrarum lie clap et happer dicti molendini et per quodvis instrumentum piscationis in dictis aquis donationes tradatis et deliberetis seu alter vestrum tradat et deliberet . . . IN cujus rei testimonium huic presenti carte mee manu mea subscripte manuque Joannis Hunter notarii publicii conscripte sigillum meum proprium armorum est appensum Apud Abirdeine decimo sexto die mensis Junii anno domini millesimo sexcentesimo decimo quarto Coram his testibus Magistro Duncano Forbes de Balnagask Magistro Roberto Forbes portionario de Fynnerseis Magistro Joanne Leyth commissario de Abirdene Magistro Gulielmo Andersone avvocato in Abirdene et dicto Joanne Hunter presentis scriba Joanne Gordoune de Crabistoun.

Mr. Will^m. Andersone witnes.

Arthur L. Forbes.

Johne Hunter wreter heirof witnes.

Mr. Jone Leyth witnes

Mr. Robert Forbes witnes.

ABSTRACT OF LIV.

CHARTER by Arthur, Lord Forbes, whereby, in implement of Contract therein referred to, he grants to William Gordon of Abergeldie, his heirs male and assignees, all and whole the lands of Easter and Wester Aber Gardynes, with sheillings, crofts, &c., and salmon fishings on the waters

of Dee and Glengardyne, lands of Sonehunnie, &c., to be holden and had from the granter of George, Marquis of Huntlie; rendering therefor yearly to the said Marquis, his heirs and assignees, three suits of Court at the three head pleas to be held at the "gray steane of Clunie." Contains Precept of Sasine, and is dated at Aberdeen, 16th June 1614. Witnesses—Mr. Duncan Forbes of Balnagask, Mr. Robert Forbes, portioner of Fynnerseis; Mr. John Leyth, Commissary of Aberdeen; Mr. William Anderson, Advocate in Aberdeen.

LV.

JOHN Gordon of Kennertie, to whom we referred in a previous note (p. 128), on 4th January 1584, granted a charter to William Gordon, his son, his heirs male and assignees, "of the lands of Braeruddoch and Craigton for a certain sum of money paid to the granter in his urgent necessity: To hold from the granter, of George Earl of Huntly, in fee and heritage, for payment of one penny yearly at the Castle of Aboyne in name of blench ferme if asked: Reserving to Katherine Fraser spouse of the granter her frank tenement and usufruct of said lands for her life time." John Gordon could not write, and the deed has got his seal appended (*Aboyne Charter Chest*). In 1588, he had to find caution that he would not harm William Leslie of Seville, and next year he had to become bound in 2000 merks that he should behave loyally, and attempt nothing in hurt of his Majesty, or his authority, &c. (*Reg. Privy Council, iv., p. 378*). On 2nd August 1589, he and his son, William, had to find caution in £2000 that they would not harm Leslie of Seville; the sureties being John Grant of Freuchie, John Levingstone, younger of Dunipace; and Donald Farquharson of Tulligarmont (*Ibid., p. 405*).

John Gordon of Kennertie seems to have died prior to 1593, when William Gordon of Kennertie becomes bound not to assist the Earl of Huntly. On 17th July 1603, William of Kennertie is surety in 2000

merks that William Gordon of Abergeldie will not harm John Stewart and others in Ballogan (*Ibid.*, vi., 795). In same year there is renunciation by Mr. William Leslie of Cuiley of the lands thereof in favour of William Gordon of Kennertie (*Aberdeen Sasines*, vol. iii.). Next year, Alexander Calder of Àsloun becomes cautioner in 500 merks that William Gordon of Kennertie will not slay salmon in forbidden time.

The Marquis of Huntly, wishing to consolidate his property, redeems various lands, and paid the sum of 5000 merks, "guid and usual current Scottis money tauld nummerit and delyverit" to William Gordon of Kennertie for his lands of Braeruddoch and Craigton. The Laird of Kennertie, who grants the following Renunciation and Discharge, died before 6th June 1628, when his son, William, was retoured in the lands and Barony of Kennertie, viz. :—Meikle and Mid Kennerties, Muirtown, Carntoun, with the fishings of the lands of Auldton of Kennertie and Shepherd's Croft, the two Crofts of Burnside, and the Croft of Waterside—extending of old to £3 ; new extent, £12 (*Inquis. Special Aberdeen*).

Hew Gordon of Cults, who is a witness, has, on last of June 1626, Reversion in his favour of the lands and mill of Cults, by Patrick Gordon, apparent of Kinraigie, and Agnes Forbes his spouse (*Aberdeen Sasines*, vol. v.). In 1628, there is Assignment to a Reversion of the Town and lands of Cults by Hew Gordon of Cults to George Gordon of Tilphoudie (*Ibid.*, vol. vi.).

The Discharge and Renunciation by the Laird of Kennertie has got his signature, and that of the witnesses :—

BE IT KEND till all men quhome it affairis Me Williame Gordoune of Kennerdie heretabill proprieter of the towns and landis of Brarodaches and Craigtowne underweittine to have receivit fra anc nobill michtie and potent lord George Marqueis of Huntlie Erl of Enzie lord Gordoune and Banzinocht &c. all and hail the sowme of fyve thowsand markis guid and usuall current Scottis money tauld nummerit and delyverit to me . . . at the making heirof convertit and to be convertit in my necessar and profitabill adois off the quhilk sowme I hauld me weill contentit . . . and thair of for me my airis executoris and assigneis . . . discharges the

said lord Marqueis his airis executoris and assigneis for now and ever . . . For the quhilkis sowmes alreddie payit as said is I have renuncit . . . and simpliciter upgivine be staf and battone as use is in sic caicis and be thir presentis for my self and my airis als weill of lyne as maill tailzie conqueis provisionne successouris assigneis and posteritie titulo oneroso resignis renuncis . . . and simpliciter upgivis but reversion . . . regres or redemptiounne in the handis of the said lord Marqueis as in the handis of my immediat superior All and haill my saidis townes and landis of Brarodaches and Craigtowne with all and sinderie thair houssis &c. . . lyand within the lordscheipe of Oboyne and schirefdome of Abirdein togidder with all richt . . . quhilkis I haid hes may ask clame or pretend to have thairto or to ony pairt thairof ad perpetuam remanentiam with sic kyndnes and guidwill as I have or may have in and to the teynd scheves of the said towne and landis . . . to and in favouris of the said George Marqueis of Huntlie his airis maill and assignais quhasoever CONSOLIDATING and conjoining heirby my heretabill proprietie of the saidis townes and landis of Brarodache and Craigtowne . . . with the said Lord Marqueis his superioritie of the samen And the haill maillis fermes &c. of the saidis townes and lands . . . of this instant crope in the yeir of God ^{jm}. sax hundreth and fyfteine yeiris Witsonday and Mertimes termes of the samen sall apperteine to the said Lord Marqueis and his foirsaidis be vertew of this my resignatiounne and the said Lord Marqueis his auld former infestmentis thairon as for the deweteis in the yeir of God ^{jm}. sax hundreth and fourteine yeiris in respect the tennentis of the said groundis payis thair deweteis at thair entress and nocht at thair removing And in verificatiounne of my said resignatiounne ad perpetuam remanentiam of the foirnamit townes and landis on my conscience I have deliverit to the said Lord Marqueis the haill auld evidentis quhilkis I had thairupone And give I happen to recover ony utheris evidentis or wreittis at ony tyme heirefter I obligis me and my foirsaidis to delyver the same to the said nobill Lord and his foirsaidis to be in all tyme cuming usit be thame as thair awine proper evidentis Attour I obligis me and my foirsaidis to warrand . . . and defend this my resignatiounne . . . to the said Lord Marqueis and his foirsaidis in all and be all as is befoir rehersit guid valeid and effectuell . . . that is to say that we have nocht doune nor sall nocht do ony fact or deid hurtfull or prejudiciall thairto allennarlie but fraud or gyll and for observing . . .

of the premissis we ar content and consentis thir presentis be insert and registrat in the buikis of Counsall schiref or commissaries buikis of Abirdcine ad perpetuam remanentiam to have the strenth of ane confest act and judiciall decreit with executoriallis to pas thairon in forme as affairis and to that effect mackis and constitutis . . . thair procuratouris to consent heirto promittentes de rato &c. be thir presentis wreittine be Maister Alexander Paip son to Maister Robert Paip Advocate in Aberdein subscriyvit with my hand and seillit with my seill at Huntlie the nynt day of Maii in the yeir of God j^m. sax hundreth and fyfteine yeiris befor thir witnessis Hew Gordoune of Coultis George Gordoune of Auchternadie Mr. Robert Paip Advocate in Aberdein Jhone Gordoune fear of Auvachie Alexander Midletoune notar publict and the said Mr. Alexander Paip wreitter foirsaid.

Wm. Gordoune of Kennertye.

Hew Gordoune vitnes.
George Gordoun vitnes.
Mr. Ro. Paip vitnes.

Johne Gordoun vitnes.
Alexander Middiltoun not. publict vitnes.
Mr. Alexander Paip wrett. heirof vitnes.

ABSTRACT OF LV.

RENUNCIATION and Discharge by William Gordoune of Kennerdie, whereby, for the sum of 5000 merks paid to him by George, Marquis of Huntlie, he renounces in his favour All and haill his lands of Brarodoches and Craigtoune, *ad perpetuam remanentiam*, conjoining and consolidating the property with the superiority thereof in the hands of the said Marquis. Dated at Huntlie 9th May 1615. Witnesses, Hew Gordoune of Coultis, George Gordoune of Auchternadie, Mr. Robert Paip, Advocate in Aberdeen, John Gordoune, fear of Auvachie, Alexander Middiltoun, notary, &c.

LVI.

FREQUENT mention is made in these papers of the Gordons of Cluny, the first family so designed; and, as they were cadets of the House of Huntly, some account of them is necessary. They were

descended from Alexander, third son of the third Earl of Huntly by his wife, Lady Jean Stewart, daughter to the Earl of Athole. This Alexander was first styled "of Strathaven." He married Janet Grant, and on 31st August 1539, they had a charter from the Earl of Huntly of the Mains of Cluny, lands of Parkhill, and others, in exchange for the lands of Strathaven, Fotherletter, &c. On 5th November same year, they and their son, Alexander, had a charter of the lands of Logie, Broomhill, with the bog, and the fourth part of Westoun, Little Coldstone, with the woods, bogs, &c., and pasturage in the forests of Culblean and Morven (*Reg. Mag. Sig.*, xxvii., 182). Ten years later, Alexander Gordon, still styled of Strathaven, had Tack for 19 years of the lands of Balfady, Balfour, Deirahouse, and others in Birse, from his brother, Bishop William Gordon (*Reg. Epis. Aberdonense*, vol. i., p. 445). He did not obtain peaceable possession of these lands, for William Maling, the Bishop's officer, had to lay a "by stress" on the lands of Midstrath, and removed Jonet Collison, John Irving, and the other inhabitants. The methods of removal in those days is of interest. The officer laid hold of a "tin pan" belonging to the house of Midstrath, and declared that "Jonete and John claimed the tenancy of Midstrath at the peril of the law." He then put up the said pan and "by stress" on the house, so that Alexander Gordon of Strathaven, the tenant of the tenancy, might have free entry (*Original Instrument in General Register House*). Alexander Gordon had several sons and four daughters, besides two natural sons, George and William, and died at Drummin.

Alexander Gordon, fiar of Strathaven and Cluny, succeeded; he married a daughter of Ogilvy of Banff, by whom he had Janet Gordon, who married James Gordon of Birkenburn. Alexander was succeeded by his younger brother, John. This John in 1569 was one of those to enter in ward as a hostage for the 5th Earl of Huntly's conforming to the Articles of Agreement between him and the Regent Moray (*Reg. of Privy Council*, i., p. 663). In 1579, a dispute as to the teinds of New Aberdeen reached a climax. David, Bishop of Aberdeen, William

Douglas of Glenbervie, and John Gordon of Cluny, each claimed right to these teinds. To settle the matter, the King charged them to permit Gilbert Guthrie, "Marchmont Herald," to collect the teinds and stack the same upon the grounds of said lands. Gordon of Cluny paid no attention to these commands, and, along with his son, Thomas, and servants, armed in warlike manner, he "maisterfullie violentlie and perforce" took the teind sheaves to the Town of Aberdeen, where he meant to dispose of them. For these things he and his son were denounced rebels (*Reg. of Privy Council, vol. iii., p. 132*). It appears that in 1576 the Laird of Cluny obtained a 19 years' Tack of these teinds from William, Bishop of Aberdeen. The next Bishop of Aberdeen (David Cunningham) brought an action for the reduction of this Tack, and because he was not likely to succeed, he resorted to "malitious and ungodly circumvention," and got the Gordons denounced rebels, as above. The Lords of Council however decided in favour of Cluny (*Ibid., p. 354*).

John Gordon of Cluny took a prominent part in the bitter feud, between the Gordons and the Forbesees, which had its origin in a "few contentious words," between George Gordon of Gight, "a member of a turbulent and hot-headed race," and Alexander Forbes, apparent of Towie, in the presence of the King himself. The feud proved disastrous to all parties.

The Laird of Cluny married Margaret, daughter to Thomas Gordon of Auchinhuive, and had two sons and five daughters. They were:—

1. Sir Thomas of Cluny.
2. John of Birsemore, who married Margaret, daughter of Lesmore, the widow of Patrick Grant of Ballindalloch. Her first husband was Walter Innes of Auchorsk (*Reg. Mag. Sig., xxxvii., 39*). He had two sons by this lady—Patrick of Birsemore, married to Jean, daughter of Patrick Leslie, Provost of Aberdeen, and John. The Laird of Birsemore was killed at Darnaway in 1591, and was succeeded by his son Patrick.

- I. Agnes, married to Duncan Leslie of Pitcaple. Their contract of marriage is dated at Cluny, 21st August 1581, and they are both dead before 1st May 1604; she having died before 16th May 1600 (*Reg. Mag. Sig.*).
- II. Helen, married Alexander Murray of Cowbardie. On 18th May 1627, Helen Gordon, relict of Alexander Murray of Cowbardie, and George, her son, grant reversion of a ploughgate of the lands of Auchinbo to the Marquis of Huntly, and in the following year she and her son, John, have Sasine of Auchinbo (*Aberdeenshire Sasines, vol. v.*).
- III. A daughter married to Mortimer of Craigievar.
- IV. Marjory, who was wife of John Erskine of Pittodrie.
- V. The fifth daughter married John Grant of Carron (*MS. Pedigree*).

This Laird of Cluny built the Castle of Blairfindie, where he died in 1586.

Sir Thomas Gordon, the next laird, had in 1590 to become bound under a penalty of £10,000 to maintain good rule in his district. He was also concerned in the burning of Donibristle. He married, first, the Lady Elizabeth Douglas, daughter of the Earl of Angus, by whom he had six sons and a daughter, viz. :—1 Alexander, his successor; 2 Patrick Gordon of Ruthven; 3 William Gordon of Cotton; 4 Mr. Thomas of Pittendreich; 5 Mr. George; and 6th, John.

Sir Thomas married secondly Grizel Stewart, daughter of the Earl of Athole, by whom he had two daughters—one married to Ogilvy of Carnousie, and the other to Abercromby of Birkenbog. He was only retoured heir to his father upon 13th April 1602, in certain lands in the forest of Birse, extending to £10, with 3^s. and 4^d. in augmentation (*Inquis. Special Aberdeen*).

Alexander Gordon, afterwards Baronet of Cluny, was on 11th July 1607, retoured heir to his father in the lands of Carvechin, Thornyray, and others, in the Barony of Kinmundy by annexation—old extent, 19 merks; and new extent, £50 13s. 4d. (*Inquis. Special Aberdeen*). On 20th

October 1608, he sold to Patrick Gordon of Kincairgie, and Marjory Coutts his spouse, the town and lands of Syde, Pell, Carnboy, &c., with the multures of Earlsfield and others (*Reg. Mag. Sig.*). Next year he resigned the lands of Earlsfield and Segden, and they were granted to George Gordon of Terpersie.

The Laird of Cluny was one of those to whom a Commission was issued in 1609 for the suppression of a "detestable and infamous" Aberdeenshire Society, called "The Knights of the Morter" or "Societie of the Boyes." The leading spirits in this Society were John Forbes of Logie, George Leslie of Auld Craig, William Forbes of Mylnbuy, Patrick, his brother, and John Mortimer, called "The Baron." They came under oaths to support one another in all their quarrels; and went about the country in arms and robbed, oppressed, and slaughtered without mercy. The Commission against them was granted because the Lords of Council considered it "a foule reproche and scandell to this oure nation that suche a handeful and infamous byk of laules lymmaris shoulde be sa long sufferit" to have residence in any part of the kingdom (*Reg. Privy Council, viii., pp. 271-2*). It was not, however, until 1612 that the Society was suppressed, when the Laird of Cluny, as Sheriff-depute of Aberdeen, was again commissioned "to convocate the lieges," and apprehend William Forbes of Mylnbuy and his brother, and enter them before the Lords of Council.

Slr Alexander Gordon of Cluny married first Violet, daughter of John Urquhart of Craighfintray, Tutor of Cromarty, and had an only son, Alexander, the pupil of the following deed. He married secondly Elizabeth, daughter of John Gordon of Newton, relict of Sir John Leslie of Wards, without issue.

The Laird of Cluny, as administrator to his son, grants a Letter of Tack of the teind sheaves of various lands in the Barony of Aboyne to the Marquis of Huntly. Alexander, the younger, married a daughter of — Leslie of Wards, and died without issue in France (*MS. Pedigree, 1644*). The deed has got the signatures of the granter and witnesses:—

BE IT KEND till all men quhome it affairis Me Alexander Gordoune off Cluny father gydder and administrator to Alexander Gordoune pupill principall takisman of the teynd scheves under wrettine Be dispositiounē of the vicar of Oboyne quhome to the saidis teynd scheves appertenis as pairt and pertinent of the patrimonie of the said vicareage for fullfilling of ane certane pairt of ane contract past betwix ane nobill michtie and potent Lord George Marqueis of Huntlie Erl of Enzie Lord Gordoune and Banzinocht on the ane pairt and myself for me and tacking the burding on me for my said sone on the uther pairt of the dait of thir presentis and for the caussis onerous thairin contenit To have sett in tack and assedatioune and for maill and dewtie lattine and be thir presentis settis in tack and assedatioune and for maill and dewtie lattis titulo oneroso to the said Lord Marqueis his airis maill and assigneis quhasoever and to thair subtennentis and helpis ane or ma all and hail the teynd scheves of the townes and lands of Over and Nather Formastownes Gilbert Mylne's croft Drumgask Mylne of Desk mylne landis and croftis thairof and of the half towne and lands of Belwood croftis outsettis insettis cottagis hail pairtis pendecles and pertinentis of the samen lyand within the parochine of Oboyne and Shirefdome of Aberdeine for all the dayes yeiris and termes of the lyftyme of the said Alexander Gordoune pupill and efter his deces for all the dayes yeiris and termes of the lyftyme of his air or airis of immediat successiounē and efter baith thair deces to the said Lord Marqueis and his foirsaidis for the spaice of nynteine yeiris Quhilkis being compleitlie outrune for the spaice of uther nynteine yeiris and efter the compleit ischew thairof for the hail spaice yeiris and termes of uther nynteine yeiris MACKAND in the hail tua lyferentis and thrie nynteine yeiris tackis immediatlie and succesivlie efter utheris nixt efter the said Lord Marqueis and his foirsaidis entress thairto Quhilk salbe and begine Godwilling at the feist of Lammes callet divi Petri ad vincula nixtocum in this instant yeir of God j^m. sax hundreth and fyfteine yeiris and fra thyne furth to continew thairwith and in peciabil bruing joying possiding setting raising collecting gadding and serving of inhibitiones in and upone the saidis teynd scheves of the fornमित townes and lands during the said spaice and yeiris frilie queyetlie weill and in paice but interruptione brak of termes trubill or impediment PAYAND thairfor yeirlie the said nobill lord his airis maill and assigneis to me for myself and in name and behalf of the said Alexander Gordoune my sone his

airis and assigneis the sum of threttie sevine markis Scottis money at the feist of hallowmes and relivand me and my said sone and his foirsaidis of the stentis and taxationes to be imposit in and upone the saidis teyndis pro rata And failzeing of thankfull payment of the said yeirlie teynd silver the said Lord Marqueis and his foirsaidis to be astrictit bound and obligit to pay and delyver to me for myself as administrator foirsaid and to my said sone his airis and assigneis our factouris or utheris havand our power the sowme of thretteine markis yeirlie for that yeir of the said failzie as for liquidat expenss damnege and interes within aucht dayes efter the said terme but demonitioune or modificatioune to be tackine thairanent And I forsouth the said Alexander Gordoune of Cluny obligis me my airis alsweill of lyne as maill tailzie conqueis provisione successouris assigneis and posteretie conjunctlie and severallie to warrand acqueyit keip and defend this my letter of tack and assedatioune of the saidis teynd scheves of the fornमित townes and landis [and] utheris abone wreittine and thair pertinentis to the said Lord Marqueis his airis maill and assigneis quhasoever in all and be all as is befor rehersit guid valeid and effectuell from all perrellis and inconvenientis frie and saif (except the said yeirlie deweteis) proceeding fra our awne factis and deidis that is to say that we have nocht doune nor sall nocht do ony fact or deid hurtfull or prejudiciall thairto allennarlie To be ratefeit be my said sone at his perfytt aige and failzeing of him be his air of immediat successioun being of the said aige conforme to the said contract in all poyntis all fraud and gyll secludit be this my letter of tack and assedatioune wreittine with the hand of Maister Alexander Paip sone to Maister Robert Paip advocat in Aberdene Subscryvit with my hand my proper seill is heirto affixit At Huntlie the threitteine day of Maij in the yeir of God j^m. sax hundreth and fyfteine yeiris Befoir witnesses Mr. Williame Gordoune of Tulligrige Thomas Crombie wretter in Edinburgh Mr. Robert Paip advocat in Aberdene James Andersone in Dunbennen and the said Mr. Alexander Paip wretter foirsaid.

A. Gordone of Cluny.

Mr. W. Gordoun witnes.

Mr. Ro. Paip witnes.

J. Anderson witnes.

T. Crombie witnes.

Mr. Alex^r. Paip witnes wretter heirof.

ABSTRACT OF LVI.

LETTER OF TACK by Alexander Gordoune of Cluny, father, guider, and administrator to Alexander Gordoune, pupil, principal tacksman of the teind sheaves of Formastounes, Over and Nether, to George, Marquis of Huntlic, of the said teind sheaves of Formastounes, Over and Nether, Gilbert Mylne's Croft, Drumgask, Mill of Desk, mill lands and crofts thereof, and of half of the lands of Belwood, all in the parish of Oboyne, for the lifetime of the said Alexander Gordoune, pupil, and after his decease for the lifetime of his heir or heirs, of immediate succession, and then for the space of three times nineteen years, for 37 merks yearly. Dated at Huntlic, 13th May 1615. Witnesses:—William Gordoune of Tulligrige; Thomas Crombie, writer in Edinburgh; Mr. Robert Paip, advocate in Aberdeen; James Anderson in Dumbennan; and Mr. Alexander Paip, son to said Mr. Robert.

LVII.

ON 13th May 1615, Alexander Gordon of Cluny sold the teind sheaves of the lands of Milltown and Mill of Dinnet, Ferrar, Braeruddoch, and others to George, Marquis of Huntly, who has Sasine, as below.

William Gordon of Tulligraig, who witnesses the deed, was son of John Gordon of Tulligraig, Sheriff-depute of Aberdeen. He got into trouble with the authorities in 1609 through assisting his natural brother, Alexander, to abduct Christian Currou, daughter to George Currou of Inschdruer and Jean Hay. William Gordon, together with Alexander, his son and heir, and Helen Coutts, spouse of said Alexander, had Sasine on the lands of Carnborrow and Brodland, 6th July 1625.

Mr. Robert Paip, another witness, married Elspet Leslie, and they, together with Gilbert Paip, their son, had Sasine of the lands of Logieruiff on 8th July 1619 (*Aberdeenshire Sasines*, vol. ii.).

Thomas Crombie and Margaret Ker his spouse had Sasine on the lands and barony of Kemnay on 31st July 1624, and on 15th July he renounced the lands of Carneday (*Ibid.*, vol. iv.).

The Instrument of Sasine upon Cluny's Charter is as follows:—

IN Die nomine amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno Incarnationis dominice millesimo sexcentesimo decimo quinto mensis vero Maij die vigesimo sexto et regni supremi domini nostri Jacobi sexti Dei gratia Magne Britannie Francie et Hibernie regis illustrissimi fideique defensoris annis respective quadragesimo septimo et duodecimo IN mei notarii publici et testium subscriptorum presentis personaliter comparuit Joannes Spens filius legitimus Thome Spens in Brunstane ac procurator et eo nomine nobilis et potentis domini Georgii Marchionis de Huntlie &c. de cujus procuratoris mandato mihi notario publico subscripto luculenter constabat TENENS et habens in manibus suis quandam cartam alienationis preceptum sasine in se continentem factam datam et concessam [per] honorabilem virum Alexandrum Gordoun de Clunye prefato nobili domino Georgio Marchioni de Huntlie suis heredibus masculis et assignatis quibuscunque absque pacto reversorio regressu aut redemptione quibuscunque de et super totis et integris decimis garbalibus villarum et terrarum de lie Mylnetoun et molendini de Dunnattie Ferrar Brarodachis Craigtoun Wratounes Castletoun Bountie lie mylntoun et molendini de Bountie Balnagowne Dalquhing lie mylnetoun et molendini terrarum molendinariarum earundem Necnon villarum et terrarum de Foullbog hauche Meikill Kanmor Littill Canmor Kandord et Cammasemay ac etiam dimedietatis terrarum et villarum de Brodland cum omnibus earundemcroftis lie outseattis inseatis cotagiis suisque partibus pendiculis et pertinentiis jacentibus infra parochias de Oboyne et Tulliche et vicecomitatum de Abirdene subscriptione manuali dicti Alexandri Gordoun de Clunye roboratam et subscriptam QUAMQUIDEM cartam alienationis dictum preceptum sasine in se continentem discreto viro Georgio Gordoun in Waternady ballivo in hac parte in eodem precepto specialiter nominato et constituto ea qua decuit reverentia exhibuit produxit et presentavit Quam dictus ballivus accipiens de manibus dicti Joannis Spens procuratoris dicti nobilis domini Marchionis mihi notario publico subscripto ad perlegendum et exponendum tradidit perlegique fecit cujus precepti

tenor sequitur et est talis IN super dilectis meis Georgio Gordoun in Waternady et eorum cuilibet conjunctim et divisim ballivis meis in hac parte specialiter et irrevocabiliter constitutis salutem Vobis igitur et vestrum cuilibet precipio do in mandatis et firmiter mando quatenus visis presentibus indelate accedatis seu alter vestrum accedat ad dictas terras et ibidem virtute officii vobis in hac parte commissi statum sasinam et possessionem hereditariam realem actualem et corporalem omnium et singularum prefatarum decimarum garbalium prefatarum villarum et terrarum . . . conjungendo et incorporando dictas decimas garbales cum hereditaria possessione dictarum villarum et terrarum que in posterum nunquam separabuntur a trunco prefato nobili domino Marchioni suisque heredibus masculis assignatis per terrarum et lapidum dictarum villarum et terrarum respective donationes ut moris est in similibus tradatis et deliberetis seu alter vestrum tradat et deliberet ipsosque in eisdem legitime investiri faciatis secundum vim formam et effectum suprascripse carte mee in omnibus et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet ballivis meis in hac parte antedictis meam plenariam omnimodam et irrevocabilem tenore presentium committo potestatem IN cujus rei testimonium huic presenti carte mee manu Magistri Alexandri Paip filii Magistri Roberti Paip advocati scripte manueque mea subscripte sigillum meum proprium est appensum Apud Huntlie decimo tertio die mensis Maij anno domini millesimo sexcentesimo decimo quinto Coram testibus Magistro Gulielmo Gordoun de Tilligrig Thoma Crombie scriba Magistro Roberto Paip avvocato in Abirdene Jacobo Andersone in Dumbennane et Magistro Alexandro Paip scriba predicto sic subscribitur Alex^r. Gordoun of Clunye Mr. Williame Gordoune witness Mr. Robertus Paip testis James Andersone witness Thomas Crombie witness POST cujusquidem precepti sasine presentationem et lecturam sic ut premittitur factam prefatus Joannes Spens procurator et eo nomine dicti nobilis marchionis supradictum ballivum in hac parte humiliter requisivit quatenus ad debitam et efficacem executionem hujusmodi precepti sasine procedere dignaretur Quiquidem ballivus sciens dictam requisitionem fore justam rationique consonam cum dicto Joanne procuratore antedicto personaliter et indilate accessit ad predictas villas et terras . . . statum sasinam et possessionem hereditariam . . . prefato Joanni Spens procuratori et eo nomine dicti nobilis Marchionis heredibusque masculis et assignatis dicti nobilis

domini quibuscunque per terrarum et lapidum fundi dictarum villarum et terrarum respective donationes dedit contulit et cum effectu deliberavit pro ut in similibus moris est ac ipsum Joannem Spens procuratorem dicti nobilis Marchionis heredesque masculos et assignatos dicti nobilis domini in iisdem decimis garbalibus villarum et terrarum antedictis cum pertinentiis induxit imposuit rite et legittime sasivit et investivit secundum tenorem precepti sasine supra inserti in omnibus et per omnia SUPER quibus omnibus et singulis premissis prefatus Joannes Spens procurator dicti nobilis Marchionis a me notario publico subscripto sibi fieri petiit instrumentum seu instrumenta unum vel plura publicum seu publica Acta erant hec omnia et singula super solum et fundum predictarum villarum et terrarum respective horas inter octavam ante meridiem et quartam post meridiem aut eo circa sub anno die mense et regni regis quibus supra presentibus ibidem Alexandro Middiltoun in Brodland Joanne Elmislie in Hauche Georgio Elmislye filio Thome Elmislie in Tillicarne et Jacobo Beg in Cobilheuche testibus ad premissa vocatis pariterque rogatis Scriptum per Gulielmum Bruce lectorem verbi Dei ad ecclesiam de Glentaner comorantem.

Et ego vero Alexander Middiltoune clericus diocesis Abirdonensis aut regali notarius publicus (&c. in communi forma).

ABSTRACT OF LVII.

INSTRUMENT OF SASINE proceeding on Charter of Sale by Alexander Gordoun of Clunye in favour of George, Marquis of Huntlie, of the teind sheaves of the lands of the Mynetoun and Mill of Dunathie, Ferrar, Brarodachis, Craigtoun, Wratounes, Casteltonne, Bountie, Mill and Milltoun of Bountie, Balnagowne, Dalquhing, milltoun, mill, and mill lands of the same; also, of the towns and lands of Foull boghauch, Meikill Kanmor, Littill Canmor, Candord, and Cammaseman; and also of the half lands of Brodland, with all their pertinents, &c. The charter is dated at Huntlie, 13th May 1615. Witnesses:—Mr. William Gordoun of Tilliegreg; Thomas Crombie, writer; Mr. Robert Paip, advocate, in Aberdeen; James Anderson in Dumbenane; and Mr. Alexander Paip, writer of the Deed, son of the said Mr. Robert Paip. Sasine is given to John Spens, son of Thomas Spens, in Bruntstane, as procurator for the

Marquis, by the hands of George Gordoun in Watternady, bailie in that part, on 26th May 1615. Witnesses:—Alexander Middiltoun in Brodland; John Elmeslie in Hauche; George Elmeslye, son of Thomas Elmeslye in Tillicarne; and James Beg in Cobilhauche. The Instrument was written by William Bruce, reader of the Word of God, dwelling in the church of Glentaner.

LVIII.

WE have given an account of the descent of the lands of Auchterarne, Tulloch, &c., into the possession of the Gordons of Lesmore and Cluny. On 19th December 1616, the Laird of Cluny resigned these lands. Next day, King James VI. granted Precept, under the Great Seal, to George Gordon "in Chandokyll," Sheriff in that part for infefting Lawrence Gordon, fourth son of the Marquis of Huntly, his heirs male and others, in the foresaid lands, with power to the Marquis to redeem them by payment of 500 merks.

George Gordon in Candakail married Bessie Gordon, and they had Sasine of the lands of Knock and Dalfour on 10th July 1619. They resigned these lands in favour of William Gordon of Knockespock on 5th June 1620 (*Aberdeen Sasines, vol. i.*).

The Precept is in these terms, and has got only a small portion of the seal attached:—

JACOBUS Dei gratia Rex magne Britannie Francie et Hybernie fideique defensor vicecomiti et ballivis suis de Abirdene Necnon dilectis nostris Georgio Gordone in Chandokyll et eorum cuilibet conjunctim et divisim vicecomitibus nostris de Abirdene in hac parte salutem Quia nos cum avisamento et consensu fidi et dilecti nostri consanguinei et consilarii Joannis comitis de Mar domini Erskine et Garioch magni thesaurarii regni nostri Scotie et domini Gedeonis Murray de Eliebank militis thesaurarii deputati et dominorum secreti consilii ejusdem regni nostrorum commissionerum ad recipiendum resignationes et infeofamenta nostra infra idem expediendum in absentia nostra dedimus concessimus et

disposuimus dilecto nostro Laurentio Gordoun filio legitimo quarto genito fidi et dilecti nostri consilarii Georgii Marchionis de Huntlie comitis de Enzie domini Gordoun et Badzenocht et heredibus masculis de corpore suo legitime procreandis quibus deficientibus Joanni Gordoun filio legitimo quinto genito dicti Marchionis et heredibus masculis corpore suo legitime procreandis quibus deficientibus Adamo Gordoun filio legitimo tertio genito dicti Marchionis et heredibus masculis de corpore suo legitime procreandis quibus omnibus (quod absit) deficientibus dicto Marchioni de Huntlie et heredibus suis masculis et assignatis quibuscunque Omnes et singulas terras de Auchterarne Tulloche Tannemoyne ibidem Blakmylne cum multuris terris molendinariis ejusdem et earundem pertinentiis quibuscunque Totam et integram dimidietatem umbralis dimidietatis dictarum terrarum de Auchterarne cum dimidietate dimidietatis molendini terrarum molendinariarum et astrictarum multurarum earundem ac cum dimidietate dimidietatis crofte vocate Tannamoyne Ac etiam totam et integram dimidietatem umbralis dimidietatis dictae ville et terrarum de Tulloche et ville et terrarum de Drummin cum omnibus et singulis earundem domibus edificiis hortis toftis croftis lie outseattis annexis connexis partibus pendiculis et pertinentiis jaentes in parochia de Coldstane infra vicecomitatum nostrum de Abirdene Quequidem omnes et singule terre . . . Perprius hereditarie pertinuerunt ad Alexandrum Gordoun de Cluny Et quas idem Alexander per suos procuratores et literas patentes in manibus dictorum dominorum commissionerum tanquam in manibus nostris sui immediati superioris earundem apud Edinburghum decimo nono die mensis Decembris instantis per fustim et baculum sursum redidit pureque et simpliciter resignavit . . . pro nostra nova infeodatione memorato Laurentio Gordoun et heredibus suis masculis et tallie respective et successive supra nominatis per nos danda et conficienda sub his tamen specialibus provisione et conditione subscriptis videlicet quod licebit dicto Georgio Marchioni de Huntlie in vita sua et in propria persona et non per alium heredem aut assignatum relaxare et redimere predictas terras et quasdem alias in dictis literis patentibus contentas a dicto Laurentio heredibus suis masculis et tallie et assignatis antedictis quocunque tempore visum fuerit dicto Marchioni per solutionem et deliberationem ipsis summe quingentarum mercarum usualis monete regni nostri Scotie super premonitione decem dierum ante fienda memorato Laurentio Gordoun suisque antedictis personaliter apprehensis quo deficiente apud

ecclesiam parochialem et ipsorum habitationum loca pro tempore die dominico ante meridiem in presentia notarii et testium et in eo casu absentie vel recusationis dicti Laurentii ejusque predictorum consignatio dicte summe erit in manibus alicujus responsalis viri infra vicecomitatum nostrum de Abirdene habitantis pro quo consignator tenebitur respondere in commodum et utilitatem dicti Laurentii suorum predictae proventure Sic quod dicta reversio et jus redemptionis in ecclesia parochiali de Dunbennan fienda competens erit solum dicto Marchioni in propria persona viventi et nulli heredi aut assignato prout in carta nostra desuper confecta latius continetur VOBIS precipimus et mandamus quatenus memorato Laurentio Gordoun vel suo certo actornato latori presentium sasinam omnium et singularum predictarum terrarum . . . secundum formam et tenorem antedicte carte nostre quam de nobis inde habet juste haberi faciatis . . . datum sub testimonio nostri magni sigilli Apud Edinburgum vigesimo die mensis Decembris anno domini millesimo sexcentesimo decimo sexto Regnorumque nostrorum annis quinquagesimo et decimo quarto.

ABSTRACT OF LVIII.

PRECEPT by King James the Sixth, under the Testimonial of the Great Seal, directed to George Gordoune in Chandokyll, as Sheriff in that part, for infefting Laurence Gordoun, fourth lawful son of George, Marquis of Huntly, and the heirs male of his body; whom failing, to John Gordoun, his fifth son, and the heirs male of his body; whom failing, to Adam Gordoun, third son of the said Marquis, and the heirs male of his body; whom failing, to the heirs male and assignees of the said Marquis whatsoever, of All and Whole the lands of Auchterarne, Tulloch, Tannomoyne there, Blakmylne, and others mentioned, which were resigned by Alexander Gordoun of Cluny, at Edinburgh on 19th December 1616, for new infeftment thereof to be given to the aforesaid Laurence, &c., with power to the said Marquis to redeem the said lands by payment of 500 merks, conform to Charter thereupon granted as therein referred to: Dated at Edinburgh 20th December 1616.

LIX.

THE Precept of *Clare Constat* by George, Marquis of Huntly, in favour of John Davidson, as nearest and lawful heir of deceased Andrew Davidson in Belwode, is peculiarly interesting on account of the minute description of the marches of the lands of Belwode. It would now be difficult to trace out these bounds, for no doubt the "twa stanes at the end of ane slak," as well as the "heich pointed staine," and the "stane at the edge of ane fludder," have all disappeared. The improvements of the last century, and the re-arrangement of marches, have obliterated these quaint landmarks, which have an interest peculiarly their own.

Instrument of Sasine upon the Precept is given in the presence of James Davidson, brother-german of John; John Jamieson in Belwode, John Dinnie, servitor to John Dinnie in the Forest of Birse, and others; the Bailie in that part being Alexander Ros in Drumhillock of Birse (*Aboyne Charter Chest*).

The Precept by the Marquis of Huntly shews that, at the Mill of Dess, there was payment of one peck exacted for every four bolls of victual ground:—

G(EORGIUS) Marchio de Huntlie comes de Engzie dominus Gordoun et Badzenoche dominus superior terrarum aliorumque subscriptarum dilectis nostris Alexandro Ros in D[. . .] et eorum cuilibet conjunctim et divisim ballivis nostris in hac parte specialiter et irrevocabiliter constitutis salutem QUIA nobis clare constat et . . . (evi)dentiaram testimoniis nobis manifestum est quod quondam Andreas Davidstone in Balwode pater Joannis Davidstone latoris presentium obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem supremi domini nostri Magne Britannie Francie et Hybernie regis fideique defensoris in tota et integra solari dimedietate totius et integra ville et terrarum nostrarum de Balwode cum dimedietate cymbe privilegiorum et commoditatum ejusdem dicte ville adjacentis ac cum dimedietate piscarie salmonum piscium ejusdem

ville super aquam de Dye cum sylvis nemoribus et parcis ad dictam dimedietatem predictæ ville spectantibus infra bondas et limites subscriptos videlicet beginand at the Watter of Die at the east pairt of the saidis landis of Balwode thairfra ascendand to the middes of the Waster Brome hillock and directlie throw the samen quhill it cum to the synck on the north west syd of the said bank and thairfra to tua stains in the end of ane slak and thairfra to ane heich pointit staine passand thairfra west or thairby as it is cairnit and meithit quhill it cum to the cairne callit the Gray cairne lyand on the South syd of the auld towme of Drumgask and thairfra to ane hillock callit the round hillock and thairfra linealie as it is meithit to anc toppie staine on the get syd and thairfra to the found of ane auld dyk and keipand the found of the said auld dyk quhill it cum to thrie staines in the said dyk and thairfra to ane stanc on the south pairt of the said dyk in the mois quhill it cum to ane heiche staine entring in the easter strype of the quhythill and thairfra linealie quhill it cum to ane stane in the muir at the edge of ane fludder and thairfra linealie south quhill it enter in the said Water of Die cum potestate fodiendi lucrandi et transportandi glebas et focalia infra proximas moresias nostras dominii nostri de Oboyne ac cum pendiculis et pertinentiis dicte dimedietatis ville et terrarum de Balwode cum dimedietate ejusdem jacentis infra dictum nostrum dominium de Oboyne et vicecomitatum de Abirdene Et quod dictus Johannes Davidsoun est legitimus et propinquior heres prefati quondam Andree Davidstone sui patris . . . Et quod est legitime etatis et quod tenentur in capite de nobis heredibus nostris masculis et assignatis in feudifirma pro annua solutione . . . summe octo librarum usualis monete regni Scotie ad duos anni terminos consuetos videlicet festa Pentecostes et Sancti Martini in hyeme per equales duas medias portiones necnon unam arietem duos agnos sex capones sex pultrias ad terminos usuales et consuetos quando per nos nostrosve prescriptos ad hoc requirentur nomine feudifirme unacum propriis dicti Johannis suorumque heredum et assignatorum personalibus servitiis nobis nostrisque heredibus predictis quando requirentur sicuti similes tenentes dicti nostri dominii de Oboyne pro rata inserviunt ac jure servire debent Necnon quod dictus Johannes Davidstone sui que heredes assignati molent grana crescitura super dictas terras (preterquam lye seid corne) in molendino nostro de Desk pro solutione ut sequitur videlicet ane peck for the grinding of ilk four bollis of all kynd

of victuall tantum proviso etiam quod non erit licitum dicto Joanni Davidstone suisque antedictis predictas terras cymbam piscariam silvas et alia suprascripta aut aliquam earundem partem vendere impignorare aut alienare quibusvis persone vel personis absque speciali nostro et nostrorum heredum consensu prius habito et obtento quod si secus fecerint hec presens infeodatio cadet incommissum expirabit et nullius erit momenti et postea erit licitum nobis nostrisque heredibus et assignatis predictis de eisdem terris disponere ac si presens infeodatio nunquam facta fuisset Proviso etiam quod dictus Johannes sui que antedicti solvent . . . dictos annuos redditus et custumas ad terminos prescriptos necnon servitia sua more prefato cum requirentur . . . sub pena forisfacture annullationis presentis infeofamenti cum alio omni que inde sequi poterint ac perimplendo et observando omnes et singulas condiciones et provisiones in infeofamento dicti quondam Andree dictarum terrarum aliarum que suprascriptarum per nos concessio contentas VOBIS igitur . . . precipimus et firmiter mandamus quatenus visis presentibus indelate statum sasinam et possessionem actualem realem et corporalem totius et integre prefate dimedietatis solaris dicte ville et terrarum de Balwode cum dimedietate cymbe &c. . . . prefato Joanni Davidstone suove certo actornato . . . tradatis et deliberetis seu alter vestrum tradat et deliberet . . . Salvo jure cujuslibet In cujus rei testimonium presentibus manu nostra subscriptis manu . . . Davidstone advocati Aberdonie scriptis sigillum nostrum est appensum apud Abyne die decimo nono mensis Augusti anno domini mille(simo) (sexc)entesimo decimo octavo Coram his testibus Matheo . . . Patricio Mortymer Gulielmo Maire et Johanne Rhind notario publico testium insertore.

Huntlye.

ABSTRACT OF LIX.

PRECEPT OF CLARE CONSTAT, by (George) Marquis of Huntlye, in favour of John Davidson, as lawful and nearest heir of the deceased Andrew Davidstone in Balwode, his father, who died last vest and seased at the faith and peace of our Sovereign Lord, in all and whole the sunny half of the town and lands of Balwode, with half of the Boat, privileges and commodities of the same adjacent to the said town, and in the half of the salmon fishing of the said town on the water of Dee, and with

woods, &c., belonging to the said half of the foresaid lands, within the bounds and limits underwritten, viz. :—"Beginnand at the watter of Die at the east pairt of the saidis lands of Balwode thairfra ascendand to the middes of the waster brome hillock and directle throw the samen quhill it cum to the synck on the north west syd of the said bank and thairfra to twa stanis in the end of ane slak and thairfra to ane heich pointit staine passand thairfra west or thairby as it is cairnit and meithit quhill it cum to the cairne callit the gray cairne lyand on the south syd of the auld towme of Drumgask and thairfra to ane hillock callit the round hillock and thairfra linealie as it is meithit to ane toppie staine on the get syd and thairfra to the found of ane auld dyk and keipand the found of the said auld dyk quhill it cum to thrie staines in the said dyk and thairfra to ane staine on the south pairt of the said dyk in the mois quhill it cum to ane heiche staine entring in the easter strype of the Quhythill and thairfra linealie quhill it cum to ane stane in the muir at the edge of ane fludder and thairfra linealie south quhill it enter in the said watter of Die:" with liberty to grind corn at the mill of Desk. Dated at Aboyne, 19th August 1618, in presence of these witnesses, Mathew . . . , Patrik Mortymer, Williame Maire, and Jhone Rhind.

LX.

JOHN Rose in Auchorrachan, who grants the following Letter of Reversion in favour of the Marquis of Huntly, was Laird of Ballivit in Nairnshire. He was great grandson of Hugh Rose, 8th of Kilravock, by his 2nd wife, Lady Margaret Gordon, daughter of the first Earl of Huntly (*ante*, p. 23).

In 1598 a feud broke out between the Roses of Ballivit and the Dunbars of Moynes, and assumed such proportions that the authorities had to intervene. The cause which led to the dispute was the possession of the lands of Clune, which were held by a cadet of the house of Ballivit by both *duchus* and charter rights. John Dunbar of Moynes, a turbulent

and bad neighbour, sought to have the Clune incorporated into the Barony of Moynes, of which it was really a pendicle. This was resented, and to put an end to the feud the principal members of both families were denounced rebels. William Rose, 11th Baron of Kilravock, John Rose of Ballivit, and Alexander Dunbar of Westfield were ordered, as chiefs of their respective families, to apprehend their outlawed kinsmen who roamed about the country pillaging and destroying each other. The lands of the Dunbars were wasted, and to cope with the Roses, they hired a party of the Clanronald to assist them. Against these the Roses brought a party of the MacGregors, who pillaged and slaughtered without mercy (*Shaw's History of the Province of Moray—Family of Kilravock, &c.*).

The Baron of Kilravock, and the Lairds of Ballivit and Westfield having failed to present the outlaws, before the Lords of Council, as directed, were imprisoned at Edinburgh for three years and fined in large sums of money.

John Rose of Ballivit possessed extensive estates in the shires of Banff, Moray, Nairn, and Inverness, but he suffered so much loss and annoyance owing to these disturbances that, about the year 1605, he sold his Nairnshire property to Falconer of Lethen, whose sister he had first married, and retired to Glenlivet, where he lived as a hermit. His second wife, Christian Gordon, was a daughter of the Laird of Letterfurie. He had eight sons, six of whom were progenitors of the respective families of Blackhills, Logie—from a junior branch of which descend the family of Rose-Innes of Netherdale, Budwochil, Lochs, Ailanbuy, and Corridown.

Mathew Hamilton, who is a witness to the Reversion, upon 23rd June 1618, along with his spouse, Katherine Spottiswood, granted reversion of the lands of Craigullie in favour of the Marquis of Huntly (*Aberdeen Sasines, vol. i.—1618*). On 16th July following, there is Sasine upon said lands in favour of Mathew Hamilton and *Janet* Spottiswood his spouse (*Ibid.*). Reference has been made elsewhere to the other witnesses.

The lands of Auchorrhachan were redeemed by the Marquis of Huntly on 26th April 1626; and they afterwards were possessed by Thomas Stewart and Helen Rose (the grand-daughter of John of Ballivitt), from whom descended the family of Lesmurdie.

The Letter of Reversion has got the signatures of the granter and witnesses; and it will be observed that the lady, albeit of royal and noble lineage, is unable to write her name:—

BE IT KEND till all men be thir presentis ws Jhone Rosse in Auchorrhachan and Cristiane Gordoune my spous to be bund and oblesit and be the tenor heirof bindis and oblesis us the langest livar of us twa and the airis lawfullie gottine or to be gottine betwixt us quhilkis failzeing our airis or assignayis quhatsomever leallaly and trewlie be the faith and treuth of our bodies to the right nobill and mightie George Marquis of Huntlie earle of Engzie lord Gordoune and Badzenocht his lordshipis airis successouris and assignayes whatsoever That albeit the said Marquis with express consent and assent of George earle of Engzie lord Gordoune his lordship's soune hes be plaine charter of alienatioune contenand precept of seasing titulo oneroso sauld and dispoit to us the said Jhone Rosse and Cristiane Gordoune the langest livar of ws twa in conjunct fie and the airis lawfullie gottine or to be gottine betwixt us quhilkis failzeing our airis or assignayis quhatsomever All and haill the townes and landis of Auchorrhachane and Auchbreake and the scheilling thereof usit and wount callit Classhelache with all and sindrie housses biggingis yairdis toftis croftis mossis commonties pasturagis pairtis pendicles liberties priviledges and haill pertinentis pertaining thairto as the same is presentlie boundit merchit and occupeit be the said Jhone Rosse James Browne and Jhone Telzeour present occupearis and possessouris of the samen lyand within the lordship of Strathavin parochine of Inverawine and sherifdome of Banff as the said infetment of the dait heirof in itself at lenght proportis Neverthesse at quhat tyme or howesoone it sall happine the said Marquis or his foirsaidis to pay and delyver to us the saidis Jhone Rosse Cristiane Gordoune the langest livar of ws twa or our foirsaidis all and haill the sowme of four thousand ane hundred and fyiftie markis usuall Scottis money within the parochie Kirk of Dumbennane and sherifdome of Abirdene upon Witsonday evin that incontinent thairefter

we sall renounce resigne discharge dimit and overgiff from ws and our foirsaidis all and sindrie the saidis landis sheallingis and pertinentis of the samen in favoris of the saidis Marquis and his foirsaidis with all rycht tytill kyndness and entress and possessione that we or ather of us or our foirsaidis hes upon the foirsaidis landis with thair pertinentis and sall delyver back the haill evidentis contractis chartouris infestmentis seasingis and uther wreittis and bandis maid to ws therupone to be cassit annullit distroyit or keipit and reservit be the said Marquis and his foirsaidis as they sall think expedient And in caise of us or our foirsaidis absens or refusall to ressave the said sowme it sall be lesom to the said Marquis or his foirsaidis to number and tell the said sowme within the said Kirk of Dumbennane and thereafter to depone and consigne the samin in the handis off James Gordoune in Letterfurie or Androwe Stewart in Tannachie and failzeing of them in the handis of any responsall landit man haifand landis heretagis and actuall residence within the sherifdome of Bamffe for whois responsabilitie the said Marquis sal be ansuerabill to be furthcumand to the utilite and profite of the saidis Jhone Rosse Cristiane Gordoune and our foirsaidis Be the quhilke payment or consignatioune in caiss forsaid the saidis haill landis and sheallingis foirsaidis with thair said pertinentis salbe haldine lawfullie redemit and fra thyne furth all securities bandis contractis seasingis and other writtis and richtis maid to ws be the said Marquis and his foirsaidis to have no faithe nor credite quhairever thai be fund or producit in judgement or without the same And the said marquis and his foirsaidis sall then have als frie ingress regress access and entress to the fore nameit haill landis and sheallings as the alienatioune thereof hade never bein made premonition and warning off fourtie dayes maid preceeding the said Witsonday of redemptione being always maid be the said Marquis and his foirsaidis to ws the saidis Jhone Rosse Cristiane Gordoune the langest livar of ws twa and our foirsaidis personallie and failzing thairof at our dwelling place and paroch kirk for the tyme upoune ane Sondag before noone in tyme of divine service maid in presence of ane notar and witnesses speciallie requirit thairto and ane note therof affixit on the said kirk dore as use is And the deliverie of the said sowme for redemptione or consignatioune as said is to be on the said Witsonday evine as said is betwixt sex houris in the morning and the downe going off the sonne that ilk daye all fraude and gyill secludit In witness quhairoff we the said Jhone Rosse and

Cristiane Gordoune hes subscribit thir presentis with our handis writtine be Jhone Rhind notar publict at Boggeycht the alevint daye of Junij the yeir of God ane thousand sex hundreth and nyneteine yeiris Before thir witness Mathow Hamiltoune of Tyllimuir James Gordoune Letterfurie Alexander Chalmer William Maire and the said Jhone Rhind notar publict writtar heiroll and at Auchindowne the fourteine day off Junij respectie befor thir witness respectie Hewe Gordoune of Cultis James Andersoune in Dumbennane Walter Innes of Sigettis mill and George Chalmer of Cuburtie.

Jhone Rosse wt. my hand.

I Cristiane Gordone forsaid with my hand tuiching the pen led be the notar underwrytine at my speciall command becaus I could nocht wreitt my selff.

Ita est Johannes Rhind notarius publicus de speciali mandato dicte Cristiane Gordoune scribere nescientis ut asseruit ad hec per ipsam rogatus et requisitus.

Ita est Jacobus Andersone connotarius in premissis pari de mandato dicte Cristiane Gordone ad hec manu sua.

Registrat in the clerk of Registeris register of the schirefdome of Banf the sextene day of Junii j^m. vi^c. nynthene yeiris in the anc hundreth allevin and twell leavis of the first buik

J. Mowat.

ABSTRACT OF LX.

LETTER OF REVERSION by John Rosse in Auchorrachan and Cristiane Gordone his spouse, to and in favour of George, Marquis of Huntlie, his heirs, successors, and assignees, by which the first named parties bind and oblige themselves to surrender and upgive all and whole the towns and lands of Auchorrachane and Auchbreake, with their pertinents, lying within the lordship of Strathaven, parish of Inverawine, and sherifffdom of Banff, on payment by the said Marquis of 4150 merks within the parish Kirk of Dumbennane on Whitsunday even; which lands had been sold and dispoed by him to the said John Rosse and spouse. Dated at Boggeycht, 11th June 1619. Witnesses:—Mathew Hamiltoune of Tyllimuir, James Gordoune in Letterfurie, Alexander Chalmer, William Maire, and John Rhind, notary; and at Auchindowne,

14th June 1619. Witnesses :—Hewe Gordoune of Cultis, James Andersoune in Dunbennane, Walter Innes of Sigettis Mill, and George Chalmer of Cuburtie. Recorded in the Clerk of Register's Books of the Sheriffdom of Banff, 16th June 1619.

LXI.

DONALD Farquharson of Tulligarmont and Elspet Ogilvie his spouse, on 10th December 1608, had Sasine of the lands of Balfidy; and upon the following day his son, Donald, styled "younger of Tulligarmont," had Instrument of Sasine on the lands of Chandakailzie (*Aberdeen Sasines, vol. vii.*).

George, Marquis of Huntly, on 17th May 1619, directs Precept of Clare Constat to George Gordon in "Chandakailzie" for infefting Donald Farquharson, now of Tulligarmont, as heir to the deceased Donald of Tulligarmont, his father, in the lands of "Chandakailzie, Ballatrauch, Ballintor, Rievard, Stronervie, with salmon fishing on the water of Dee, and free pasturage in the forest of Etniche, all lying in the lordship of Huntly by annexation, barony of Inchmarno and parish of Glenmuick. At Aberdeen: witnesses :—William Gordon of Rothiemay, George Chalmers of Cuburtie &c." Instrument of Sasine, on this Precept, followed on 31st May 1619; it being written by William Bruce, Reader at the Kirk of Glentanner (*Aboyne Charter Chest*).

On 6th June 1620, the Marquis of Huntly, with consent of George, Lord Gordon, his eldest son, granted a charter to Donald Farquharson in implement of the Contract given below. This charter is dated at Old Aberdeen, and the witnesses are, John Gordon of Ochterellon, and Thomas Crombie, writer in Edinburgh. Sasine followed upon the 15th of July, John Farquharson of Finzean being procurator (*Ibid.*). Donald Farquharson married Beatrice, daughter of James Gordon of Knockespock. They were infeft in Tulligarmont in 1603, and had five sons :—Colonel

Donald of Monaltrie, James of Whitehouse, Robert, Alexander, and David. It may be noted that on 7th July 1628, Donald Mackintosh *alias* Farquharson resigned the lands of Tulligarmont, in the hands of the Bishop of Aberdeen, in favour of Patrick Smith in Thombea and John, his son, who had Sasine on same day (*Aberdeen Sasines, vol. vi.*).

Before giving the deed we may note subsequent transactions relating to these lands, connected with Colonel Donald of Monaltrie. On 28th May 1638, there is a charter by the Marquis of Huntly, with consent of Lord Gordon, his son, in favour of Donald Farquharson, styled "of Monaltrie," in implement of the Contract of 6th June-1620. Donald Farquharson and his heirs are to pay yearly the sum of 37 merks 6s. and 8d., together with "ane custom wedder and ane half wedder, ane custom lamb and ane half lamb, nyne poultrie, three quarters butter, three lang carages yeirlie, the farrest not extending fourtie myles from the place of Hunthall." It will not be lawful for said Donald to sell or dispone the lands without reversion, until he first make offer to the said Marquis. This deed is dated at Old Aberdeen, and the witnesses are:—Thomas Crombie of Kemnay, Robert Buchan of Portlethen, John Gardyne of Bellamore, and James Farquharson, Writer to the Signet (*Aboyne Charter Chest*).

Upon same date, there is a Registered Extract by the Marquis of Huntly in favour of Donald Farquharson, whereby he is "discharged of the said customs and carriages, but without prejudice to the remaining clauses of the contract of same date". The procurator for the Marquis of Huntly was Mr. Samuel Gray, and the writer of the deed, Mr. Thomas Kemp, servitor to Mr. James Farquharson (*Ibid.*).

The following is the Contract, to which reference has been made, between Donald Farquharson of Tulligarmont and the Marquis of Huntly. The Lairds of Cluny and Knockespoek sign by their designations as consenting:—

AT Auld Aberdeine the sext day of Junij the yeare of God j^m. sex hundrethe and tuentie yearis It is apointit contractit finalie endit and agreit betwix the richt noble and potent Marques George Marqueis of

Huntlie erle of Enzie lord Gordoune and Badzenoche heritabill proprietar of the landis underwrittin with speciall advyse consent and assent of the richt nobill lord George lord Gordoun his eldest lauchfull sone and air aperand for his entres on the ane pairt and Donald Farquharsonne of Tulligarmont with advyse and consent of Schir Alexander Gordoune of Cluny Knicht James Gordoune of Knokaspak Robert Farquharsonne in Finzeane and remanent persones his curatouris undersubscryvand for thair entress on the uther pairt THAT is to say fforsamekle as the said Donald and his saidis curatoures hes now realie and with effect contentit payit and delyverit to the said noble Marqueis all and haill the soume of thrie thousand merkis usuall Scotis money quhilk is altogidder imployit and convertit to the said noble Marqueis utilitie and profite for performance of his honourable effairis of the quhilk soume the said noble Marqueis holdis him weill contentit and satisfeit and dischargis the said Donald and his saidis curatouris thair airis and executouris thereof for ever renunceand the exceptioun of not numerat money and all other objectioun that can be proponit or alledgit in the contrar THAIRFORE and for the better securitie payment and redelyverance of the said soume of thrie thousand merkis money foresaid the said noble Marqueis with speciall advyse consent and assent of the said George lord Gordoune his sone bindis and obliss him his airis maill and successouris with all conveinent diligence to deulie sufficientlie and effectualie infest vest and seas the said Donald Farquharsonne his airis and assignayes quhatsumever In all and haill the said noble Marqueis his landis of Belleatrach Ballintorrye Mylnetoune of Inchemarnocht and that croft of Broikdowis sumtyme occupeit be Jhonne Gardyne and Donald McWilliamme togidder with the salmond fishing of the saidis landis on the watter of Dee and with the schealingis thair of callit Garrochorie and Rynagirrache in Glendowies and with all and sundrie housses bigingis yairdis toftis croftis outseatis mures mosses pairtis pendicles and pertinentis of the saidis landis and all liberteis and previledgis pertaining thairto usit and wount togidder also with previledge and libertie of pasturage to the tennentis and possessouris of the saidis landis thair awin guidis and bestiall within the forrest of Etniche quhilkis landis are propper pairtis and pendicles of the said noble Marqueis his landis and lordschipe of Glenmuck and lysis within the parochin of Glenmuck and shirefdome of Aberdeine be the said noble Marqueis his

chartour and infestment of few-ferme contening precept of seasing maid sealit and subscryvit in dew and competent forme To be hauldin of the said noble Marqueis and his airis maill in few-ferme for yearlie payment of the sowme of . . . Scottis money at tua termes in the yeare Witsunday and Mertimes in winter be equall portiones in name of few-ferme The not payment of the quhilk few deutie sall infer na nullitie skaithe or prejudice to the said infestment notwithstanding of quhatsum-ever actis of parliament lawes or constitutionis of this realme maid or to be maid in the contrare (and also the said Donald and his foirsaidis gevand yearlie thair personall comperance at thrie head courtis as he beis requerit) and with relieff to the said noble Marqueis of all taxationis that sal happin to ocur or be imposit upoun the saidis landis stock or teind thairof And siclyke the said Donald and his foirsaidis and the tennentis possessouris and occupearis of the saidis landis to grind thair haill cornes grownd thairupoun (the seid exceptit) at the said noble Marqueis his Mylne of Bellmoir and to pay thairfore all multers dewties and service as the rest of the cuntrey dois alanerlie The quhilk chartour and infestment sall contene all clausses necessar and profitable with ampill and expres warrandice Lykeas gif the same war now maid and extendit and than as now the said noble Marqueis bindis and oblis es him his airis maill and successouris with consent foirsaid to warrand acyuet and defend all and haill the saidis landis of Balleatrach Ballintorye Mylntoun of Inchemarno the said croft of Broikdowis with the salmond fisching of the saidis landis on the watter of Dee and with the said schealingis thairof callit Garrochorie and Rynagirriche in Glendowies . . . SICLYIKE it is heirby declarit and agreit that the haill maillis fermes caynes customes and deuties of the foirnamit tounes landis and utheris abone writtin with thair pertinentis of this instant crope and yeare of God j^m. vj^c. and tuentie yearis baith Witsunday and Mertimes termes thairof and siclyke yeárlie in tyme cuming during the not redemption following sall belang fall and perteine to the said Donald and his foirsaidis als frelic in all respectis as gif they had beine infest and seasit in the saidis landis befor the terme of Witsunday now immediatlie bygane and nochtwith-standing thairof THE quhilkis tounes and landis of Belleatrache Ballintorye Mylntoun of Inchemarno and the said croft of Broikdowis with the said salmond fisching schealingis privilege of pasturage and utheris abone writtin with thair pertinentis salbe always redemable be

the said noble Marques George Marques of Huntlie and be his airis maill or assignayes fra the said Donald Farquharstone and fra his airis or assignais be payment satisfioun and delyverance to be maid to thame of all and haill the said soume of thrie thousand merkis usuall current Scottis money haill and togidder in ane soume within the parochie Kirk of Oboyne upoun ane Witsunday evin betwix aucht houres in the morning and thrie houres efter none on that ilk day upon the premonitioun alwayes of thrie scoir dayes to be maid of before be the said noble Marques and his foirsaidis to the said Donald or his foirsaidis personally apprehendit and failzeing thair of at thair duelling place and parochie kirk for the tyme upoun ane sunday befor none in tyme of divyne service in presence of ane notter and witnesses as effeiris And in caice of absens or refusell of the said Donald or his foirsaidis fra the resett of the said soume (premonitioun being maid as said is) in that caice it salbe lesum to the said noble Marques or his foirsaidis to put depoun and consigne the same in the handis of Jhonne Farquharstone of Invercauld or Robert Farquharstone in Finzeane or ony of thame or thair airis being of perfyte aige and within the said kirk of Oboyne for the tyme and failzeing of thame in the handis of ane responsall landit man within the parochin thair of for qhome the said noble Marques and his foirsaidis salbe answerable to be furthcumand alwayes to the utilitie and proffite of the said Donald and his foirsaidis And sua ether be payment of the said soume of thrie thousand merkis money or consignment thair of the foirnamit tounis lands fisching schealingis and utheris abonewritin with thair pertinentis to be repute and holdin lauchfullie lousit outquyt and redemit And fra thynefurth the said Donald and his foirsaidis to be bund and oblist to renunce overgiff resigne and discharge the same with thair haill richt and titill thair of in favoures of the said noble Marques and his foirsaides and to restoir and repoun thame to thair awin richt and place thairanent as they war at ony tyme befor this present wadsett and dispositioun and also to gif and delyver to the said noble Marques or his foirsaidis this present contract with the chartour and seasing to follow thairupoun to be cancellat and distroyit as in the reversioun to be extendit heirupoun quhilk sall contene the suspensioun of redemptioun and uther provision following at lenth salbe contenit Lykeas heirby it is provydit and agreit that it sall nawayes be lesum to the said noble Marques or his foirsaidis to lowse redeime or outquyte the saidis tounes

landis fisching schealing and utheris abonewritin fra the said Donald or his foirsaidis be vertew of the said reversioun ffor the spaice of thrie yearis fra the feast and terme of Witsunday now bygane in this instant yeare of God j^m. vj^e. and tuentie yearis During the quhilk spaice and tyme of thrie yearis the said noble Marqueis and his foirsaidis ar and be thir presentis suspendis thameselffis fra all redemptioun and with this also provisioun and conditioun quhilk salbe insert and contenit in the said reversioun that the said Donald and his foirsaidis ar and salbe bund and oblist to content and pay to the said noble Marqueis or his foirsaidis for the maill and dewtie of the saidis landis and utheris abonewritin the yeare of the redemptioun quhensoever the same salhappin the soume of thrie hundrethe merks Scotis money with releiff of taxationis baith of stock and teind alanerlie It is declarit heirby that this present contract with the claus of reversioun quhilk salbe contenit in the chartour and seasing to follow heirupoun or ony of thame salbe valid and sufficient to the said noble Marqueis and his foirsaidis for redemptioun of the foirnamit landis with thair pertinentis as gif ane particular letter of reversioun war heir-upon maid extendit sealit and subscrivrit with all clauses necessar in dew and competent forme and notwithstanding thair of Forder the said noble Marqueis bindis and obliges him and his foirsaidis that gif it sal happin thame or ony utheris to thair behove at ony tyme befor the redemptioun of the saidis landis to purches acyure and obtaine any tak richt or titill of the teindscheavis or vicarage thair of or ony of thame that in that caice the said noble Marqueis and his foirsaidis ar and salbe bund and oblist to mak subscrive and delyver to the said Donald or his foirsaidis the lyke richt and titill of the samen teindis during the haill spaice and tyme of the not redemptioun of the saidis landis alanerlie and no longer with warrandice only fra the said noble Marqueis and his foirsaidis thair awin proper factis and deidis alanerlie and with provisioun also that the said Donald and his foirsaidis salbe first bund and oblist to content and pay to the said noble Marqueis or his foirsaidis sic pairt and portioun of gersum and yearlie dewties with releiff of taxationis and uther burdingis proportionallie and pro rata as the said noble Marqueis or his foirsaidis sall gif or be oblist thair of and according to the rait valour and proportioun of the saidis landis and the said Donald his richtis thair of ATTOURE it is speciallie condiscendit and agreit betuix the saidis parteis lykeas the said noble Marqueis bindis and obliges him and his foirsaidis

that gif it salhappin the foirnamit landis fisching and utheris abonewritin with thair pertinentis at ony tyme befor the redemptioun to fall and becum in thair handis as superior of the same be reasoun of nonentrie be or throw the deceas of the said Donald or his airis Or utherwayes gif it salhappin the said Donald or his foirsaidis at ony tyme befor the said redemptioun to be denuncit rebellis and put to the horne for quhatsumever fact caus deid or occasioun and to underly and abyde unrelaxit thairfra yeare and day quhairthrow thair lyfrent of the saidis landis may fall and becum in the said superiouris handis in ather of thais caices the said noble Marqueis and his foirsaidis ar and salbe bund and oblist lykas be the tenour heirof the said noble Marqueis now as than and than as now for certane onerous causes moving him hes gevin grantit and simpliciter disponit and be thir presentis gevis grantis and for him and his foirsaidis simpliciter disponis to and in favoures of the said Donald and his foirsaidis the foirsaid nonentres or lyfrent and ilk ane or uther of thame with the haill benefite proffite and commoditie thairof als oft and sa oft as the same sal fall and ocur at ony tyme befor the redemptioun and during the haill spaice and tyme thairof alanerlie and renunes all action pursute or executioun that is or may be competent to the said nobill Marqueis or his foirsaidis thairanent with warrandice only fra thair awin propper factis and deidis alanerlie Lykeas also the said noble Marqueis oblis him and his foirsaidis frelie but ony benefite or compositioun to receive enter and admit as tennentis and vassallis to him the airis or successouris of the said Donald to the saidis landis fisching and utheris abonewritin during the not redemptioun abonewritin and in maner and upoun the conditionis abone exprest quhensoever the said noble Marqueis or his foirsaidis (not having maid the foirsaid redemptioun and no utherwayes) beis requirit to that effect Siclyke the said noble Marqueis for him and his foirsaidis grantis him to be satisfeit and payit be the said Donald of the foirsaid yearlie few dewtie contenit in the said infetment during the haill spaice yearis and tyme of the said not redemptioun and dischargis the said Donald and his foirsaidis of the said feu dewtie during the spaice foirsaid swa that thir presentis sall serve and be sufficient to thame yearlie for ane discharge thairof And for the mair secretie the saidis pairteis ar content and consentis thir presentis be insert and registrat in the buikis of counsell and sessioun to have the strenth of ane decret of the lordis thairof

with letters of horning be ane single charge of ten dayes and uther necessar to be direct as neid beis and to that effect constitutis conjunctlie and severale thair lauchfull procuratouris promittentes de rato In witness quhairof baith the saidis perteis hes subscriyvit thir presentis (writtin be Thomas Crombie writer in Edinburgh) day moneth yeare and place forsaidis befor witnesses John Leslie of Wardes Patrik Gordoun of Birsmoir the said Thomas Crombie James Andersone in Dumbennane Alexander Middiltoun noter publict and George Gibsoun servitour to the said Thomas.

Donald Farquharson.

Huntlye.

G. Gordoune.

ABSTRACT OF LXI.

CONTRACT betwixt George, Marquis of Huntly, with consent of Lord George Gordoun, his eldest son and heir apparent, on the one part, and Donald Farquharson of Tulligarmont, with consent of Sir Alexander Gordoun of Cluny, Knight, James Gordoun of Knokaspak, Robert Farquharson in Finzean, and remanent persons, his curators, on the other part, in virtue of which, for the sum of 3000 merks, the said noble Marquis, with consent foresaid, obliges himself to infest and sease the said Donald Farquharson, his heirs and assignees, in the lands of Belleatrach, Ballintorrye, Mylnetoune of Inchemarnoch, and that Croft of Broikdowis sometime occupied by John Gardyne and Donald McWilliame, together with the Salmon fishing of the said lands on the Water of Dee, with the shealings thereof called Garrochorie and Rynagirache in Glendowies, and with all and sundry houses, &c., parts, pendicles and pertinents of the said lands; with liberty of pasturage within the forest of Ethnich, in the parish of Glenmuick and sheriffdom of Aberdeen: To be holden of the said Marquis and his heirs male in feu ferme, for yearly payment of . . . scots money; the non-payment of which feu duty shall not infer any nullity to the said infestment; with liberty to the said Donald Farquharson and the tenants of the said lands to grind all corn growing thereupon (seed corn excepted) at the Mill of Bellmoir; Redeemable always, the said lands, for 3000 merks, to be paid within the parish Kirk of Aboyne upon premonition of sixty days, and in case of absence or refusal by the said Donald Farquharson, the same to be consigned in

the hands of John Farquharstone of Invercauld or Robert Farquharstone in Finzeane: It is also declared that it shall not be lesome for the said Marquis to redeem the said lands within the space of three years. Dated at Aberdeen 6th June 1620: John Leslie of Wardes, Patrick Gordoun of Birsmoir, Thomas Crombie, Writer in Edinburgh, Alexander Middilton, notary, and others, are witnesses.

LXII.

THE lands of Candacraig seem to have changed hands rapidly in 1620. On 3rd January of that year, Allester Anderson of Candacraig is witness to a reversion of the lands of Drumallan; and on 8th June following Alexander Calder grants reversion of the lands of Candacraig in favour of the Marquis of Huntly (*Aberdeenshire Sasines, vol. ii.*). Again on 28th February 1632, Duncan Anderson of Candacraig had Sasine of the lands of Finalost, Drumallan, and others. The rental of Candacraig in 1552 was £1 13s. 4d. and two kids; there being only two tenants. In the same rent roll (p. 47) the lands of Tullicarne paid a feu-duty of £5 6s. 8d.

Alexander Middleton in Candacraig grants Bond of Reversion of the town and lands of Candacraig, the shealing of Glendhu, and others, for the sum of "two thousand merks usual current Scottis money" in the following terms. James Anderson in Dunbenan, who is a witness, granted Letter of Reversion of the lands of Callonach in favour of the Marquis of Huntly on 3rd June 1620, and on 29th December 1621, he resigns a ploughgate of the lands of Garrie to Robert, son of Alexander Gordon of Tulloch (*Aberdeenshire Sasines, vol. ii.*).

George Gordon of Craigullie, as noted elsewhere, married Bessie Gordon. He granted reversion of the lands of Craigullie to the Marquis of Huntly on 8th June 1620 (*Ibid.*). Thomas Crombie, who witnesses several deeds, was a writer in Edinburgh, and married Margaret Ker. He had Sasine on various Aberdeenshire Estates.

Robert Middleton, the son of the granter, was the writer of the Bond :—

BE IT KEND till all men be thir presentis Me Alexander Middiltoun in Candecraige to be bund and obleissit and be thir presentis faithfullie bindis and obleissis me my airis maill and assigneyis be the faithe and treuth in our bodys to the richt nobil michtie and potent Marqueis George Marqueis of Huntlie earle of Eanzie lord Gordone and Badzenocht his airis and successoris That albeit the said noble Marqueis with expres consent and assent of the richt nobill George lord Gordoune his eldest lafull sone and appeirand air hes be plaine chartour of few ferme containand precept of seasing infest heretablie me the said Alexander Middiltoun my airis maill and assigneyis quhatsumewir in all and hail his lordships landis of the towne and land of Candecraige and sheilling of Glendwe with four oxengait landis of the east half of the towne and landis of Tulliecairne narrest adjacent to the said towne of Candecraige with the salmon fishing of the saidis landis upon the water of Die with libertie of pasturage of guidis to me my airis and assigneyis possessouris and occupieris of the saidis landis within the forrestis used and wount with all and sundry the housis biggingis yairdis toftis croftis liberties privilegis mossis muris partis pendicles and pertinentis of the samen quhatsumewir perteing and belonging therto lyand within the parochin of Glentanner and shirefdom of Abirdene as in the contract and infestment maid therwpon of the dait of thir presentis at lenthe is contained Newertheless at quhat tyme or how soone it sall happin the said nobill Marqueis his airis or successouris to pay and delywer to me the said Alexander Middiltoun my airis maill and assigneyis all and hail the sowme of tua thowsand merkis usuall currand scottis money within the parochin kirk of Oboyne wpone ane Witsunday ewin altogether in ane sowme betuixt aught houris in the morning and thrie houris efternoone in one day premonitione and warning of fourtie dayis preceeding being maid be the said noble Marqueis or his successouris to me or my forsaidis to resawe the samen personally apprehendit and failzeing therof at our duelling place and parochine kirk for the tyme of dywyne serwyce one ane Sunday befor noone in presentis of ane notter and famous witnesses required therto That than and incontinent thereafter I the said Alexander bindis and obleisses me and my forsaidis to renunce

overgiff and dischaige the forsaid haill landis with their pertinentis toftis croftis libertie and privileges perteining therto to and in favouris of the said nobill Marqueis and his forsaidis with all right titill clame entres propertie and possessione that we haid hēs or may clame or pretend to the samen and sall delyver back all securieties evidentis contractis bandis infestmentis seasingis and quhatsumever right maid to me therupon And in caice it sall happin me or my forsaidis wilfullie to absent myself or to refuse to resawe the said sowme of tua thousand merkis money forsaid for redemptiōne of the saidis landis than and in that cace it sall be leasum to the said noble Marqueis and his forsaidis to tell and number depone and consigne the said sowme of tua thowsand merkis money forsaid within the said Kirk in the handis of William Gordone of Kennertye Robert Coutis of Auchtercoull Alexander Gordoune of Blelock Jone Glass of Pronnzic and failzeing of them in the handis of ane sufficient responsall landwart man within the shireffdom of Abirdein for quhom the said nobill Marqueis and his forsaidis sall be ansuerabill to be in sure custodie and furthcummand to the utilitie and profeit of me and my forsaidis and ather be payment of the said sowme or consignatione therof in maner forsaidis the said haill landis sheallingis fishingis pasturage of the partis and pendicles therof salbe haldin lauffullye outquyt and redeimed and thereafter all wrytis evidentis and securieties maid to me and my forsaidis therupon sall have no faythe nor crydet quhaire evir they be fand or producit in judgment or without the same and the said nobill Marqueis and his forsaidis sall have als frie paceabill and plain ingres regres and acces in and to the forsaidis landis of Candecraige sheallinge therof four oxengait landis of Tulliecarne and utheris abone writtin with their pertinentis as gif the said alienatione had never bene maid Provyding alwayis that it sall nowayis be leasum to the said nobill Marqueis nor his forsaidis to redeime nor outquyt the said landis and utheris above specifiet induring the haill space of fyve yearis nixt and immediatlie following the feast and terme of Witsunday last bypast in this instant year of God ane thowsand sex hundrethe and tuentie zearis during the quhilk zearis and space all redemptiōne of the saidis with the pertinentis is simpliciter suspendit In witnes quairof to thir presentis writtin be Robert Middiltoun my eldest lauffull sone and subscriyvit with my hand my seall is appendit At Abirdene the aucht day of Junii the zeir of God ane thousand sex hundrethe and tuentie

yearis Befoir thir witnessis Thomas Crumbie writter to His Majesties Signet George Gibsone his servand George Gordone of Craguilly James Andersone in Dunbennen and Robert Middiltoun writter heiroff.

Alexander Middiltoun with my hand.

Registat in the Clerk of Registeris Register of the Sherefdome of Abirdene the aught day of Junii 1620 zeiris in the 252 and 253 leavis of the secund buik.
J. Mowat.

ABSTRACT OF LXII.

BOND OF REVERSION by Alexander Middiltoun in Candecraige to and in favour of George, Marquis of Huntlie, Earl of Enzie, Lord Gordoun and Badenocht, his heirs and successors, of All and haill the town and lands of Candecraige and shealing of Glendwe, with the four oxengait lands of the east half of the town and lands of Tulliecarne, with the salmon fishings of the Water of Dee; all lying in the parish of Glentanner and sheriffdom of Aberdeen: in which lands the said Marquis, with express consent of George, lord Gordoun, his eldest son and apparent heir, infest, heritably, the said Alexander Middiltoun, by Charter of feuferme, containing Precept of Sasine, under reversion, that whenever the said Marquis paid the sum of 2000 merks, within the parish Kirk of Aboyne, the said lands and fishings would revert to him. Dated and recorded at Aberdeen 8th June 1620, before these witnesses, Thomas Cromby, Writer to the Signet, George Gibsone his servant, George Gordoun of Craiguilly, James Andersone in Dunbennen, and Robert Middiltoun, eldest son to the said Alexander, writer of the Bond.

LXIII.

JOHN Farquharson and Elspet Mackintosh, his spouse, were infest in the lands of Tullicarne, in the parish of Glentanner, on 6th June 1620. In accordance with a contract of said date they grant a Bond of Reversion of these lands in favour of George, Marquis of

Huntly. John Farquharson was one of the sons of Donald of Castleton, and he and his spouse had Sasine of the lands of Tullicarne on 28th January 1621.

The following Reversion is signed by John and his spouse, "with their hands tuiching the pen," because they "culd nocht writ":—

BE IT KEND till all men be thir present Letters ws Johne Farquhardson in Tullicarne and Elspett Mackintosh my spous for fulfilling of that part of ane contract maid betuixt us and the richt noble and michtie George Marquis of Huntlye erll of Engzie lord Gordone and Badenocht &c. with expres consent and assent of the richt noble lord George lord Gordone of the dait at Auld Abirden the sext day of Junij j^m. vj^e. and tuentie yeiris to be bund and oblegit and be the tenour heiroyf faithfullie bindis and obleges us and the langest lever of us tua and the airis lauchfullie gottin or to be gottin betuixt us whilkis failzeing the said Johne Farquhardsons narrest and lauchfull airis and assignayes whatsumever lealalie and treulie be the faith and treuth in our and thair bodyis to the said richt noble and michtie Marquis his airis and assignayes whosoever that albeit the said Marquis with speciall advyis and consent of the said George lord Gordone his sone haif infest vest and seasit us the said Johne Farquhardson and Elspet Mackintosh the langest lever of us tua in conjunct fie and the airis lauchfullie gottin or to be gottin betuixt us whilkis failzeing myne the said Johne airis and assignayis whatsumever IN all and haill the tua pleuches and four oxingait toun and landis of Tullicarne with the teyndschaves thairof with the haill housses biggingis yairdis toftis croftis outseattis muirris mosses comondtie pasturaig pairtis pendicles and pertinentis of the sam lyand within the parochin of Glentaner and shirefdome of Abirdene as in the infestmentis maid to us thairone at lenth is contenit NEVERTHELES at what tyme or howsoyne it sall happin the said noble Marquis his mail or assignayes to pay and delyver to us the saidis Johne Farquharson and Elspett Mackintoch my spous the langest lever of us tua or our forsaidis within the parochie kirk of Oboyne upone ane Witsunday evin betuixt aucht houris in the morning and thre houris efternoon that ilk day all and haill the soum of tua thousand and fyve hundreth merkis Scoittis monie togidder in ane soum togidder with ane tack and assedatione of the saidis tua pleuches and four oxingait landis and teyndis thairof with

the pertinentis maid and extendit be the said Marquis and his forsaidis to us and our forsaidis for the spaice of fyve yeiris efter the redemptione for payment at the entre of the said tack in name of garsome of the soum of four scoir pundis Scoittis monie And for payment also yeirlye during the said spaice of fyve yeiris of the soum of tua hundreth fyftie and sevin merkis sex schillingis aucht penneis at the termes of payment usit and wount togidder with the said Johne and his forsaidis thair tenentis and servandis personall compeirance at thrie head courtis and his awne personall service as the sam beis requerit with relief of taxationes grinding of thair cornes and paying multur and uther dewaties thairfoir upone the premonition of threscoir dayes to be maid befor be the said Marquis and his forsaidis to the said Johne my said spous and our forsaidis personallie apprehendit and failzeing thairof at our duelling and paroche kirk for the tyme upone ane Sunday befor noun in tyme of devyne service in presence of ane notar and witnesses as effeiris And in caice of absence or refusall of us the said Johne my said spous or our forsaidis fra the resett of the said soum of tua thousand and fyve hundreth markis and letter of tack forsaid premonitione beand maid as said is In that caice it salbe leaseome to the said noble Marquis and his forsaidis to put depone and consing the same and letter of tack in the hands of Johne Farquharson of Invercauld or Robert Farquharson of Finzean or ony of thair airis beand of perfyit aidge and within the said kirk of Oboyne for the tyme And failzeing of thame in the hands of an responsall landit man within the shirefdome of Abirdene for whome the said Marquis and his forsaidis salbe answerable to be furthcumand alwayes to the utilitie and profeit of the said Jhone his said spous and thair forsaidis And sua ather be payment and delyverance of the said soum and letter of tack or consignatioune thairof in maner forsaid the said tua pleuches and four oxingait landis of Tullecarnie with the teyndschaves thereof and haill pertinentis abow writtin to be reput and hauldin lauchfullie lousit outqueat and redemit and fra thynfurth us the said Johne my said spous and our forsaidis bind and obleges us to remove ouregif resing and discharge the sam with our haill richtis and tytles thairof in favouris of the said noble Marquis and his forsaidis And sall restoir and reponne his lordship and his forsaidis to thair awne richt and plaice thairanent as thai warr at ony tyme befor this wadsett and disposition And also sall gif and delyver to the said noble Marquis and his forsaidis the contract chartour and seasing with all uther bandis

wreittis and securities maid to us on the saidis landis to be cancellit and destroyit and the said Marquis and his forsaidis thairefter sall haif als fre and peceable ingres regres and entres to the forsaidis tua pleuches and four oxingait landis with the pertenantis as the alienatione thair of haid never bein maid IN witnes whair of we haif subscrivit thir presentis (wretin be James Andersone in Dumbenanc) with our handis as followes at Huntlye the sexten day of November the yeir of God j^m. vj^c. and tuentie yeiris befor witnesses William Farquharsone in Auchrechan William Mair Patrik Mortimer and Robert Rhind servitouris.

Johne Farquharsonne and Elspeth Mackintosche forsaidis with our handis tuiching the pen leid be the connotaris under wretin at our commandis becaus we culd nocht wreit.

Ita est Jacobus Andersone notarius publicus de mandato dictorum Joannis Farquhardsonne et Elizabethæ McIntosche scribere nescientium ut asseruerunt ad hec requisitus.

Ita est Johannes Rhind connotarius pari de mandato dictorum Johannis Farquhartsonne et Elizabethæ Makintoische scribere nescientium ut asseruerunt ad hec per ipsos specialiter rogatus et requisitus.

(On the back.)

Registrat in the clerk registers register of the shirefdome of Abirdene the 21 day of November j^m. vj^c. tuentie yeiris in the 6 and 7 leavis of the thrid buik.
T. Mowatt.

ABSTRACT OF LXIII.

REVERSION by John Farquharsonne in Tullecarnie, and Elspett Mackintosch his spouse, in favour of George, Marquis of Huntlye, of all and hail the two plough lands and four oxgang of the town and lands of Tullecarnie, with the teind sheaves thereof, lying in the parish of Glentaner, and sheriffdome of Aberdeen; in which lands the said John Farquharsonne and spouse had been, by Contract between the said parties, of date at Old Aberdeen, 6th June 1620, infest and seased, heritably, under reversion, and redeemable by the said Marquis on payment of 2500 merks, within the parish Kirk of Aboyn. Dated and subscribed at

Huntlie, 16th November 1620, and attested by James Anderson and John Rhind, notaries public, before these witnesses, William Mair, Patrick Mortimer, and Robert Rhind, servitors; and registered in the Clerk of Registers' Books of the Sheriffdom of Aberdeen, 21st November 1620.

LXIV.

ONE of the most eminent of the Forbesees of Corse was Patrick, Bishop of Aberdeen. The first of the family of Corse was Patrick, younger brother of William, Lord Forbes. Patrick married Marjory, daughter of Robert Lumsden of Midlair, and had William of Corse, who, by his wife, Elizabeth Strachan, was father of the Bishop, the subject of this note.

Patrick Forbes, Laird of Corse and Bishop of Aberdeen, entered the ministry in his 48th year. He studied in Stirling, and at Glasgow University, and had the reputation of being a scholarly man. Indeed, his reputation for learning was such that, among the superstitious and ignorant, he was believed to have direct communication with the devil. Tradition has it that on one occasion he quarrelled with the fiend on some doctrinal point, and the latter became so enraged that he flew off in a passion "carrying with him the side of the Castle of Corse."

Patrick Forbes became Bishop of Aberdeen in 1618, and was also Chancellor of King's College. He married Lucrece Spens, daughter of the Laird of Morristown, and had several sons. His son, John, was a clergyman eminent as a scholar. This John, along with other Aberdeenshire clergymen, bitterly opposed the Commissioners of the Covenant, and was obliged to seek safety in Holland.

The "good Bishop" granted a charter of the lands of Midstrath and others to Sir Alexander Gordon of Cluny. Bishop Forbes died in 1635, and was buried on 9th April of that year, with "military honours." On

the preceding day the Magistrates of Aberdeen met in Council and ordained that the "tounes haill twelf peice of ordinance be shot the "morne at the burial of umquhile Patrick late Bishop of Aberdeine "in testimonie of thair affection and deservit respect to him: thairof "three peice to be shot at the lifting of the corps out of the cheppell on "the Castlehill, and the uther nyne to be shott howsone the buriall passis "by the tounes merche at the Spitalhill, and thairafter the said haill "ordinance to be chargeit and shot of new again at the interring of the "corps, and the haill bellis to be tollit during that ilk time: lyke as they "appoint Walter Robertson Dean of Gild to caus mont and mak in "readiness the said ordinance to the effect forsaid &c." (*Records of the Burgh of Aberdeen, p. 74*).

The following is Instrument of Sasine upon the Bishop's Charter in favour of the Laird of Cluny:—

IN Dei nomine amen per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum quod anno Incarnationis dominice millesimo sexcentesimo vigesimo mensis vero Decembris die vigesimo primo ac regnorum supremi domini nostri regis Jacobi dei gratia Magne Britannie Francie et Hibernie fideique defensoris annis respective quinquagesimo quarto et decimo octavo IN mei notarii publici et testium subscriptorum presentia personaliter constitutus honorabilis vir dominus Alexander Gordoune de Cluny miles habens et tenens in manibus suis quandam cartam continentem preceptum sasine in fine dicte carte reverendi in Christo patris Patricii miseratione divina Abiridonensis episcopi ac domini superioris terrarum aliarumque subscriptarum sigillo et subscriptione manuali dicti episcopi necnon sigillo communi et subscriptionibus manualibus decani capituli et canonicorum ecclesie Cathedralis Abiridonensis roboratam et subscriptam pro sasina hereditaria danda et concedenda dicto domino Alexandro Gordoune omnium et singularum villarum et terrarum de Migstrath molendinorum silvarum forrestarum aliarumque respective et particulariter subscriptarum in dicta carta expressarum jacentium infra schiram de Bras et vicecomitatum de Abirdeine omnium in unam integram et liberam tenandriam Tenandriam de Bras nuncupatam secundum tenorem dicte carte et clausulum unionis

inibi insertam unitarum et annexatarum Quamquidem cartam dictus dominus Alexander honorabili viro Roberto Gairdyne de Tullichroskie ballivo dicti reverendi patris in hac parte ad effectum prescriptum exhibuit et presentavit eundemque requirens quatenus ad hujusmodi precepti sasine in fine dicte carte contenti executionem procedere dignaretur Quiquidem ballivus dictam cartam in manibus accipiens mihi notario publico subscripto ac clerico dicti episcopi perlegendi tradidit perlegique fecit cujus precepti sasine tenor sequitur de verbo in verbum et est talis IN super dilectis nostris Roberto Gairdyne de Tullichroskie et eorum cuilibet conjunctim et divisim ballivis nostris in hac parte specialiter et irrevocabiliter constitutis salutem Vobis precipimus et firmiter mandamus quatenus visis presentibus indelate accedatis seu alter vestrum accedat ad predictam maneriem de Migstrath et ibidem virtute officii vobis in hac parte commissi statum sasinarum hereditariam pariter et possessionem corporalem actualem et realem Totius et integre libere tenandrie de Bras predictae videlicet omnium et singularum predictarum terrarum de Migstrath cum manerie hortis et pomariis earundem dimedietatis terrarum de Bannahard dictarum villarum et terrarum de Drummahie cum dicto molendino de Tullisnaucht terris molendinariis astrictis multuris lie suckyn et knaifschippis earundem Balnabroch Brewlandis de Baid Brasmoir Brasbeg cum dictis croftis vocatis smidie croft et Diracroft ac cum dictis forrestis et silvis de Bras et Glenavin et etiam cum dicta communi pastura in eisdem et liberi burgi barronie de Marywell cum telonia et contumis dicti burgi una cum dictis annuis nundinis lie Michaelfair super dictas terras ecclesiasticas de Bras annuatim tenendis omnibusque suis tolloneis custumis libertatibus et privilegiis solitiis et consuetis ac etiam dictarum villarum et terrarum de Fingzen Achinballie Arnetullie et Arnetullichard parce cum dicto molendino de Clintar et cum brasina et crofta terris molendinariis astrictis multuris lie suckyn et knaifschippis ejusdem cum dictis terris vocatis Wodend alias hauche of Hillock Insche et Dulsak ac cum communi pastura in dictis forrestis de Bras et Glenavin Et presertim in dictis forrestis de Glensewchine Glencat Bradnacummer Louthrie cum dicta libertate et potestate proiciendi et lucrandi glebas in marresiis de Achnachrie inter aquas de Avin et Sewchin ac cum lie scheilling et pastura in lie Glennis et scheallis de Achinbrek Bogiescheall Crandachat Knokieknow Delnabuit Greinchillock Auchinquenzie et Barrounrow

infra dictas forrestas ac solaris dimedietatis dicte ville et terrarum de Bannahard ac etiam dictarum villarum terrarum de Balfour et dicte ville ecclesiastice de Bras una cum communi pastura et libertatibus predictis in dictis forrestis ac cum domibus edificiis hortis toftis croftis lie outseattis inseattis cottagiis annexis connexis dependentiis libertatibus commoditatibus privilegiis tenentibus tenandriis libere tenentium servitiis partibus pendiculis et pertinentiis prefatarum villarum et terrarum molendinorum multurarum forrestarum silvarum lie scheillingis aliarumque supra-scriptarum Necnon omnium et singularum totarumque et integrarum forrestarum ac terrarum forrestariarum de Bras et Glenavin ex utraque latere et parte dictarum aquarum de Sewche et Awchan cum omnibus suis piscariis silvis nemoribus lie scheillingis et Glennis pasturagiis moris maresiis pratis et pasturis infra omnes earundem limites metas et bondas ac etiam dictarum totarum et integrarum terrarum earundem tam lucratarum quam lucrandarum . . . Et hoc nullo modo omittatis ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim ballivis nostris in hac parte antedictis nostram plenariam et irrevocabilem tenore presentium committimus potestatem IN cujus rei testimonium scripture per Thomam Forbes scribam huic presenti carte nostre manu nostra ac manibus dicti decani et canonicorum subscribe sigillum nostrum rotundum unacum sigillo dicti nostri capituli presentibus sunt appensa apud Auld Abirdene duodecimo die mensis Decembris anno domini millesimo sexcentesimo vigesimo coram his testibus Georgio Currou de Fingask Johanne Wrrey in Abirdene commoranti Willielmo Gordoun de Cottoun et dicta Thoma Forbes scriba presentium POST cujusquidem carte et precepti sasine perlecturam publicationem et in vulgari expositionem prefatus Robertus Gairdyne ballivus cum dicto domino Alexandro Gordoune de Cluny militi ad predictam maneriem de Migstrath tanquam locum pro capienda sasina subscripta virtute dicte carte et clausulam unionis inibi insertam specialiter ordinatus personaliter accessit Et ibidem apud dictam maneriem ex super solo et fundo ejusdem respective prefatus ballivus . . . statum sasinam . . . prefato domino Alexandro Gordoune de Cluny militi ibidem personaliter presenti et acceptanti . . . dedit tradidit contulit et deliberavit SUPER quibus omnibus et singulis premissis prefatus dominus Alexander Gordoune de Cluny miles a me notario publico subscripti sibi fieri petiit hoc presens publicum instrumentum . . . Acta erant hec omnia et

singula apud dictam maneriem de Migstrath . . . horas inter undecimam et duodecimam ante meridiem aut eo circa sub anno die mensis et regis regnis respective prescriptis presentibus ibidem providis et honorabilis viris Alexandro Burnet de Cluny Jacobo Burnet in Eister Clune Willielmo Mortimer in Achabala et Alexandro Gordone servitore dicti domini Alexandri Gordoun de Cluny militis cum diversis aliis Testibus ad premissa vocatis pariterque rogatis.

Et ego vero Thomas Forbes clericus Abirdonensis diocesis notarius publicus (&c. in communi forma).

ABSTRACT OF LXIV.

INSTRUMENT OF SASINE proceeding on Charter by Patrick, Bishop of Aberdeen, to Sir Alexander Gordoun of Cluny, Knight, of the lands of Migstrath mills, woods, &c., in the Schyre of Brais, all in one free tenandry called the Tenandry of Brais, comprehending as therein described, with privileges therein specified. Done at the Manor of Migstrath on 21st December 1620. Witnesses:—Alexander Burnet of Cluny, James Burnet in Eister Clune, William Mortimer in Achabala, &c. Thomas Forbes is notary. Registered at Aberdeen, 29th December 1620.

LXV.

THE Genealogy of the Gordons of Tilphoudie has been traced down to 1614, when John Gordon renounced the lands of Dalwhing and Wretoun (pp. 209-16). From the time of this John the family declined. He had taken part in the burning of Donibristle, and had to seek refuge in France, where he rose to the rank of Colonel in the French Service (*Tilphoudie MS.*). He had become deeply engaged for his cousin the Laird of Brux, and for his brother-in-law Leslie of Pitcaple. He married Elizabeth Cheyne, and had:—(1) George, his heir; (2) William, described in 1631 "as a prudent young man"; (3) John. The daughter Isabel married [? George] Campbell of Artuan.

In implement of the contract of marriage between George, his son, and Anna Keith, he grants the charter which we give below. John of Tilphoudie died in 1640.

George of Tilphoudie married, first, Anna Keith, the widow of Mr. Alexander Keith, minister of Duffus. On 26th March 1631, there is Instrument of Sasine upon resignation by Patrick Gordon, elder of Kincaigie, as procurator for John Gordon of Tilphoudie, of the lands of Tilphoudie and Tillybreen, in the hands of the Marquis of Huntly as superior, for new infestment to be given to George Gordon, eldest son of said John: done within the "Marquis's lodging beneath the Netherbow for the tyme": Witnesses:—Alexander Strachan of Glenkindie, Robert Bisset of Lessendrum, Alexander Lyon of Muiresk, George Gordon, apparent of Beldormie, Patrick Gordon, servitor to the Marquis, and Mr. James Farquharson, notary (*Aboyne Charter Chest*). On 9th July 1631, there is Precept of Infestment by the Marquis of Huntly in favour of George Gordon of Tilphoudie of the lands of Tilphoudie, &c.; the witnesses are:—George Gordon in Drumgask, James Gordon in Milnetoun of Dess, and Gilbert Ros in Tilphoudie (*Ibid.*).

George of Tilphoudie was an Episcopalian, and strictly loyal to King Charles the First, and a follower of the Marquis of Montrose; while his spouse was a "Presbyterian of the deepest dye." He had been fined in £1000, and suffered great losses by hostile troops being quartered upon his lands. He became bound in £5000 for the Marquis of Huntly, and before the latter's execution in 1649 he sent him "one hundred gold Jacobuses" (*Tilphoudie MS.*). When 61 years of age, and a year after the death of Anna Keith, by whom he had no issue, George of Tilphoudie married Ann, daughter of James Gordon, the grandson of Sir James Gordon of Lesmore. By this lady (whom her son describes as a "bigot Roman Catholic") he had an only child, John. The Laird of Tilphoudie died in January 1654, aged 65. His widow married John Gordon of Beldormie (*Ibid.*).

John, the next Laird of Tilphoudie, had Precept of Clare Constat

from Charles, Earl of Aboyne, on 24th September 1673, for infefting him as heir to his father, George, in the lands of Tilphoudie; at Bog of Gight: witnesses:—Sir Patrick Ogilvie of Boyne, Adam Urquhart of Meldrum, Robert Gordon, younger of Gordonstown, and Alexander Docher, servitor to Mr. George Bannerman, advocate (*Aboyne Charter Chest*). During his minority his affairs were managed by his uncle William, “a very honest heartie man, and kind comrade, a good muscian, and good fellow.” John was the last Laird of his race who owned Tilphoudie. He married first, when 15 years of age, one of the daughters of Abercrombie of Glassauch. Some romance attaches to his union with this lady. In his Memoirs he says an attempt was made to get him married to a gentlewoman, named Gordon, aged 50 years, whose father could give her no tocher. The young Laird of Tilphoudie escaped from this entanglement by stealthily leaving the house, in which he resided, early one morning, and going to his aunt’s, Mrs. Abercrombie’s, “having no more thoughts of marriage than in the hour in which he was born.” Having “drolled with his cousins, four or five young ladies, he fancied the eldest above any, mostly for her good humour, and desired she would continue single until he returned from Paris.” He made this proposal in the presence of the lady’s mother, and when asked as to his sincerity, declared himself quite satisfied, naïvely adding, “that he did not know how to court”—a difficulty which he presumably overcame. This lady died in 1667, and the following year he married Elizabeth, eldest daughter to Francis Duguid of Auchinhuive, “a lady,” according to her husband, “too positive in her opinions.” He had 3000 merks of tocher with his wife, by whom he had issue:—(1) Charles, killed at Sheriffmuir; (2) Francis in Drumlagair, who, on 14th September 1708, married Marjory Gordon, second daughter to Hew Gordon of Cults, and carried on the line; (3) Lewis, who married his cousin, a daughter of Duguid of Auchinhuive, and settled in Elgin. This Laird sold the lands of Tilphoudie to the Earl of Aboyne, and died in 1722.

We now give the charter in favour of George Gordon of Tilphoudie. It has got the signature of the granter and witnesses:—

OMNIBUS hanc cartam visuris vel auditoris Joannes Gordoun de Tillachawdie hereditarius proprietarius terrarum aliarumque subscrip-
tarum salutem in Domino sempiternam NOVERITIS me pro perimptione
et observatione Georgio Gordoun meo filio legitime natu maximo mee
partis contractus matrimonialis inter me et illum ab una et Annam Keith
nunc ejus sponsam partibus ab altera initi et confecti virtute cujus
prefatum Georgium Gordoun heredes suos masculos et assignatos quos-
cunque in terris aliisque subtus mentionatis cum pertinentiis modo
subsequente infeodare et sasinare teneor prout in eodem contractu dedata
. . die mensis . . anno domini millesimo sexcentesimo vigesimo . . latius
continetur dedisse concessisse et hac presenti carta mea confirmasse necnon
tenore presentium dare concedere et hac presenti carta mea confirmare pre-
nominato Georgio Gordoun meo filio heredibus suis masculis et assignatis
predictis Totas et integras terras meas de Tillachawdie cum lie outseat
seu crofta earundem vocata Tillibrene cumque universis suis pendiculis
et pertinentiis jacentes infra baroniam de Aboyne et vicecomitatum
de Abirdene Necnon totam et integram villam et terras de Correchrie
cum domibus edeficiis hortis toftis croftis lie outseatis partibus pendiculis
et pertinentiis earundem jacentes infra parochiam de Logie et dictum
vicecomitatum de Abirdene Et similiter totam et integram villam et
terras de Logie et Broomehill cum molendinis terris molendinariis
multuris sequelis et pertinentiis earundem Ac etiam totas et integras
villas et terras de Davane et Ordie cum moris maresiis partibus pendiculis
et suis pertinentiis jacentes infra parochiam de Logie et vicecomitatum
antedictum ac totas et integras villas et terras de Auchmenzie Diracroft
et Calsayend cum partibus pendiculis et pertinentiis earundem jacentes
infra parochiam de Clat et vicecomitatum predictum RESERVATO tamen
mihi meo vitali reddito dictarum ville et terrarum de Correchrie . . .
necnon reservatis mihi et Elizabethe Cheyne mee sponse nostris vitalibus
redditibus totarum et integrarum predictarum ville et terrarum de Logie
et Broomhill . . . ac etiam totarum et integrarum predictarum
terrarum de Davane et Ordie . . . et totarum et integrarum predic-
tarum terrarum de Auchmenzie Diracroft et Calsayend . . . TENENDAS
et habendas totas et integras predictas villam et terras . . . de me et

heredibus meis in libera alba firma feodo et hereditate imperpetuum per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine . . . REDDENDO inde annuatim dictus Georgius Gordoun heredes sui masculi et assignati predicti mihi et heredibus meis unum denarium usualis monete regni Scotie in die festo penthecostes super solo alicujus partis predictarum terrarum nomine albe firme si petatur tantum pro omni alio onere . . . ET ego vero et heredes mei totas et integras predictas . . . memorato Georgio Gordoun heredibus suis masculis et assignatis predictis . . . warrantizabimus acquietabimus et imperpetuum defendemus reservans ut supra reservatur IN super dilectis meis . . . et vestrum cuilibet conjunctim et divisim ballivis meis in hac parte specialiter constitutis salutem Vobis precipio et firmiter mando quatenus visis presentibus indelate statum sasinam hereditaream pariter et possessionem corporalem actualem et realem totarum et integrarum predictarum terrarum . . . Memorato Georgio Gordoun meo filio vel suo certo actornato latori presentium per terre et lapidis earundem fundi ut moris est traditionem et deliberationem secundum tenorem ante scripte carte mee quam de me inde habet juste tradatis deliberetis et haberi faciatis . . . PRETEREA volo et concedo ac pro me heredibus meis decerno et ordino quod unica sasina nunc per dictum Georgium Gordoun et in futurum per ejus heredes masculos et assignatos predictos apud principale messuagium de Tillachawdie capienda stabit et ipsis erit sufficiens sasina . . . IN cujus rei testimonium huic presenti carte mee (chirographo Jacobi Dawling servitoris Quintini Kennedy scribe signeto regis) manu mea subscriptis sigillum meum est appensum apud Correchrie vigesimo nono die mensis Januarii anno domini millesimo sexcentesimo vigesimo tertio Coram his testibus Alexandro Cambell de Artuan Georgio Cambell feoditario ejusdem Willielmo Gordoun de Sauchin et Roberto Stevin notario publico.

Jhone Gordoune of Tillachawdie.

ABSTRACT OF LXV.

CHARTER by John Gordoun of Tillachawdie, whereby, in implement of Marriage Contract between George Gordoun, his eldest son, and Anna Keith, now his spouse, he grants to the said George and his heirs male,

&c., the lands of Tilliquhowdie, with outset or croft thereof called Tillibrene; also the lands of Correchrie, lying in the parish of Logie and shire of Aberdeen; also the lands of Logie and Broomehill, with the mills, mill lands, &c.; also the lands of Davane and Ordie, in the aforesaid parish; and lands of Auchmenzie, Dira Croft, and Calsayend in the parish of Clat; reserving to the granter his liferent of Correchrie, and also to him and Elizabeth Cheyne his spouse their liferent of Logie and Broomehill, with mills, &c.; and of the lands of Davane, Ordie, Auchmenzie, Dira Croft, and Calsayend: To hold of the granter in free blenche ferme, for the payment yearly of one penny in name of blenche ferme; contains Precept of Sasine, and is dated at Correchrie, 29th January 1623. Witnesses:—Alexander Cambell of Artuan; George Cambell, fear thereof; William Gordoun of Sauchin.

LXVI.

ROBERT Coutts of Auchtercoul married Jean Gordon, and had, besides the children mentioned (p. 200), a son James, who was a merchant in Crosna. The Laird of Auchtercoul and his son, William, were, in 1611, pursued by — Wishart, the relict, and William, the eldest son, of Patrick Ros in Coull, for the murder of said Patrick. Commission was granted to the Sheriff-Deputes of Aberdeen—Alexander Irving of Drum and William Gordon of Abergeldie—to apprehend the said Robert and William, and enter them before the Council (*Reg. of Privy Council, vol. ix., p. 294*). William Coutts, apparent of Auchtercoul, and his spouse had Sasine on the lands of Ardtannes, 26th December 1622 (*Aberdeenshire Sasines*).

We have Precept under the Great Seal, given by King Charles I., to the Sheriff of Aberdeen to infest George Morrison, burghess of Aberdeen, in the Mains and Manor place of Cluny, &c., as apprised by him from William Coutts of Auchtercoul for a debt of 5600 merks. George Morrison, the elder, burghess of Aberdeen, and Barbara Ferguson

his spouse, had Sasine on the lands of Tillicorthie, Tillery, and others in 1602, and George Morrison the younger had Sasine on the lands of Colliston, 12th August 1618 (*Aberdeen Sasines, vol. i.*). George Morrison, burgess of Aberdeen, and his spouse had Sasine on the half lands of Dyce, the Kirktown thereof, and the half lands of Pitmedden, on 3rd April 1627 (*Ibid.*).

The Precept runs thus :—

CAROLUS Dei gratia Magne Britannie Francie et Hibernie rex fideique defensor vicecomiti et ballivis suis de Abirdeine salutem Quia dilectus noster Georgius Moresoune burgensis burgi nostri de Aberdein per suam supplicationem nostri concilii et sessionis dominis porrectam exposuit quod in curia appretiationis tenta in pretorio burgi nostri de Edinburghe decimo nono die mensis Februarii ultimo clapsi debite et legitime appretiauit ad ipsius instantiam a Willielmo Cowtis de Auchtercoul totas et integras terras dominicales et maneriei locum de Cluny cum domibus edificiis hortis pomariis et pertinentiis earundem lie Woodend de Cluny molendino de Cluny terris molendinariis multuris et lie knaiffschippes earundem molendino fullonum de Cluny cum moris marresis pratis toftis croftis outsettis insettis partibus pendiculis et pertinentiis dictarum villarum et terrarum unacum decimis garbalibus earundem jacentes infra vicecomitatum nostrum predictum de Aberdein in satisfactionem sibi summe quinque millium et sex centarum mercarum usualis monete regni nostri Scotie tanquam pro principali preteritis annuis redditibus et expenssis cum summa ducentarum et octuaginta mercarum monete predicte pro vicecomitis feodo eisdem correspondenti Tenendas de quondam Georgio marchioni de Huntlie comite de Enzie domino Gordoun et Badzenoch heredibus et successoribus suis superioribus earundem vel de domino Alexandro Gordoun de Cluny milite baronetto heredibus et successoribus suis superioribus earundem simili modo adeoque libere in omnibus respectibus et conditionibus sicuti dictus Willielmus Couttis de Auchtercoull vel aliquis ipsius predicessorum vel authorum easdem ante dictam appretiationem tenuit prout in processu ac decreto appretiationis eatenus lato et deducto de data predicta viso et considerato per dictos dominos et invento per eosdem ordinarie procedi per dictorum dominorum deliberationem a tergo eiusdem scriptam quarto

die mensis Martii ultimo elapsi coram iis producto latius continetur Unde dictus Georgius Moresoun impetravit literas quadruplici forma et legitime mandare cawsavit dicto quondam Georgio marchione de Huntlie et domino Alexandro Gordoun de Cluny superioribus predictis quatenus debite et sufficienter infeodarent et sasinarant dictum Georgium Moresoun heredes suos et assignatos hereditarie in omnibus et singulis predictis villis terris molendinis terris molendinariis multuris decimis garbalibus aliisque prescriptis cum pertinentiis jacentibus appretiatis et tenendis modo predicto infra quoddam spatium post mandata sub variis penis Et postremo sub pena rebellionis proque eorum dissobedientia precepte dictarum literarum undecimo et decimo tertio diebus mensis Junii ultimo elapsi debite et ordinarie denunciati rebelles et ad cornu nostrum posite fuerunt prout dicte litere et executiones earundem debite registrate secundum actum parliamenti latius proportant ratione cujus rebellionis dictus quondam Georgius marchio de Huntlie et dictus Alexander Gordoun de Cluny miles superiores antedicti amiserunt et perdidierunt suam superioritatem dictarum villarum et terrarum cum molendinis terris molendinariis multuris decimis garbalibus aliisque prescriptis cum pertinentiis ut supra jacentibus Vobis igitur ex dictorum dominorum deliberatione precipimus et mandamus quatenus prefato Georgio Moresoun vel suo certo actornato latori presentium sasinam totarum et integrarum predictarum villarum terrarum cum molendinis terris molendinariis multuris decimis garbalibus aliisque prescriptis cum pertinentiis ut supra jacentibus juste haberi faciatis et sine dilatione Salvo jure cuiuslibet tenendas de nobis et successoribus nostris simili modo adeoque libere in omnibus respectibus sicuti dictus quondam Georgius marchio de Huntlie sui que predicesores easdem de nobis predicesores nostris prius tenuerunt et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim vicecomitibus vicecomitatus nostri de Aberdein committimus potestatem Datum sub testimonio nostri magni sigilli apud Edinburgum decimo tertio die mensis Julii anno Domini millesimo sexcentesimo trigesimo sexto et anno regni nostri duodecimo.

Ex deliberatione dominorum consilii et sessionis.

ABSTRACT OF LXVI.

PRECEPT, by King Charles the First, to the Sheriff of Aberdeen, &c., to infest George Moresoun, burges of Aberdeen, in the Mains and Manor place of Cluny; Woodend and mill thereof, with multures, &c.; Walk Mill, &c., as apprised by him, from William Coutis of Auchtertoull, for a debt of 5600 merks: Holding of the late George, Marquis of Huntly, or of Sir Alexander Gordoun of Cluny, Knight. Given under the great seal at Edinburgh, 13th July 1636.

LXVII.

DONALD Farquharson of Monaltrie (about whom we have given some notes at p. 252), with consent of Margaret Gordon his spouse (daughter of Abergeldie), for fulfilling their part of a contract with James Farquharson, Writer to the Signet, whereby, in consideration of the sum of 6000 merks, grants to said James, his heirs and assignees, in feu ferm, the lands of Bellatrache, Mylnetoun of Inchmarnoch, with crofts of Baldowis, with salmon fishing on the water of Dee, &c.: Redeemable for payment of 6000 merks, upon premonition of 40 days. At Hunthall, 1st September 1638: Witnesses:—Thomas Gardyne of Keambus, Robert Farquharson in Bellatrache, and George Farquharson in Bellabeg (*Aboyne Charter Chest*).

In 1641, Donald Farquharson was appointed by the Earl of Huntly as his bailie for Strathdee and Strathaven. He became known as the "Pride of Braemar," and took a prominent part in the feuds between the Gordons and the Crichtons of Frendraught. He became bound to find caution under pain of one thousand pounds, and then fled leaving his brother, who was his cautioner, in ward until the fine was paid (*Spalding's Trubles*, p. 35). Donald Farquharson and some of his Highlanders, in April 1639, plundered Earl Marischal's lands in the Mearns. He was

present with the Barons at their meeting in Aberdeen after the "Trot of Turrif," and made a raid upon the lands of Alexander Strachan of Glenkindie to punish him for "masterfully taking some arms" which were being sent to Donald by the Marquis of Huntly. In 1644, Donald joined Montrose at Aberdeen, and took part in the battle of Inverlochy. He plundered Cullin in February 1645, and on 25th of following month was slain in Aberdeen. He was "a brave gentleman, and one of the noblest captains among all the Highlanders of Scotland. Great lamentation was made for this gallant, being still the King's man for life and death." Montrose was highly offended for the loss of Donald Farquharson, and gave orders to "General Major Macdonald to come to Aberdeen with 1000 Irishes horse and foot to see his corps buried. He was buried in the Laird of Drum's Aisle with many woe hearts and doleful shots" (*Spalding's Troubles*, pp. 479-480).

The Marquis of Huntly, with the advice and consent of George, Lord Gordon, grants a charter, as below, in favour of Mr. James Farquharson, of the Mill and Mill lands of Glenmuick, in consideration of the sum of £1200 paid by him.

James Farquharson afterwards became styled "of Whitehouse"; and, in implement of the Contract of Marriage between him and Anna, daughter of Colonel Thomas Gardyne, he granted a charter in favour of himself and the said Anna his spouse in conjunct-fee, and the heirs procreated or to be procreated betwixt them, of the town and lands of Bellatrache, Ballindorrie, and others in the parish of Glenmuick: To hold in free blench farm of said James, or of George, Marquis of Huntly, or James, Lord of Aboyne, immediate lawful superiors in fee and heritage for ever. This deed is dated at Bellamore, 9th February 1648. Witnesses:—Robert Gardyne of Midstrath, William Gardyne of Bellamore, Alexander Gardyne of Bellistrene, and Robert Farquharson of Milltown of Glenmuick (*Aboyne Charter Chest*).

On 23rd June 1653, James Farquharson of Whitehouse disposed "All and whole the Mill and Milltown of Glenmuick in favour of William

Bowman of Toldow." Sasine followed thereupon on 1st December 1659, Patrick Bowman, brother to William, and Robert Lindsay—son to the deceased Andrew Lindsay in Clova, witnesses (*Ibid.*). By Disposition, dated 3rd December 1679, John Lyon *alias* Bowman of Milltown of Glenmuick, and Elspet Lindsay his spouse, granted, in favour of Alexander Young in Toldow, the Mill of Milltown of Glenmuick, viz. :—Milne-eje, with the Multure of Toldow, Achoilzie, Altouries, Blacharag, Knock, Dillifour, Ballindorrie, and others. The lands, &c., are to be redeemable, and the witnesses are John and James Lyons, sons of said John (*Ibid.*). On 5th March 1686, John Lyon, with the advice and consent of his spouse, disposes the foregoing subjects in favour of William Stewart of Achoilzie, with astricted multure, sucken and knaveships of the town and lands foresaid; the salmon fishing upon the water of Muick, and the sheilling called Cornetturarie; with liberty of feall and divot; lying within the parish of Glenmuick; irredeemably without reversion: Witnesses, George Patton of Grandholme, Mr. Alexander Thomson, Advocate, John Pedder, Commissary Clerk, and George Keith of Creichie, Advocate, is notary (*Ibid.*).

The Marquis of Huntly's Charter in favour of James Farquharson has got his seal, which is blurred, appended. The witnesses sign :—

To all and sundrie to whaes knowledge this present chartour sall come GEORGE Marques of Huntlie erle of Enzie lord Gordoune and Badzenocht heretabill proprietor of the lands milne and uthers efter specifeit with expres consent and assent of George Lord Gordoune our sonne for whatsumever right titill clame and entres he hes or may pretend in and to the landis milne and others under writin GREITING in God everlasting Forsamekle as be contract and appointment maid betwixt us the said George Marques of Huntlie with consent of our said sonne on the ane pairt and Maister James Farquhairsoune wreiter to his majesties signet on the other pairt we are bund and oblegit for fulfilling of that pairt of the said contract to infest and sais the said Mr. James Farquhairsoune his airs and assigneyes whatsumever heretablie in few ferme but reversione redemptione or regres whatsumever IN all and hail

the Milne and Milnetoune of Glenmuick milne landis thairof astrict multurs suckin and knaivschips of the toune and lands of Auchquholly Toldow Auldinrinwe Tornesillie Knokdelfour Ballendoore Stordherd croft Blachharage and others dewties and service astrictit thairto usit and wont and as the samen is now possest and occupied be John Bowman with the schealing perteing thairto callit Corneturrarie and mos siclike belonging to the samen in Craigwalech and Clavinmore with libertie of feall dowat and muck yeard in the corrie in Corneturrarie usit and wont with salmond fischeing on the water of Muick and with all and sindrie houses bigings yardis wods tofts crofts outseats inseats grasings schealings pasturages fischeings liberties privileges mures mosses pairts pendicles and pertinents quhatsumever of the same lyand within the parochin of Glenmuick and Shiredome of Abirdene TO be hauldin . . . irredeimable but regres or reversioun heretablie lyand as said is off ws the said George Marquis of Huntlie our airs maill and successours in feu ferme fie and heretage forever be all right merches and devices as the same lyes in lenth and bredth houses bigings yairds hights plaines mosses mures gates rods waters stanks springs meadowes milnes multurs sequells pasturages fouleing fischeing haking hunting (except the hunting of deir and rae mentionat in the said contract) peits turves colls colheuches dows dowcats cunings cuningars scrogs busses lyme lymestone browhous smidies wods broomes with court and plant herezeildes unlaves amercie-ments and escheits of the saidis courts with commoune pasturage frie ishe and entrie and with all and sundrie uther liberties commodities fredomes profites easements and rights quhatsumevir perteing to the forsaidis milne and lands alsweill not named as named farr as neir under the zeird and abone the earth (reserveand to ws and our foirsaidis and successours irne ure and all uther kynds of mineralls within anie pairt of the saidis lands) freelie quyetlie weill and in peace but any revocatioun obstacle impediement or agane calling whatsumever PAYAND thairfoir yeirlie the said Mr. James Farquairsoun and his forsaidis to us the said George Marques of Huntlie our airs and successours or our factors or chalmerlanes in our names haveing our pouer to receive the same within our maner place of Hunthall or at the same the soume of ten pundis Scots money to be payit yeirlie at mertimes beginnand the first yeirs payment at mertimes nixt to come in this instant yeir of God j^m. vj^c. and threttie aucht yeirs with halff ane wedder halff ane lamb three pultrie ane

quarter butter with ane lang cariage yeirlic not exceiding fourtie mylls frome our said place of Hunthall gif the same beis required and faillieing of payment thair of the soume of ten pundis money for the same as also releivand us and our foirsaidis of all taxationes teynde silver annuities and uther impositiones aither for stock or teynde in time comeing and doubleing the said feu deutie the first yeir of the entrie of ilk air to the saids lands milne and uthers abone wreitin as use is in few ferme And with speciall provisioune and conditioune that gif it sall happin the said Mr. James Farquhairsoune or his foirsaidis to faillie in payment of the foirsaidis few dueties sua that tua terms or mae rin togidder unpeyit thair of and na payment maid of the samen in maner foirsaid in that caice the said Mr. James and his foirsaidis sall be hauldin and astrictit to doubill the same sua oft as it sall happin thame to continue the saids faillie and it sall be lsume to us and our foirsaidis to poynd and distrengzie the ground of the saids lands or onie pairt of thame thair foir likeas the said Mr. James and his foirsaidis and thair tennants and possessours of the saids milne and lands sall be oblegit to compeir yeirlic in four heid courts that sall happin to be hauldin be us and our foirsaidis or our baillies in Marr in our names and in all other courts to be hauldin be us and our foirsaidis in our awne proper persones within the bounds of Marr the said Mr. James and his foirsaidis being alwayes warnit to the saids uther courts As likewise give at onie time upone necessar ocasionis for repressing of soiners or oppressouris or for keiping guid ordour in the countrie or yit for tryall of crymes offences or bloods and for contraveining the lawes and acts of our or our foirsaidis courts as likewise gif it sall happin anie court or courts to be affixt and set be us and our foirsaidis or our baillies in our names quhairthrow thair sall be ane necessitie of ane sufficient number of persones of inquest to pas upone assys in that caice the said Mr. James Farquhairsoune his tennants and possessours of the saids milne milnetoune milnelands sall be hauldin and astrictit to gif thair personall compeirance in the saids courts thay being lawfullie warnit thairto of befoir And the said Mr. James Farquhairsoune and his foirsaidis and thair saids tennants sall be oblegit to observe and keip the acts and statuts of our and our foirsaidis courts anent such as slay deir or rae within our bounds without our or our foirsaidis licence and anent the cutters cariers distroyers sellers and away puters of our wods under the pains that sall be set doune in our acts of court to wit for hunting and

slaying of deir and rae within our bounds without our licence recepting of slaine deir and rae within thair houses and anent the cuters cariers and distroyers of our woods The said Mr. James Farquhairsonne and his foirsaidis thair tennants and servands being convict of the foirsaidis offences or anie ane of thame sall pay for the first fault ane mairt or the soume of tuentie merks money foirsaid for the price thair of and being tuise convict sall pay thairfoir tua mairts and being thris convict sall pay the third time three mairts or els the prices of the same respective foirsaidis by and attour the availl and worth of the saidis woods quhair of thay sall be convict as said is NEVERTHELESS gif it sall happin the said Mr. James Farquhairsonne or his foirsaidis the time of the hunting the fox or anie uther ravenous or distroying beasts to slay anie deir or rae in that caice thay sall not be astrictit thairfoir in payment of the foirsaid unlawes notwithstanding of the provisiones foirsaid nor yit anie acts of our courts maid or to be made thairanent anie maner of wayes And gif it sall happin the tennant or servand wha sall be convict of the saidis offences or anie ane of thame not to be worth the foirsaid unlaw the said Mr. James and his foirsaidis thair maister sall deliver the said tennant or servand to ws and our foirsaidis or our baillies in our names or utherwayes sall caus the tennant or servand be banished out of thair awne bounds and sall caus intimat the same at the parochie kirk upoune ane sunday or els sall pay the unlaw thameselves and quhasoever sall mantaine or recept him thairefter sall pey ane unlaw of ten pundis for ilk tyme he sall be recept Forder it sall not be lesume to the said Mr. James Farquhairsonne nor his foirsaidis to convey and judge thair awne tennantes or subtennantes for bloods or bloode weiks bot the tryall and punishment thair of sall belong to us and our foirsaidis and our baillies Mairover the said Mr. James Farquhairsonne and his foirsaidis and thair saidis tennants and possessours of the saidis lands sall give thair personall service usit and wont to ws and our foirsaidis at all our huntings within the bounds of Marr and sall attend and await on us and our foirsaidis at all hoastings upoune thair awne proper charges and expenses and sall not attend nor await upoune anie uther nor yit come against us nor our foirsaidis with onie persone or persones (the King's majestie and his autoritie being exceptit) and sall also attend and await upoune us and our baillies in all generall mousters and weapon schawings within the said shireffdome of Abirdeen And it sall not be lesume to the said Mr. James Farquhairsonne nor his foirsaidis to

sell or dispone heretable but reversiounie onie of the saids mylne and lands with thair pertinents to be hauldin of thameselves quhill first thay mak offer thair of to us and our foirsaidis at such prices as thay sall be willing to sell the same to ane uther And gif thay doe in the contrar thay sall pay to us and our foirsaidis ane unlaw of ane hundreth merks money foirsaid and it sall not be lesume to the said Mr. James nor his foirsaidis to cut destroy sell or give away anie of the tries growand on the saids lands befor disponit to thame in few as said is bot onlie for thair awne particular us and thair tennants in thair bigings milne and uthers thair necessars for labouring of the ground Gif it sall happin the said Mr. James Farquharsoune and his foirsaidis not to have sic sufficient tries and timber upone the lands befor disponit to thame for the use abone writin in that caice we bind and oblege us and our foirsaidis to permit thame at the sight of our baillie and forrester to cut and tak away thair saids necessars out of our wods of Glentanner Glenmuick and uther commoune wods in the countrie Forder it sall not be lesum to the said Mr. James nor his foirsaidis to remove nor alter the seats of thair saids schcalings furthe of the place quhair thay presentlie ar except thay be put forder doune frome the forrest bot to stand and continue quhair thay ar in all time comeing and that for all uther dewtie that may be askit or cravit of the saids milne and lands with thair pertinents AND we forsoothe the said George Marques of Huntlic with expres consent and assent of the said George Lord Gordoune our sonne binds and obleises us and our airs mail and successours to warrand acquiet and defend to the said Mr. James Farquharsoune and his foirsaidis all and hail the said milne and milnetoune of Glenmuick milne lands thair of astrict multurs suckin and knavschips of the touns and lands of Auchquhollie Toldow Auldinrinwe Tornesillie Knokdillfour Ballendoore Stodherd croft Blachharage and uthers deuties and service astrict thairto usit and wont and as the same is now possest and occupied be John Bowman with the schealing perteing thairto callit Corneturrarie and mos siclike belonging to the samin in Craigwalech and Clavinmore with libertie of feall and dowat and muckyeard in the corrie of Corneturrarie usit and wont with salmond fischeing on the water of Muick and with all and sundrie . . . pertinents of the same to be free and saiff frome all former alienationes . . . and frome all and sundrie uther perrells dangers and inconvenients als weill not namit as namit at all hands and

against all deidlie ATTOUR to our lovites and ilk ane of thame conjunctlie and severallie our baillies in that pairt especiallie constitute greiting OUR will is and we charge you that incontinent this precept sene ye pas and give heretabill state saiseing and possessioun to the said Mr. James Farquharson or to his actorneyes in his name off all and hail the foirsaid milne and milnetoun of Glenmuick . . . be deliverance to thame of the clap and happer yeard and stone cobill and net of the said milne lands and salmond fischeing respective as use is in sic caices conforme to the chartour abone writin and this on nowayes ye leve undone The quhilk to doe we commit to you conjunctlie and severallie our full power be this our precept in wtnes quhairof to thir presents (writin by George Kempt in Abirdene) subscrivit be ws and our said sonne our seall of armes is appendit at Auld Aberdeine the tuentie sext day of May ^{j^m}. vj^c. and threttie aucht yeirs befor thir witnesses Robert Baillie baillie of Inverness Robert Farquharsoun in Boweatreach and Alexander Gairdyne of Bellastroun.

George Marquis of Huntlye.

ABSTRACT OF LXVII.

CHARTER granted by George, Marquis of Huntlye, with advice and consent of George, Lord Gordon, his son, to and in favour of Mr. James Farquharson, Writer to the Signet, of all and whole the mill and mill lands of Glenmuick and others, lying in the parish of Glenmuick and Sherifffdom of Aberdeen, heritably and irredeemably, without reversion : To be holden of the said Marquis, his heirs and successors, in feu ferme, fee, and heritage for ever, for yearly payment of £10, half a wedder, half a lamb, three poultry, a quarter of butter, and a long carriage. Dated at Old Aberdeen 26th May 1638. The witnesses are :—Robert Baillie, bailie of Inverness, Robert Farquharsoun in Belleatreach, and Alexander Gardyne of Bellastroun.

LXVIII.

ANOTHER deed in this collection also preserves to us the obligations under which Wadsetters had to come, and the measures adopted for the preservation of game. According to one authority the Highlander never deemed it theft to take a "tree from the wood, a fish from the river, or a deer from the hill." The enactments of the Scottish legislature shew that these things were strictly preserved, and the records of the Sheriff Courts prove that peer and peasant were amenable to the laws, and suffered heavy penalties for their transgression. From a very early period the bulk of the complaints laid before the Sheriffs consisted in processes against "wood-cutters, slayers of deer, and salmon," and the fines levied were very considerable.

In the Contract of Wadset between the Marquis of Huntly and John Gardine of Bellamore, it will be noted that no payment is to be exacted for the slaughter of roe or deer during the "hunting of the fox or any ravenous or destroying beast"; and that those who slay deer, &c., and are not "worth the unlaw," are to be banished and boycotted.

John Gardine of Bellamore, and Isabel Ogilvy his spouse, were, in January 1631, infest in the lands of Drumnachie. He is dead before 1648.

The Laird of Portlethen, who is a witness, signs as "Buchan":—

AT Auld Aberdene 28 May 1638 years It is appointit contracted finally ended and agreed betwixt the right honourable and potent Marques George Marques of Huntly Earl of Enzie Lord Gordon and Badenoch &c. heritable proprietor of the lands milns and others underwritten with advice consent and assent of a noble Lord George Lord Gordon &c. . . . on the one part and John Gardine of Bellamore for himself and in name and behalf of William Gardine his lawfull son on the other part in manner following THAT is to say forsomeikle as the said John Gardine for himself and in name and behalf of the said William Gardine his son has at the making of thir presents and to the intent thereof reallie and with effect contented and paid to the said noble

Marques All and hail the sum of Five thousand and fifty pounds usual Scots money for performing certain of his necessary affairs and business whereof he holds him well content and satisfied renouncing be thir presents the exception of not numerat money and all other exceptions whatever whilks may be alledged in the contrair THEREFORE the said noble Marques George Marques of Huntly with advice and consent of the said George Lord Gordon his son . . . binds and obliges them and their heirs whatsomever with all convenient diligence . . . duly habily and effectually to infest and sease the said John Gardine in liferent during all the days of his lifetime and after his decease the said William Gardine his son his heirs and assigneys whatsomever heritably without reversion redemption or regress whatsomever In all and hail the town and lands of Bellamore with the Miln Miln lands multures sucken and knaveship of the same used and wont and shealing in Correnmalchen and Rennogeroch used and wont so far as appertains to the saids lands of Bellamore and Miln with houses biggings yeards . . . with libertie and power to cast peats turf feal and divvott in the moss and commodities thereof and transporting of the samen by the most commodious ways used and wont And in all and hale the Miln of Glentannar Milnlands astrict multures sucken and knaveships of the same and astricted sucken thereto the Dauch lands of Waternarie and Tullicarne and the Dauch of Bowlane Dalquing Foulbog and Etnich according to use and wont Together with the croft of Braelyne and the croft called the Alehouse Croft also with the town and lands of Milntoun of Glentannar the town and lands of Carnequhene with the shealing in Dowchovn and Auldinhinnich so far as pertains to the saids lands of Glentannar with power and libertie to cast peats turfs feal feal and divvott in the moss pertaining to the said lands and rottin yeard on the north side of the Water of Tanner without other possessors and tennents their hainings and as the said John Gardine and the tennants and possessors of the forsaid lands now disponed in feu has been in use a before all lying within the parochine of Glenmick and Glentannar reseive and sheriffdome of Aberdeen TO BE holden . . . of the said noble and potent Marques George Marques of Huntly his heirs male and successors in feu farm fee and heretage for ever for payment yearlie to them their factors chamberlains and others in their names within his dwelling house of Hunthale in Marr or at the same of the sum

of three score two merks six shilling eight pennies money at the term of Martinmas beginning at Martinmas next coming 1638 years with two weadders half a weadder two lambs half lamb fifteen poultrie ane stone and a quarter of butter with two long carriages in the year fourtie miles from Hunthale if they be required and failling of payment of the saids carriages ten pounds money for every inlake and carriage And also relevand the said noble Marques and his forsaid of all taxations teind silver annuities and other impositions either for stock or teind in time coming and for doubling the said feu dutys the first year of the entry of ilk heir to the said lands milns and others abovementioned . . . If it shall happen the said John Gardine William Gardine his son or their forsaid to faillie in payment of the forsaid few mail swae that two terms or more run together unpaid thereof and no payment made of the same in manner forsaid In that case the said John Gardine William Gardine and their forsaid shall be holden and astricted to double the samen duties sae oft as it shall happen them to compt. the said faillie and it shall be leisom to the said Marques and his forsaid to poind and strenzie the ground of the said lands or any part of the same therefore Likeas they and the tenant and possessors of the said lands shall be obliged to appear yearly in four head courts . . . the said John Gardine William Gardine and their forsaid being always warned to other courts . . . And likewise give personal presence at any time upon necessary occasions for repressing of forreners or oppressers or for keeping good order in the countrey or for trying crimes offences or bloods or for contraveining the laws or acts of the said noble Marques or his forsaid their courts And give it shall happen any court or courts to be set and affixed be them and their forsaid upon which there shall be ae necessity of a sufficient number of persons of inquest to pass upon an assize the said John and William Gardines and their forsaid their tenants and possessors of the said lands shall be holden and astricted to give their personal compearance to the said courts they being lawfully warned abefore And the saids John Gardine William Gardine and their forsaid and their tenants shall be obliged to observe and keep the acts and statutes of the said noble Marques and his forsaid their courts anent such as slay deer and raes within the said Marques his bounds without his or his forsaid liecence or anent the cutters carriers destroyers sellers or way pullers of the said Marques or his forsaid their woods under the pains

to be set down in the saids acts of court TO WITT for hunting or slaying of deer or rae reserving of slain deer or raes within their houses . . . cutting destroying selling or giveing away the said Marques or his forsaid their woods the said John Gardine William Gardine or their forsaid the tenants or servants being convict of the saids offences or any ane of them shall pay for the first fault one merk or the sum of twenty merks money forsaid for the price thereof and being twice convict shall pay therefore two merks and being thrice convict shall pay for the third time three merks or then the prices of the same respective forsaid by and attour the avail and worth of the saids woods whereof they shall be convict as said is MOREOVER give it shall happen the said John Gardine William Gardine his son or their forsaid the time of the hunting of the fox or any revenous or destroying beast to slay any raes they shall not be astricted therefore in payment of the saids unlaws notwithstanding of the provision forsaid or yet of any act of the said noble Marques or his forsaid their courts made or to be made thereanent any manner of way And gif it shall happen the tenant or servant who shall be convict of the saids offences or any of them not to be worth the forsaid unlaw the said John and William Gardines and their forsaid their master shall deliver the said tenant or servant to the said noble Marques or his forsaid or to their baillies in their names or otherwise shall cause the said tenant or servant be banished out of their own bounds and shall cause intimat the same at the parish Kirk upon an Sunday or else shall pay his unlaw themselves and whosoever shall receipt him thereafter shall pay an unlaw of ten pounds for each time that he shall be receipt FARDER it shall not be leisom to the said John and William Gardines and their forsaid to conven and judge their own tenants or subtenants for blood or bloodwicks both tryal and punishment thereof shall pertain and belong to the said noble Marques and his forsaid and their baillies MOREOVER the said John and William Gardines and their forsaid and their tenants and possessors of the saids lands Miln and remanent forsaid shall give the service used and wont to the said noble Marques and his forsaid at all hoistings upon their own charges huntings within the bounds of Mar and shall await and attend the said noble Marques and his forsaid at all hoistings upon their own charges and expences and shall not attend nor wait on any other against the said noble Marques nor his forsaid with any person or persons the Kings

Majesty and his authority being excepted And also shall attend and await upon them and their baillies in all general musters and wapen-showing within the said sheriffdom of Aberdeen and it shall not be leisom to the said John and William Gardines and their forsaidis to sell and dispone heritably but reversion any of the fornamed lands miln and others . . . to be holden of themselves while first they make offer thereof to the said noble Marques and his forsaidis at such price as they shall be willing to sell the same to another And give they do in the contrair they shall pay to the said noble Marques and his forsaidis an unlaw of the sum of one hundred merks money forsaid It shall not be leisom to the said John and William Gardines nor their forsaidis to cutt destroy nor give away any of the trees growand on the forsaidis lands before disposed to them on few as said is but allennarly for their own particular use and their tenants in their biggings and others necessary for labouring of the ground And gif it shall happen the saids John and Wm. and their forsaidis not to have such sufficient trees and timber upon the lands before disposed to them for the use abovewritten in that case the said noble Marques and his said son promises and oblidges them and their forsaidis to permitt them to cutt and take away the saids necessars out of the woods of Glentannar And farther it shall not be leisom to the said John and Wm. Gardines nor their forsaidis to renounce or alter the seats of the said shealings furth of the place where they are presently except they be put farther down frae the forest but to stand and continue where they are in all times peaceably but removing in time coming And thereupon the said noble Marques and his son . . . binds and oblidges them and their forsaidis to make perfect seall and subscribe and deliver to the said John Gardines in liferent during the days of his lifetime and to the said Wm. Gardines his son and his forsaidis in fee heretably but regress or reversion ane sufficient charter of feu farm containing therein Precept of Sasine with all clauses of infeftment needfull and profitable as if the said infeftment were already made and espede and then as now to warrand acquitt and defend the forsaid John and Wm. Gardines and their forsaidis in the reall and actual possession of the forsaid haill town and lands of Bellamore . . . to be free and safe from all wards reliefs nonentries . . . and from all and sundrie others perills . . . as well not named as named at all hands and against all deadly And the said noble Marques binds

and obliges him and his forsaid to enter and admitt the heirs and assigneys of the said William Gardines and his forsaid to the saids lands milns and others above written with the pertinents but payment of any sums of money except the double of the said feu duties . . . Likeas also the said noble Marques binds and obliges him and his forsaid to sell assign and dispone to and in favours of the said John and William Gardines paying to the said noble Marques and his forsaid sick an part and portion of the grassumes or sums of money as the said Noble Marques shall give for the right of the saids teind . . . And moreover the said noble Marques . . . sells assigns to the said John and William Gardines and their forsaid the hail mails farms keans custems casualities and duties of the said lands and others for the crop and year of God sixteen hundred thirty and eight years both Whitsunday and Martinmas terms thereof with power to them to receive uptake and intromitt therewith to their own use and dispose thereupon at their own pleasure which disposition the said noble Marques obliges him and his forsaid to be good and sufficient from our own proper fact and deed allennarily done or to be done be them prejudicial hereto viz. that they have neither made nor granted nor given . . . any other assignation . . . in hurt or prejudice of the premisses and no further Reservand always . . . free liberty and power to build an saw water miln a saw wind miln for their own use upon the most convenient part of the lands in the Glen of Glentanner with an house for keeping of timber and dales thereat providing the water draught of the said miln be not brought thorrow the corn land presently under labouring And give it shall happen the said John Gardine William Gardine or their forsaid to be denounced rebels and put to the horn at the instance of any person or persons except at the instance of the said noble Marques and his forsaid and to ly under proces thereof attour year and day unrelased where thorrow the liferent escheat of the said lands . . . they shall make choise of twenty merks money to his quoties . . . tua because the fornamed lands of Bellamore &c. . . were wodset above to the said John Gardine and his forsaid redeemable by payment to them of a thousand pound money forsaid as the contract and securitys past thereanent at length porports Therefore and to the effect the same lands miln and remanent forsaid with their pertinents now dispomed in few . . . may be free and quiet to the said John and William Gardines and their forsaid from all

burdens and wodsetts being thereupon it is hereby specially provided and declared likeas the said noble Marques grants and confesses that the forsaid sum of one thousand pounds whilk was on the wodset of the saids lands of before is and shall be a part and pertinent of the forsaid sum of five thousand and fifty pounds given be the saids John and Wm. for the heritable of the forementioned lands and of the whilks hail sum the said noble Marques granted and confessed him to have received compleat payment and satisfaction in manner before declared Therefore and in respect of the forsaid allocation the said sum of one thousand pound whilks was upon the wodset of the saids lands as said is in part of payment of the forsaid hail sum given for the heritable few of the same in manner above recited the saids John and Wm. Gardines bind and oblige them and their forsaid to give the said Marques and his forsaid an sufficient renunciation and discharge of the same and not to wodset or impignerat them in manner above rehearsed Likeas the said John and William Gardines . . . renounces all action pursuit proces instance or execution that is or may be competent to them or their forsaid agt. the said noble Marques and his forsaid thereanent And if need bees they oblige them to give back and deliver to the said noble Marques and his forsaid the forsaid wodset right and security to be cancelled and destroyed with the whilks conditions provisions and restrictions and yearly payment of the dutys particularly abovementioned the said John and William have accepted and hereby accept the formentioned few farm right and disposition above recited of the said lands milns sheallings and others particularly above contained likeas be thir presents binds and obliges them and their forsaid not only to make good and thankfull payment to the said noble Marques and his forsaid of the formentioned few mails and duties of the saids lands milns sheallings and others particularly above contained with the pertinents yearly at the terms above exprest beginning as said is but likewise to observe fulfill and keep to them the remanent provisions restrictions and conditions particularly before set down in all points conform to the tenor hereof Finally it is hereby specially provided of consent of the said Wm. Gardine that it shall be always in the will and option of the said John Gardine his father in his own lifetime to burden the fornamed towns lands milns and others above mentioned with the sum of Three thousand mks. Scots money for help provision of his wife and bairns and for payt. of his debts

and that other by disposition wodset infest. assignation or setting of tacks of the same for such lease of years and terms as he shall think expedient as freely in all respect as give he had been heritably infest and seased in the sd^s. lands milns and others forsaid himself notwithstanding of the said infestment with the qlk conditions and burdens the said fee infestment and disposition is granted in favours of the said Wm. Gardine and his forsaid and no otherwise And for the more security both the sd partys are content and consent to the registration hereof in the books of Council and Session . . . In witness whereof written by John Gordon in Torrysoull the saids partys has subscribed these presents with their hands day year month and place forsaid before witnesses Thomas Crombie of Kemnay Donald Farqson of Monaltrie Robert Buchan of Portlethen and Mr. James Farqson writer to his Majestys Signet.

John Gardine.
Wm. Gardine.

Huntlye.
Ge. Gordoune.

ABSTRACT OF LXVIII.

CONTRACT OF WADSET between George, Marquis of Huntly, and John Gardine of Bellamore, whereby the Marquis of Huntly in consideration of the sum of £5050 Scots binds and obliges himself to infest the said John Gardine and William, his son, in the town and lands of Bellamore, shealings of Correamalchen and Rennogeroch, with liberty to cast peat, turf, &c. Also in the Mill of Glentanner, the Davoch lands of Waterarie and Tullicarne, Bowlane, Dalquuing, Foulbog and Etnich, &c.: To be held for yearly payment of 62 merks 6 shillings and 8 pence; two wedders; half a wedder; two lambs; half a lamb; fifteen poultry; one stone and a half of butter, with two long carriages in the year forty miles from Hunthall if required: Personal suit to be given for enforcing the laws against slayers of deer and roe, and cutters of wood, &c. Reserving liberty to build a saw water mill and a saw wind mill upon the most convenient part of the lands in the Glen of Glentanner: At Auld Aberdeen 28th May 1638. Witnesses:—Thomas Crombie of Kemnay, Donald Farquharson of Monaltrie, Robert Buchan of Portlethen, and James Farquharson, Writer to the Signet.

LXIX.

WILLIAM Fraser of Craighton and Jean Lumsden his spouse, had Sasine on the half lands of Craighton upon 23rd February 1626 (*Aberdeen Sasines, vol. v.*).

The Marquis of Huntly in 1638 grants a charter in favour of William Fraser of Craighton and Johanna Lumsden his spouse, of the lands of Auchoilzie and others, as below.

From later deeds in Aboyne Charter Chest it would appear that the lands were appraised by Colonel Thomas Gardyne, "In-dweller in Aberdeen," from William Fraser, for the sum of £1649 4s. 4d., with expenses, in the New Session house at Edinburgh on 26th September 1662. Therefore Charles, Earl of Aboyne, Lord of Strathaven and Glenlivet, grants a charter of the lands to Colonel Thomas Gardyne upon 12th January 1663: witnesses:—Adam Gordon of Auchannachie, John Gordon of Little Mill, Alexander Gordon of Birsemore, and James Innes of Drumgask (*Aboyne Charter Chest*). Five years later there is Instrument of Sasine proceeding on the disposition of the above lands, granted by Charles, Earl of Aboyne, with consent or assent of William Fraser of Craighton and his spouse, in favour of Sir Alexander Fraser of Durris; dated at Aberdeen 24th October 1668, before:—Francis Ross of Auchlossin, William Moir, Advocate in Edinburgh, and Andrew Fraser of Kimmundy. The witnesses to the Sasine are:—James Gordon of Ballino and John his son (*Ibid.*).

In 1669 Sir Alexander Fraser of Durris had a charter of confirmation of Durris from King Charles II. (*Acta Parliament, vol. vii., p. 591*). He was twice married, and his younger son Charles is best known from his translation of Plutarch's Lives. The Laird of Durris writes a curious letter upon 23rd July 1670, from "Whythall," to the Lord High Commissioner of Scotland, which may be given as a specimen of his style:—"May it please your Grace. This place affoords no newes. The best,

and I am sure the most wellcome to your Grace and Kingdom, is the recovery of R. H. Feaver, coughed and all other symptomes are evanished, good appetit to his meat, longs to hunt, abhominats all noxious temptations and *impedimenta sanitatis*. The Duk of Bugingham, with the Lord Buchurst, Sir Ch: Sidly, Mr. Stanly, James Porter, and 4 servants sets out Monday at night, without train, coach, or anything of greatness: his abocd fortnight only. They discours variously of his journey, and because I know not I will say nothing of it. His Ma. in good health: dined this day at Sir Thomas Ingrams. Hunts Monday. All going to their country houses. The Exchequer shoot up for a month, &c."

Sir Alexander Fraser of Durris, designed as "Knight Baronet Physician in Ordinary to the King," disposes the lands of Auchoilzies, Auchnacraig, Bellino, and others, to Andrew Fraser of Kinmundy; at Whitehall, 24th September 1675. Sasine is given on 6th April 1680, before:—James Gordon of Bellino, Robert Bowman in Lower Auchoilzie, &c. (*Aboyne Charter Chest*).

The charter in favour of William Fraser of Craigton has got the signatures of the Marquis of Huntly and George, Lord Gordon:—

OMNIBUS hanc cartam visuris vel audituris Georgius Marchio de Huntlie comes de Engzie dominus de Gordone et Badzenocht &c. hereditarius proprietarius terrarum aliorumque subscriptorum cum consensu et assensu Georgii domini de Gordone nostri filii natu inaximi pro omni suo jure titulo et interesse eternam in Domino salutem NOVERITIS nos unanimi consensu et assensu pro observatione certe partis cujusdam contractus initi et confecti inter nos ab una et Gulielmum Fraser de Craigtone pro se ipso ac onus in se suscipientem pro Joanna Lumisden ejus conjugē et dictam Joannam pro se ipsa cum consensu dicti sui mariti partibus ab altera de data presentium proque summa trium mille librarum usualis monete regni Scotie nobis dicto Georgio Marchioni de Huntlie cum consensu dicti nostri filii per dictum Gulielmum Fraser pro se ipso ac nomine dicte sue conjugis realiter persoluta prout in dicto contractu latius continetur assedasse arrandasse locasse et ad feudifirmam seu emphiteosim hereditarie dimisisse necnon tenore presentium assedare arrandare locare et ad feudifirmam seu emphiteosim hereditarie unanimi

consensu et assensu titulo oneroso dimittere et hac presenti carta nostra confirmare prefatis Gulielmo Fraser et Joanne Lumsden ejus conjugii secum in conjuncta infeodatione eorumque alteri diutius viventi et heredibus inter ipsos legitime procreatis seu procreandis quibus deficientibus heredibus et assignatis dicti Gulielmi Fraser quibuscunque TOTAS et integras villas et terras de Auchoilze et lie Stodartis croft villam et terras de Bellinoc cum domibus edificiis hortis toftis croftis outscatis inseatis moris maresiis glebariis pratis communia communi pastura partibus pendiculis et pertinentiis quibuscunque jacentes infra parochiam de Glenmuck et vicecomitatum de Abirdene TENENDAS et habendas totas et integras predictas villas et terras . . . prefatis Gulielmo Fraser et Joanne Lumsden ejus conjugii secum in conjuncta infeodatione eorumque alteri diutius viventi eorumque predictis de nobis heredibus nostris et successoribus in feudifirma hereditare in perpetuum per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine . . . REDDENDO inde annuatim dictus Gulielmus Fraser suaque conjunx eorumque predicti nobis nostrisque heredibus et successoribus summarum monete predictae ad festum pentecostes super solo et fundo dictarum terrarum nomine feudifirme si petatur tantum et cujusquidem feudifirme non solutio nullatenus prejudicabit presenti infeofamento non obstante quibuscunque actis parlamenti legibus aut statutis in contrarium factis seu faciendis pro omni alio onere . . . aliquantulum exigi poterint vel requiri ET nos vero dictus Georgius Marchio de Huntlie &c. nostrique heredes et successores quicumque totas et integras predictas villas et terras . . . contra omnes mortales varrantizabimus acquietabimus et imperpetuum defendemus omnibus dolo et fraude seclusis In super dilectis nostris . . . et vestrum cuilibet conjunctim et divisim ballivis nostris in hac parte specialiter et irrevocabiliter constitutis salutem Vobis precipimus et firmiter mandamus quatenus visis presentibus indilate statum sasinam possessionem hereditariam realem actualem et corporalem totarum et integrarum predictarum villarum et terrarum de Auchoilzie &c. . . . prefatis Gulielmo Fraser et Joanne Lumsden ejus conjugii secum . . . et hoc nullo modo omittatis ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim ballivis nostris antedictis nostram plenariam et irrevocabilem tenore presentium committimus potestatem REDIMENDE tamen predictae terre aliaque prescripta per nos nostrosque heredes et assignatos de manibus dicti Gulielmi Fraser

ejusque predictæ conjugis eorumque predictorum per solutionem ipsis dictæ summe trium mille librarum monete predictæ in ecclesia parochiali de Gartlie die immediate precedenti quodlibet festum Pentecostes sub premonitione quadraginta dierum previa per nos ipsis personaliter aut in eorum absentia ad locum eorum habitationis et apud ecclesiam parochialem in presentia notarii et testium fide dignorum die dominico ante meridiem tempore divini cultus ut moris est in similibus fieri ac in casu eorum absentie aut recusationis dictam summam recipere legitima promonitione ut supra facta per consignationem dictæ summe in manibus quibus deficientibus cujuslibet alterius qui sit solvendo in bonis hereditariis pro cujus responsalitate respondere tenebimur sic quod dicta summa soluta aut in casu predicta consignata ut supra predictæ terre censabuntur legitime redempte prout in dicto contractu latius continetur IN cujus rei testimonium huic presenti cartæ nostre manu Georgii Scott notarii publici servitoris Magistri Alexandri Davidsone advocati in Abirdene scripte manibus que nostris subscriptæ sigilla nostra propria armorum sunt appensa apud . . . die mensis anno domini millesimo sexcentesimo trigesimo octavo Coram his testibus Jacobo Douglas nostro servitore et J. . . . Bruce . . .

George Marquis of Huntlye.
George Lord Gordone.

ABSTRACT OF LXIX.

CHARTER, by George, Marquis of Huntlye, in favour of William Fraser of Craigtoun and Joanna Lumsden his spouse in conjunct fee, and the survivor of them, and the heirs lawfully procreated or to be procreated between them; whom failing, to the heirs and assignees whomsoever, of the said William Fraser, of all and whole the lands of Auchoilzie and the Stodart's Croft; lands of Ballinoe, with houses, yards, tofts, crofts, outsets, insets, muirs, mosses, turf grounds, meadows, common pasture, &c., lying in the parish of Glenmuick, and Shire of Aberdeen: To be holden and had to the aforesaid William Fraser, &c., of the granter, his heirs and successors, in feu ferme and heritage, rendering therefor yearly the sum of in name of feu ferme; contains Precept of Sasine, and is dated at 1638.

LXX.

COLONEL Thomas Gardyne and his spouse, on 31st May 1638, grant Reversion of the lands of Candakyle in favour of the Marquis of Huntly. On 1st June same year, they resign the lands of Tullochcoy to Donald Farquharson of Tulligarmont.

The following is a Charter, by George, Marquis of Huntly, with consent of George, Lord Gordon, in favour of Colonel Thomas Gardyne, Anne Reland his spouse, and Anna, their daughter, of the lands of Kinnords and others. Sasine thereon is not given until 5th October 1642. The Colonel appears to have married a second time, for he and Isabel Ramsay his spouse, and Thomas his son, are infeft in the lands of Kinnord on 11th April 1650.

The first Marquis of Huntly had built a fine mansion at Candakyle, otherwise known as Dee Castle, as a hunting seat, and it appears to have been occupied by Colonel Gardyne, who was stationed there with some soldiers to repress the Caterans. "Whether it was through the negligence of Gardyne, or, as some with better reason suppose, by the hands of these broken men, who naturally desired to be quit of his presence, certain it is that upon the night of 23rd March 1641, the place of Kandychyle, by a sudden fire, was recklessly burnt and destroyed, and the hail plenishing consumed, to the Marquis's great skaith" (*Michie's Loch Kinnord*, p. 86).

As already noticed, the Colonel apprised the lands of Auchoilzie from William Fraser of Craigton. His daughter, Anna, married James Farquharson of Whitehouse. The Marquis of Huntly's Charter, in favour of Colonel Gardyne, is dated at Aberdeen, and is much obliterated:—

OMNIBUS hanc cartam visuris vel audituris Georgius Marchio de Huntly comes de Engzie dominus Gordon et Badzenaucht &c. eternam in Domino salutem NOVERITIS nos cum assensu consensu et avisamento nobilis domini Georgii domini Gordon nostri filii senioris pro per-
pletionem nostre partis cujusdam contractus de data presentium initi et

confecti inter nos ab una et Collonellum Thomam Gardyn pro se ipso et nomine Anne Reland sue sponse et Anne Gardyn ejus filie partibus ab altera proque causis onerosis in dicto contractu latius specificatis . . . animum nostrum ad hoc moventibus dedisse concessisse et hac presenti carta nostra confirmasse Necnon tenore presentium dare concedere et hac presenti carta nostra confirmare prefatis Colonello Thome Gardyn et Anne Reland sue sponse eorumque alteri diutius viventi in conjuncta infeodatione et vitali reddito Necnon dicte Anne Gardyn eorum filie suis heredibus masculis quibuscunque hereditarie Totas et integras villas et terras nostras de Mekill Keandmore Litle Keandmore et Keandord . . . davacum de Keandord . . . jacentes infra parochiam de Tullich et vicecomitatum de Aberdene AC etiam totas et integras villas et terras nostras de Watternadie Newtown de Glentanner et Over Bellastrone jacentes infra parochiam de Glentanner et vicecomitatum antedictum et similiter totas et integras villas et terras de Keandakyill et Tombea jacentes infra parochiam de Glenmuick et vicecomitatum de Aberden cum omnibus et singulis domibus edificiis hortis &c. . . manibus dictorum Colonelli Thome Gardyn Anne Reland sue sponse et Anne Gardyn eorum filie . . . nostrisque successoribus solutionem . . . consignationem duodecem mille mercarum usualis monete regni Scotie modo et forma . . . Et cum hac . . . Thome Gardyn quovis tempore futuro vendere alienare resignare . . . et executione . . . seu portionem earundem quibuscunque persone vel personis . . . videbitur expediens . . . consensu . . . etiam quovis tempore vite ejus decessum suis heredibus et assignatis . . . in manibus dicte Anne quovis tempore et loco per solutionem eisdem . . . placuerit dicto Colonello . . . viginti quatuor horarum . . . Colonellum Thomam prefate Anne Gardyn et suis antedictis personaliter . . . quibusquidem conditionibus et provisionibus prefatarum terrarum et non alias aliter neque aliomodo TENENDAS et habendas totas et integras dictas villas et terras . . . jacentes respective ut supra Reservato tamen ut prius reservatur de nobis heredibus nostris masculis et successoribus in feodofirma hereditaria imperpetuum per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine . . . Reddendo inde annuatim dicti Colonellus Thomas Gardyn et Anna Reland ejus sponsa eorumque alter diutius vivens in conjuncta infeodatione et vitali reddito et dicta Anna Gardyn eorum filia sueque

heredes et assignati nobis heredibus et successoribus nostris summam . . . usualis monete regni Scotie super fundo dictarum . . . et festum Pentecostes si petatur nomine feudifirme tantum pro omni alio onere servitio seculari exactione questione seu demanda que de predictis villis et terris aliisque prescriptis cum pertinentiis alicqualiter exigi poterit vel requiri ET nos vero dictus Georgius Marchio de Huntlie &c. et heredes nostri tam masculi quam heredes tallie provisionis conquestus et . . . conjunctim et divisim totas et integras predictas villas et terras . . . IN super dilectis nostris . . . ballivis nostris in hac parte . . . possessionem totarum et integrarum dictarum villarum et terrarum . . . Memoratis Colonello Thome Gardyn Anne Reland sue sponse et Anne Gardyn eorum filie vel eorum certis actornatis seu procuratoribus presentium latoribus per terre et lapidis dictarum terrarum donationem ut moris est tradatis et deliberetis seu alter vestrum tradat et deliberet visis presentibus sine dilatione et hoc nullo modo omittatis Ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim ballivis nostris antedictis nostram plenariam et irrevocabilem tenore presentium committimus potestatem Redimendo . . . heredes et assignatos de manibus dicti Colonelli Thome Gardyn Anne Reland sue sponse et Anne Gardyn eorum filie per solutionem aut consignationem dicte summe duodecem mille mercarum Ac cum conditione et speciali provisione Quod licitum erit dicto Colonello Thome Gardyne suis heredibus et assignatis prenomintas terras cum pertinentiis vendere alienare impignorare excambire vel assedare vel in optione sua easdem terras de manibus dicte Anne Gardyn suorum que supra dictorum redimere et relaxare per solutionem aut consignationem dicte summe decem mercarum monete supra specificate modo et forma suprascriptis et in dicto contractu mentionatis et contentis Et non alias aliter neque alio modo IN cujus rei testimonium huic presenti carte nostre manu Johannis Ingrahame scribe substituti burgi de Aberdene scripte manuque nostra Necnon subscriptione manuali dicti nostri filii subscripte sigillum nostrum est appensum apud Aberdene penultimo die mensis Maii anno domini millesimo sexcentesimo trigesimo octavo Coram his testibus Jacobo Douglas nostro servitore et dicto Joanne Ingraham.

Marques of Huntlye.

ABSTRACT OF LXX.

CHARTER, by George, Marquis of Huntlic, with consent of George, Lord Gordoun, his eldest son, in favour of Colonel Thomas Gardyne and Anne Reland his spouse, and the survivor of them in conjunct-fee and liferent, and Anne Gardyne, their daughter, of the lands of Mekill Keandmoir, Little Keandmoir, and Keandord, called Davach of Keandores, lying in the parish of Tullich and shire of Aberdeen; also the lands of Watternadic, Newtown of Glentaner, and Over Bellastrein, in the parish of Glentaner; and Keandakyle and Tombea in the parish of Glenmuik: To hold of the granter and his heirs, under reversion for 12,000 merks. Dated at Aberdeen, 30th May 1638.

LXXI.

THE Middletons were settled in Glentanner as vassals of the Gordons at an early period. George, Marquis of Huntly, with the express consent and assent of George, Lord Gordon, enters into a contract with George Middleton in Over Bellastroyne and Marjory Thomson his spouse, whereby he grants, heritably and without reversion, the lands of Over Bellastroyne.

The deed has got the signatures of the Marquis and of the witnesses:—

AT Huntly the fourten day of July the yeir off God j^m. vj^c. threattie and aucht yeiris it is appoyntit agriet finallie contractit and endit betwixt the richt noble and potent Marquis George Marquis of Huntlye earle of Enzie lord Gordoune and Baidzenocht &c. heretable proprietare of the landis and utheris underwrittene with expres consent and assent of ane noble lord George lord Gordoune his sonne for quhatsumevir richt tyttle and interest that he hes or may pretende to the landis and utheris particularlie efter following on the ane pairt and George Midletoun in Over Balnastroyne for himselfe and in nam and behalfe of Marjorie Thomesone his spous on the uther pairt in manner and form following

that is to say Forsameickle as the said George Midletone hes at the macking heirof and to the intent of the same reallie and with effect contentit and payit to the said noble Marquis all and hail the soum of alcavin hundrethe poundis Scoitis moneye for performance of certain of his lorship's necessary effairis and busines quhairof he hauldis him veill contentit and satisfiet renunceand be thir presentis the exceptiones of non numerat monie and all uther exceptiones quhatsumevir that may be alleadged in the contrare Thairfor the said noble Marquis George Marquis of Huntlye with expres consent and assent of the said George lord Gordone his sone and they both with and ane consent assent bindis and oblisses them thair airis and successoris with all convenient diligence be thair chairtour of alienatione and feu ferm maid for soumes off monie *titulo oneroso* containing precept of seasing for seasing to follow thair-upone duellie variable and effectuallie to infeift the said George Midletoune and Marjorie Thomsone his spous and the langest livare of them tua in conjunct-fie and the airis lawfullie gottin or to be gottin betwixt them quhilkis failzeing the said George Midletoune his airis and assignais quhatsumevir in all and hail the toun and landes of Over Balnastroyne with the scheallings and pasturaige belonging thairto usit and wount in Auldinhervie Thomlair and Cornemalchone with houses biginges yeardes toiftes croiftis moisses woides fishinges outseates inseates pairtes pendicles and perteneses liberties privieleges and commodities belanging thairto as the sam is presentlie occupiet be the said George lyand within the parochin of Glentaner and shirefedome of Aberdein heretable without reversione redemptione or regres quhatsumevir To be hauldin all and hail the said toun and landes off Over Balnastroyne with the sheallings and pasturaige belanging thairto usit and wount in Auldinhervie Thomlair and Cornemalchone with houses biginges yeardes toiftes croiftes moisses woides fishinges outseates inseates pairtes pendicles and perteneses liberties privieleges and commodities belanging thairto lyand and occupiet as said is and irredemable in manner forsaid of the said noble Marquis George Marquis of Huntlye his aires maill and successoris in feu-ferm and heretaige for evir for yeirlye payment to them thair factores chalmerlandes and utheres in thair nam haifing thair power within the maner place of Hunthall or att the same of the soum of threattene marces ten schillings Scoites monie feu maill to be payit yeirlye att Martimes beginnand the first yeires payment at Martimes nixt to com in this instant

yeir of God j^m. vj^e. thrittie aucht yeires togidder with halfe ane wader hauff lamb thrie pultrie ane quarter of buttir ane leit of peites and ane lang carriage nocht exceidand fourtie mylles from Hunthall giff the sam beis requirit and failzeing thairof tene poundes for the sam As also relefeand the said Marquis and his foresaides of all taxatiounes teind-silveres annuities and utheres impositiones that may be imposit on the saides landes ather for stock or teynd in tym cuming and for dubling the said feu dewties the first yeir of the entrie of ilk air to the saides landes as use is in feu-ferme and with speciall provisione and conditione to be contenit in the said feu infestment Giff it sall happin the said George his said spous or thair forsaides to failzie in payment of the said feu deawties sua that tua termes or mae rin togidder onpayit nor nae payment nor lawfull offer maid thairof att Hunthall and authentick instrument taickin thairon In that caice the said George his said spous and thair foirsaides salbe hauldin to double the said feu dewtie so oft as it sall haippin them to commit the said failzie And it salbe leassome to the said Marquis and his forsaides to poynd and distrenzie the ground of the saides landes or ony pairt of tham als oft as neid beis thairfor Lyckas the said George Midletoune his said spous and thair forsaides and the tennentis and possessoures of the saides landes salbe obleigit to compeir yeirlie in four head courtes to be hauldin be the said noble Marquis and his forsaides or thair bailzies at Hunthall and in all uther courtes quhair it sall haippin the said noble Marquis or his forsaides to be presente in thair awin persones within the boundes of Marr The said George his said spous and thair forsaides beand warnit alwayes to the saides utheres courtes lyckwayes giff at ony tyme upon necessar occasiones for repressinge of sorneres or oppressoures or for keiping guid ordour in the cuntreye or for tryall off crymes offences or bluides or for contraveneing the lawes and actes of the said noble Marquis or his forsaides thair courtes giff it sall happin ony court or courtes to be affixit and sett be them and thair bailzies in thair names quhair thair salbe a necessitie of ane sufficient number of persones of inquest to pass upon assysse In that caice the said George Midletoune his said spous and thair forsaides and thair tennentes and possessoures of the said landes salbe hauldin and astrictit to gif thair personall compeirance to the saides courtes beand lawfullie wairnit abefoir and the said George his said spous and thair forsaides and thair tennentes of the saides landes salbe obleigit to observe and keipe

the said noble Marquis and his forsaides thair actes of courte anent suche as slac dear and rae within the said Marquis his bounds without his forsaides and his licence or anent cutteres carrieres distroyeres selleres and away putteres off the said noble Marquis or his forsaides thair woidis The said George his said spous or thair forsaides or thair saides tennentes beand convict of the saides offences or ony ane of them sall pay for the first fault ane mairt or tuentie mark monie forsaid for the price thair of and beand tuisse convict sall pay thairfor tua mairtes and beand thyrse convict sall pay thrie mairtes the third tyme or the prices of the samin respective forsaides by and attour the avail and worthe of the saides woides quhair of they salbe convict as said is Mairover gif it sall happin the said George Midletoune or his forsaides the tym of the hunting of the foxe or ony uther distroying or ravenous beastes to slae ony deir or rae in that caice they sall nocht be astrictit thairfor in payment of the saides unlaweis nochtwithstanding of quhatsumevir provisione forsaid or yeit ony actes of the said noble Marquis courtes maid or to be maid thairanent ony maner of waye And gif it sall happin the tennent or servand quha salbe convict in the said offences or ony ane of them nocht to be worth the forsaid unlaw the said George his spous and thair forsaides thair maister sall delyver the said tennent or servand to the said Marquis and his forsaides or thair bailzies in thair names utherwayes sall caus the tennent or servand be banieschit thair awin boundes and sall caus intimat the sam att the parioche kirk upon ane Sondag or els pay the unlaw themselves and quha sall resett them theirefter sall pay ane unlaw of ten poundes toties quoties for ilk tym he beis resett thairefter Forder it sall nocht be leassom to the said George Midletoune his said spous nor thair forsaides to convey and judge thair awin tennents or subtennants for bluid or bluidvictos in thair awin court bot the tryall and punishment thair of sall pertain and belang to the said noble Marquis and his bailzies attour the said George Midletoune his said spous and thair forsaides and thair tennentes and possessoures of the saides landes sall gif thair personall compeirance and service usit and wount to the said noble Marquis and his forsaides att all thair huntinges within the boundes of Marr and sall attend and await the said noble Marquis att all hoistinges upon thair awin charges and expensses and sall nocht attend nor not await upon ony uther nor yeit cum againes the said noble Marquis nor his forsaides with ony persone or persones (the Kingis

Majestie and his authoritie being exceptit) as also sall attend and await upon the said noble Marqueis and his forsaides and thair bailzies in all generall mustures and wapinschawinges within the shirefdom of Aberdein And it sall nocht be leassome to the said George nor his forsaides to sell or dispone heretable without reversione ony of the saides landes with the pertenantis to be hauldin of themselves quhill they mack the first offer of theme to the said Marquis and his forsaides att sick reasonable prices as they sall be willing to sell to ony uther and gif they doc in the contrare they sall pay to the said Marquis and his forsaides ane unlaw of anc hundreth marckes monie forsaid And it sall nocht be leassome to the said George Middletoune nor his forsaides to cut distroye sell nor gif away ony of the said Marquis nor his forsaides thair woides growand on the saides landes befor disponit in feu as said is bot alanerlie to thair awin use and thair tennentes of the saidis landes befor disponit in feu as said is bot alanerlie to thair awin use and thair tennentes of the said landes in thair bidinges and necessaries for labouring of the ground And gif it sall happin the said George his said spous and thair forsaides and tennentes of the saidis landes nocht to haife sick sufficient tries and timber upon the saides landes befor disponit in feu as said is for thair use abow writtene in that caice the said noble Marquis and his said sone promites and obleiges them and thair forsaides to permit them att the sicht of the bailzie and forrester to cut and take away thair saides necessares out of the woides off Glentaner And thairupon the said noble Marquis George Marquis off Huntlye with consent of his said sone and they both with anc consent and assent bindes and obleges them and thair forsaides to mack perfit seall subscribe and delyver to the said George Middletone his said spous and the langest livar of them tua in conjunct fie and thair forsaides ane sufficient chartour of few ferme maid in maner abow exprimit contening thairintill lyckas now as gif the chartour war alreadie maid and extendit and than as now bindis and oblissis them and thair forsaides to warrand acquit and defend to the said George Middletoune his said spous and thair forsaides all and hail the toun and landes of Over Balnastroyne with the scheillinges and pasturaiges belanging thairto nsit and wount in Auldinhervye Thomelair and Cornmalchoyne with houses biginges yeardes toiftis croiftes moisses woides fischinges out-seates inseates pairtes pendicles and pertenantes liberties privicleiges and commodities belanging thairto lyand and occupiet as said is to be frie

and salve from all former alienationes dispositiones seasinges privat or publick conjunct-fies lyfferentes ladyes terces annual rentes few mailles interdictiones inhibitiones reversiones redemptiones non-entresses wardes releifes forfaultoures recognitiones purpresturas disclamationes . . . compringes reductiones of infetmentes seasinges and retoures or annullationes thairof bygain taxationes and impositiones and from all and sundrie uther perrilles dangers and inconveinentes als weill nocht nominat as nominat att all handes and againes all deadlie And forder the said noble Marquis bindis and oblisses him and his forsaides to enter and admit the aires of the said George and his forsaides in and to the saides landes with thair pertenentes but payment of ony soumes of moneye except the double of the forsaid few dewtie allanerlic and na forder and that als oft and quhensoever the sam salbe desyrit Lyck as also the said noble Marquis bindes and obleges him and his forsaides to sell and dispone and be thir presentes selles and dispones to the said George Middletoune his said spous and thair forsaides sick richt and tyttle as he presentlie hes or sell happin heirefter to acqueire and purchase to the teyndes of the saides landes now disponit in few as said is The saides George his said spous and thair forsaides payand to the said noble Marquis and his forsaides sick anc part and portione of garsomes or souns of monie as the said noble Marquis and his forsaides sall giff for the richt of the saides teyndes proportionallie according to the reat and worth off the said landes and as the rest of his landes off that parochine sall pay And the said noble Marquis bindis and obleiges him and his forsaides to warrand and releiffe the said George his said spous and thair forsaides of all bygain teynd deutie of the saides landes and annueties of the same att least sall refund and pay to them such soumes of monie as they haife payit for the interest of the same abefoir Mairover the said noble Marquis with consent forsaid be the tenour heirof assignes sells and dispones to the said George his said spous and thair forsaides the hail mailles fermes coustomes keanes causuallieties and deuties of the saides landes disponit as said is and that for the crope j^m. vj^c. threattie aucht yeires Witsunday and Martimes termes thairof with power to them to receav uptack and intromit wyth and to use and dispone upon att thair pleasure quhilk dispositione the said noble Marquis bindis and oblissis him and his forsaides to warrand to the said George his said spous and thair forsaides frie of all former dispositiones and richtes And gif it sall

haippin the said George Middletoune his said spous or thair forsaides to be denuncit rebles, and put to the horne at the instance of ony persone or persones (except at the instance of the said noble Marquis and his forsaides) and to ley under the proces thair of attour yeir and day onrelaxit thairfra quhairthrow thair escheates of the foirnamed landes sall fall and pertain to tham and be att thair gift and dispositione in that caice the said noble Marquis bindes and oblissis him and his forsaides ilk ane of them successive efter utheres to assigne and dispone the escheit of the lyferent of the saidis landes to themselves or to ony uther persone or persones quhom they sall nominat thay payand to the said Marquis and his forsaides ten marcks monie forsaid and that quoties toties the sam escheat of lyfferent be at thair gift and dispositione in name forsaid with the quhilk provisiones conditiones restrictiones and yeirlye paymentes of the deuties particularlie abow mentionat the said George Middletoune hes acceptit and be thir presentes accepts the foirnamit landes and heretable few ferme richt and dispositione abow writtene of the foirnamit landes with thair perteneses abow contenit and bindes and oblissis him his said spous and thair forsaides be thir presentes nocht onlye to mack guid and thanckfull payment to the said Marquis and his forsaides of the foirnamit few mailles and deuties of the saides landes with thair pertinentes bot lyckwayes to observe fulfill and keip to tham the remanent provisiones restrictiones and conditiones particularlie befor sett down in all poyntes conform to the tennour thair of and for the mair securitie the said pairties ar content and consentes that thir presentes be inactit and registrat in the buickes of Counsaill and Sessione shirefe or commissaries buickes off Aberdein to haw the strenth of ane confessit act and judiciall decret that executorialles of horning and poynding may pass heirone on ane simple charge of tene dayes and thairto constitutes . . . procuratoures conjunctlie and severallie to consent thairto in uberiori constitutionis forma promittentes de rato &c. In witnes quhair of (wreitten be Thomas Duff notare publick) the saides pairties hes subscrivit thir presentes with thair handes day yeir place and moneth forsaides befor witnesses James Hamilton in Corse Mr. James Hendrie in Roberstoun Patrick Anderson.

Huntlye.

George Midletoun forsaid with my hand at the pen leid be the connotaris under wretin at my command becaus I can nocht wreit myself.

Ita est Jacobus Anderson notarius publicus de mandato dicti Georgii Midletoun scribere nescientis (ut asseruit) ad hec manu mea.

De mandato quo supra ego Alexander Bruce connotarius publicus ad hec rogatus in fidem subscribo.

ABSTRACT OF LXXI.

CONTRACT between George, Marquis of Huntlie, with express consent and assent of George, Lord Gordon, his son, on the one part, and George Midletoun in Over Balnastroyne for himself, and in name and behalf of Marjorie Thomesone his spouse, on the other part, wheremy, in consideration of the sum of 1100 merks paid by the second party, the said Marquis binds and obliges himself to grant Charter of Alienation, containing Precept of Sasine, for infefting them in conjunct-fee, whom failing, their heirs and assignees whomsoever, in all and whole the town and lands of Over Balnastroyne in Auldinherwie, Thomlas and Corne malchone, as then possessed by the said George Midletoun, lying within the parish of Glentaner and sheriffdom of Aberdeen, heritably and without reversion or redemption: To be holden of the said Marquis for the yearly payment of 13 merks 10 shillings at the terms of Martinmas successively. Dated at Huntlie, 14th July 1638. Witnesses:—James Hamiltoun in Corse, James Hendrie in Robestoun, and Patrick Andersone. James Anderson and Alexander Bruce are the notaries.

LXXII.

THE Precept of Infeftment in favour of George, Marquis of Huntly, in the lands of Cults and Pett, which is the next document, leads us to utilise several deeds in the Charter Chest which shew the descent of these lands through the Crab and Chalmers families into possession of the House of Huntly.

John Crab, the Flemish engineer, whose machine had made such havoc on the English at the siege of Berwick, appears to have been rewarded

by King Robert the Brus with a charter of the "lands of Puddleplace, where the cockstool stood," in Aberdeen (*Robertson's Index*, p. 15, No. 20). John was an inveterate pirate, plundering friends and foes alike. The Count of Flanders in November 1319, threatens to break him on the wheel if he catches him. In August 1333, the English King pays Sir Walter de Manny 1000 merks as the ransom of John Crab, and for the latter's services at Berwick in 1333 he has full pardon for his felonies by sea and land (*Bain's Calendar of Documents*, iii., p. 196). In 1338 he went abroad in the service of the English King, and was paid £23 19s. 11d. for surveying the construction of engines and hurds, &c., at the siege of the Castle of Dunbar. The following year he had 100 archers under him in the King's fleet between the mouth of Thames and north of England. About 1359 he appears to have settled down as a peaceable burghess of Aberdeen (*Exchequer Rolls*, p. 587), and was Commissioner for the Burgh in the Parliament of 1365-1367 (*Acts of Parliament, Scotland*, i., p. 495).

In 1382 a John Crab, evidently the son of the pirate, was a tenant of the Bishop of Aberdeen in the Barony of Murthill, which lands six years later passed into the hands of William Chalmers (*Reg. Epis. Aberdonensis*, vol. i., p. 183). The earliest deed in our Charter Chest is a Disposition by Ada Crab, daughter of the deceased William Crab, burghess of Aberdeen, in favour of Thomas Chalmer.

As the Chalmers and Crab families seem to be closely related, there is every probability that Ada Crab was the grand-daughter of John Crab of Murthill, and therefore great-grand-daughter of the famous pirate. The disposition by Ada Crab is to the effect that "in consideration the late Thomas Crab, her brother-german, was burdened in great sums of money to her dearest kinsman Thomas of Chalmers, burghess of Aberdeen, and also that she herself is obliged to the said Thomas in certain sums according to agreement between them for his expenses laid out for the recovery of her lands. She therefore in her widowhood gives, grants, and for her and her heirs quitclaims to the said Thomas of Chalmer, all right and claim which she had or in any way whatever

might have, in the half part of the lands of Quiltis and of Pet, lying in the earldom of Mar and shire of Aberdeen; to hold to the said Thomas his heirs and assignees from the said Ada her heirs and assignees in fee and heritage of the Lord Earl of Mar and of Garviauch: and she also becomes bound to pay to the said Thomas of Chalmer the sum of £50, in which her said brother was addebted to him. Dated at Aberdeen 23rd April 1428: witnesses:—Mr. John Barbour, chantor; Gilbert Menzies, alderman of Aberdeen; Mr. William of Chalmer, rector of Methlick; Sir William of Crawford, rector of Banchory; Mr. Walter Ydil, Andrew Branch, Thomas Umfray, Gilbert of Johnston, and Thomas Stane" (*Aboyne Charter Chest*). The seal of Ada and that of Henry, Bishop of Aberdeen, were affixed, but are now wanting.

Six days later Margaret Crab, sister of Ada, dispones her half of the lands of Cults to Thomas of Chalmer on similar grounds; at Dundee, 29th April 1428: witnesses:—Sir Alexander of Seton, lord of Gordon, David of Ogilvy, Alexander Barclay, lord of Garntuly, and Mr. John of Chalmers, vicar of Ellon (*Ibid.*). The seal of Margaret, and that of the lord of Gordon, procured for greater evidence, were affixed, but only the former remains, showing three crabs on a shield. In 1438 the lands are said to be wasted, and in the hands of John Stewart, son of Duncan (*Exchequer Rolls of Scotland, vol. v., p. 61*).

Thomas of Chalmers was the son of William of Chalmers, lord of Findon, who had a lease of the Barony of Murthill from the Bishop of Aberdeen in 1388. Thomas Chalmer paid a sum of money to the fabric of the Cathedral, and on this account, and at the request of Alexander Stewart, Earl of Mar, and Alexander, lord of Gordon, the lease was prolonged for the lifetime of two successive heirs of Thomas (*Reg. Epis. Aberdonensis, vol. i., p. 224*).

The Disposition by the Crabs led to a dispute between them and their kinsman, Alexander Chalmers, the son of Thomas. On 2nd July 1445, there is a sentence of the Lords Auditors—specially deputed by parliament—that Sir Robert, Lord of Erskine, Knight, shall cause justice

to be done to Ada Crab, widow, in the matter of the lands of Cults of Cromar, which she claims to hold of the Lord Erskine in chief, as her overlord, and which are unjustly held from her, as she alleges, by Alexander of Chalmer, burgess of Aberdeen (*Acts of Parliament, Scotland, vol. ii., p. 60*). Alexander Chalmer had Sasine of the lands of Cults two years later. He was Commissioner to Parliament, and served on various Parliamentary Committees between the years 1467 and 1478 (*Ibid., ii., pp. 88-93*). The fermes of the lands of Cults in 1451 amounted to £6. In 1488 Alexander Chalmer of Cults renounced his claim to the gift of the Barony of Murthill, made in his favour by Bishop Thomas and his predecessors in the See of Aberdeen. He obtained from Bishop William a lease for life of the Barony, and its fishings, at a yearly rent of twelve merks. In the event of his decease before his son, Alexander, the latter was to take a lease of half of the Barony at a rent of five pounds yearly (*Reg. Epis. Aberdonensis, vol. i., p. 320*).

On 1st March 1489, Alexander Chalmers of Murthill had to pay £13 sterling for a last of salmon to Thomas Tod, burgess of Edinburgh (*Acta Dom. Conc., p. 136*). He died before 1505, for on last April of that year, his son, Thomas Chalmers, is retoured as his heir. The same jury found Mariot Matheson, widow of Alexander, entitled to her terce of the lands of Cults (excepting the half lands of Meikle Cults, belonging to Duncan Forbes) and also to her terce of the lands of Little Methlick, excepting £10 formerly granted to Thomas Chalmer and Helen Rate his spouse (*Collections for Shires of Aberdeen and Banff, iii., p. 260*).

The Chalmer family took their designation from the lands of Cults, of which they retained possession. On 8th May 1549, Thomas Chalmer of Cults, burgess of Aberdeen, grants a charter, in favour of his second son, Alexander, and the heirs male of his body, which failing, his nearest heirs and assignees, of all and whole the lands of Cults and Pett lying in the parish of Tarland, and that for a certain sum of money paid to the granter by said Alexander: To hold from the granter and his heirs, of the Queen and her successors, in fee and heritage for ever, for the services due and

wont from the said lands ; dated at Aberdeen. Witnesses :—Thomas Menzies of Pitfoddles, Provost of Aberdeen, and Gilbert, his heir apparent ; Mr. John Kennedy, notary, by whose hand leading the pen the granter subscribes (*Aboyne Charter Chest*).

The above Alexander gives a charter to Alexander, his son and apparent heir, and Janet Lumsden his spouse, and the heirs male gotten between them, &c., of all and whole the said lands, with multures, sequels, and malt kiln, groves, bogs, &c., and that for certain sums of money, and other good deeds, paid and done to him by a prudent man, Mr. Thomas Lumsden of Clova, in name and behalf of said Janet ; at Aberdeen, 9th February 1565. Witnesses :—Mr. George Middleton, burgess of Aberdeen, James Stewart, William Bruce, and Mr. John Robertson, notaries. The granter subscribes with his hand at the pen led by said William Bruce (*Aboyne Charter Chest*).

On 10th January 1575, Alexander Chalmers of Cults protested that he “owed no suit” or presence to the sheriff of Aberdeen, as he held his lands blench of the King for payment of “ane pair of gilt spurs at the feist of whitsonday,” and produced a Charter of Confirmation by Henry and Mary, under the Great Seal, dated at Edinburgh, 24th February 1565 (*Sheriff Court Records of Aberdeen*). Alexander Chalmer of Cults, on 28th September 1591, disposes the lands of Cults and others to his son, Gilbert. Among the witnesses are :—Robert, the granter’s brother-german, Andrew Chalmers, and Robert Chalmers, “maker of vestments.” Gilbert Chalmers, on 29th January 1602, with consent of Jean Lumsden, his father’s relict, and of Christian Coy (or Corr), his own spouse, resigns his lands in favour of James Gordon, apparent of Lesmore, for “gryit sowmes of silver and utheris caussis.” The witnesses are :—Alexander Burnet of Leys ; Adam, son of George Gordon of Straloch ; Alexander Jaffray and Alexander Burnet, elder, burgesses of Aberdeen (*Aboyne Charter Chest*).

Gilbert Chalmers, eldest son of umquhile Alexander Chalmers of Cults, on 1st February 1602, had Sasine (proceeding on Precept from

the King) on the lands of Easter Cults, Meikle Coulc, and Pittilicharde, and James Gordon, apparent of Lesmore, also had Sasine on same day (*Aberdeen Sasines, vol. i.*)

Upon 23rd February 1608, Alexander Gordon of Cluny has a charter of various lands from the King, including Auchterarne, Cults, &c., which Alexander Gordon of Lesmore resigned (*Reg. Mag. Sigil, xlv., 129*). Eight years later, on 20th September, Alexander Gordon of Cluny resigned the lands of Cults, Pett, Tillichardoch, Caldham, and others, and the King granted them to George, 1st Marquis of Huntly (*Ibid., xlvi., 215*). His son and successor has the following Precept of Infestment, upon which Sasine is given, 29th October 1639, before William Edward, servitor to Mr. William Davidson of Carny, sheriff-depute of Aberdeen, William Chalmers, Thomas Ros in Cults, and Mr. Patrick Chalmers, notary:—

CAROLUS Dei gratia Magne Britannie Francie et Hibernie rex fideique defensor vicecomiti et ballivis suis de Aberdein salutem Quia per inquisitionem de mandato nostro per dilectos nostros Thomam Cromby de Kemnay et dominum Paulum Menzeis de Kinmundie militem vicecomites nostros in hac parte dicti vicecomitatus nostri de Aberdein per commissionem nostram sub testimonio nostri magni sigilli specialiter constitutos factam et ad capellam nostram retornatam compertum est quod quondam nobilis Marchio Georgius Marchio de Huntlie comes de Enzie dominus Gordoun et Badzenocht &c. pater nobilis Marchionis Georgii nunc Marchionis de Huntlie comitis de Enzie domini Gordoun &c. latoris presentium obiit ultimo vestitus et sasitus ut de feodo ad fidem et pacem nostram IN totis et integris terris de Cultis molendino villa et terris molendinariis multuris sequelis et brasina earundem videlicet terris de Eister Cultis terris de Meikle Cultis Pett Tullichardoch et Caldham unacum molendino terris molendinariis et sequelis earundem cum silvis nemoribus lie boigis toftis croftis tenentibus tenandriis libere tenentium servitiis partibus pendiculis et pertinentiis earundem quibuscunque jacentibus in parochia de Tarlan et infra balliam vestram ac etiam in omnibus et singulis decimis garbalibus terrarum dicti Marchionis subscriptarum videlicet decimis garbalibus villarum et terrarum de

Mylntoun et molendini de Dunatye Ferrar Barrodaches Craigtoun Wraetounis Casteltoun Bontie miltoun et molendini de Bontie Balnagown Dalquhing miltoun molendini et terrarum molendinariam earundem dimedietatis terrarum de Brodland integris decimis terrarum de Foulbog Hauch meikill Candmoir litill Candmoir Candred et Cammosmeys et omnium earundem croftarum lic outsettis insettis et omnium earundem pendiculorum partium et pertinentium jacentium infra parochias de Oboyne et Tullich respective et balliam vestram antedictam unitis et annexatis ad dictas terras de Cultis Et unica sasina apud easdem terras de Cultis capienda sufficiens fore ordinata est pro omnibus et singulis predictis terris de Cultis et pro omnibus et singulis decimis garbalibus terrarum particulariter suprascriptarum Et quod dictus Georgius nunc Marchio de Huntlie est legitimus et propinquior heres masculus ejusdem quondam Georgii Marchionis de Huntlie sui patris de dictis terris decimis aliisque prescriptis cum pertinentiis Et quod est legitime etatis Et quod de nobis immediate tenentur in capite VOBIS precepimus et mandamus quatenus prefato Georgio nunc Marchioni de Huntlie vel suo certo actornato latori presentium sasinam earundem terrarum molendinorum multurarum decimarum aliorumque prescriptorum juste haberi faciatis et sine dilatione Salvo jure cujuslibet ac capiendo securitatem de lxxxiiiij^{li}. usualis monete regni nostri Scotie de firmis predictarum terrarum de Cultis meikle Cultis eister Cultis Pett miltoun de Cultis Tullichardoch et Caldhome cum molendinis multuris et pertinentiis existentibus in manibus nostris per spatium trium annorum et unius termini aut eo circa ultimo clapsorum sasina non recuperata Et de xxiiiij^{li}. ejusdem monete de relevio earundem Et de vijs. monete predictae de firmis omnium et singularum dictarum decimarum garbalium villarum et terrarum particulariter supra designatarum Existentium in manibus nostris per spatium predictum ratione qua supra Que firma extendit annuatim ad ij^s. monete antedictae Et de ij^d. per duplicationem albefirme earundem nobis debitis Et hoc nullo modo omittatis presentibus post proximum terminum minime valituris teste meipso apud Edinburgum vigesimo quinto die mensis Septembris et anno regni nostri decimo quinto 1639.

Viccomiti et ballivis suis de Aberdein pro Georgio nunc Marchioni de Huntlie, &c.

ABSTRACT OF LXXII.

PRECEPT from the Chancery of King Charles the First, addressed to the Sheriff of Aberdeen and his bailies in that part, for infefting George, Marquis of Huntlie, as lawful and nearest heir male of the late George, Marquis of Huntlie, in all and whole the lands of Cults, mill town and mill lands thereof, with multures, sequels, and malt kiln, namely, the lands of Easter Cults, Meikle Cults, Pett, Tullichardoch, and Caldhame, with the mill and mill lands thereof, lying in the parish of Tarlan : And also in all and sundry the teind sheaves of the lands of Mylntoun and Mill of Dunatyre, Ferrar, Barrodaches, Cragtoun, Wraetounes, Casteltoun, Bontie, mill town and mill of Bontie, Balnagown, Dalquhyng, Miltoun, mill and mill lands thereof, with half of the lands of Bordland ; whole teinds of the lands of Foulbog, Hauch, Meikle Candmoir, Little Candmoir, Candred, and Cammosmeyes, and of all the crofts, &c., thereof, lying in the parishes of Oboyne and Tullich respectively, and united and annexed to the said lands of Cults. Dated at Edinburgh 25th September 1639.

LXXIII.

GEORGE Anderson in Tulloch, brother of James Anderson there, was a witness in 1607 to a Sasine of Gordon of Lesmore (p. 195). He grants a charter in favour of Alexander Anderson his son, and Elspet Ros his spouse, of three-fourths of the lands of Tulloch in the following terms. Instrument of Sasine followed on 25th March 1650.

John Gordon of Blelak, who is a witness, took a prominent part against the Covenant, and was fined in large sums of money, which fines were assigned to the Town of Banff.

The granter subscribes with his hand led at the pen by Thomas Coutts, notary :—

OMNIBUS hanc cartam visuris vel audituris Georgius Andersone in Tulloch hereditarius proprietarius terrarum aliarumque subscriptarum

eternam in Domino salutem Noveritis me meis utilitate et comodo in hac parte undique previsis pensatis et diligenter consideratis ex certis causis rationi consonis animum meum ad hoc moventibus et presertim pro perimpletione mee certe partis cujusdam litere dispositionis per me facte date et concessae Alexandro Andersone filio meo legitimo et Elspete Ros sue conjugii de data presentium penes hoc presens infeofamentum pro que causis onerosis inibi contentis VENDIDISSE alienasse arrandasse locasse assedasse et ad feudifirmam seu emphiteosim hereditarie dimisisse et hac presenti carta mea confirmasse . . . prefato Alexandro Andersone et Elspete Ros sue conjugii secum in conjuncta infeodatione eorumque alteri diutius viventi et heredibus inter ipsos legitime procreatis seu procreandis quibus deficientibus heredibus et assignatis dicti Alexandri quibuscunque hereditarie absque ulla reversione redemptione aut regressu aliquali TOTAS et integras tres quarta lie thrie quarteris terrarum ville et terrarum de Tulloch cum domibus edificiiis hortis toftiscroftis moris marresiis outseattis inseattis partibus pendiculis et pertinentiis earundem unacum potestate effodiendi glebas lie peittis et fewall in marresiis in Auchncrran ad dictas terras de Tulloch pertinentibus solitis et consuetis ut per me de presente occupatas jacentes infra parochiam de Coldstone et vicecomitatum de Abirdeine TENENDAS et habendas . . . de me heredibus meis et assignatis vel a me de suis heredibus et assignatis domino meo immediate superiori dictarum terrarum in feudifirma seu emphiteosi et hereditate imperpetuum Per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine . . . REDDENDO inde annuatim prefatus Alexander Andersone et Elspete Ros eorumque alteri diutius viventi heredes sui et assignati antedicti mihi heredibus meis et assignatis quibuscunque summam viginti solidos usualis monete regni Scotie ad duos anni terminos consuetos festa videlicet Pentecostes et Sancti Martini in hiemi per equales medias portiones nomine feudifirme si petatur Necnon dicto domino meo superiori dictarum terrarum feudifirmas et alias divorias in infeofamentis meis dictarum terrarum mentionatis ac faciendo et perimplendo omnia alia et singula que ego pro dictis terris facere et perimplere teneor secundum tenorem dictorum meorum infeofamentorum Tantum pro omni alio onere exactione questione seu demanda que de predictis terris cum pertinentiis aliquo modo exigi poterit quomodolibet vel requiri . . . IN super dilectis meis et eorum cuilibet conjunctim et divisim ballivis meis in hac parte

specialiter et irrevocabiliter constitutis salutem Vobis precipio do in mandatis et firmiter mando quatenus visis presentibus indilate statum sasinam et possessionem hereditariam realem actualem et corporalem totarum et integrarum dictarum trium quartarum lie thrie quarteris terrarum dictarum ville et terrarum de Tulloch . . . tradatis . . . seu alter vestrum tradat . . . IN cujus rei testimonium huic presenti carte mee manu Andree Thomsoun servitore Alexandri Thomsoun advocati in Abirdein manuque mea subscripta sigillum meum proprium est appensum Apud Tulloch vigesimo sexto die mensis Novembris anno domini millesimo sexcentesimo quadagesimo nono Coram his testibus Joanne Gordoun de Blelok Joanne Andersone de Pittintagat Willielmo Farquharson in Tulloch et Joanne Fyff in Eastoun.

I George Andersone forsaid with my hand at the pen led be the noteris wnder wretin at my speciall command becaus I cannot writ my selff.

Ita est Thomas Coutis notarius publicus scribere nescientis Georgii Andersone ut asseruit ad hec rogatus et requisitus.

Ita est Jacobus Fyff connotarius publicus de mandato dicti Georgii Andersone scribere nescientis ut asseruit ad hec rogatus et requisitus.

ABSTRACT OF LXXIII.

CHARTER, by George Anderson in Tulloch, to Alexander Anderson, his son, and Elspeth Ros his spouse, in conjunct-fee, and to the heirs between them, whom failing, to the heirs and assignees of the said Alexander, heritably, of three-fourths of the lands of Tulloch, with houses, &c., lying in the parish of Coldstone: To be holden of the granter, or from him of his Lord superior, in feu ferme and heritage, for twenty shillings yearly in name of feu ferme: Contains Precept of Sasine, and is dated at Tulloch, 26th November 1649. Witnesses:— John Gordoun of Blelok, John Anderson of Pittintagat, William Farquharson in Tulloch, and John Fyff in Easton.

LXXIV.

THE deeds relating to Aboyne during the troublous times of the Commonwealth are few, but fortunately the Earl of Aboyne preserved the letters addressed to the gentlemen of Aberdeenshire by General George Monck, the Commander-in-Chief in Scotland. Monck, who in his younger days was a staunch Royalist, had been won over by Cromwell, and continued firm to the Protector until his death. He was sent to Scotland as the officer in whom Cromwell had perfect confidence, and after defeating Middleton and Glencairn he governed the country, firmly and wisely. To secure the peace, he exacted bonds from the various noblemen for their good behaviour. At the time of his writing the letter, which is given below, the eyes of the whole country were upon him, eagerly watching for a sign as to the course he meant to pursue. Monck kept his own counsel, and played his card when his plans were properly matured. The story of Monck's rapid and sudden march into Edinburgh is told elsewhere, and now that the General had won the capital, he desired the various Shires to send representatives to Edinburgh to confer with him. According to his protestations, he was firm in his determination to support Parliamentary authority over the army, and to make good his words he prepared to march. A list of the heritors who elected the Laird of Echt as Commissioner is also given:—

My Lordis and Gentlemen—I desire ye will be pleased to agrie amongst your selffis to send ane of your number in behalff of the shire to meet with me heer at Edinburgh upon the 15th of November Because I have speciall occasione to speak with them about som effaires of the contrey at that tyme I have lykwyse to desire one favour from you to get me fyftein serviceable horse as may be able to carie tuo hundreth weight to inable ws for our marche with pack sadles and croobis and a man to attend them for which each man and horse shall have

eighteen pence a day and that the horse may be heer upon the 20th of November which is all at present from

Your Lordshipis verie humble servant

Edinburgh 27th October 1659.

George Monck.

At Aberdeen the 11th November 1659—Conforme to Lord General Monk his warrand and desire conveenit within the laiche counssall house of Aberdene the noblemen gentlemen and heritouris afternamit

The Earle Marshall	Robert Ker of Meany
Laird of Eight [Echt]	Tulloch Gordoun
Sir George Keith	Laird of Pitindrighe
John Keith of Craig	Laird of Balgowny Mengzies
The Laird of Petfoddellis	William Barclay of Auchredie
The Laird of Monymusk	George Morison of Barro
The Laird of Udny	George Davidson of Pottenis
The Laird of Loudquharne	Robert Cruikshank of Elrick
Tutor of Craigivarr	John Leslie of Mill of Fintray
Richard Maitland of Pitrichie	John Smith of Enramsay
Mr. Robert Burnet of Colpnay	Mr. William Johnstoun of Mon- keigie
The Laird of Dyce	Walter Stuart of Blairtoun
Paull Symer of Pitmukstoun	William Leith of Harthill
Mr. Alexander Seatoun of Pet- meden	John Gordon of Rothmeyis
Mr. James Reid of Bourtie	Abram Rige of Logie-aldtoun
Mr. Arthur Gordoune for Straloch	Mr. Robert Cheyne of Carny
Thomas Forbes of Auchorthies	Laird of Tolquhoun younger
Major George Keith of Mill of Aden	Maister Alex. Forbes of Ardo
Mr. James Hervie of Mamewhey	Laird of Auchintoull younger
William Forbes of Tombeg	George Gordone of Sheillogreine
John Forbes of Lamingtoun	George Seatoun of Blair
Alex. Lumsden of Rudritoune	George Cruikshank of Berrie- hillock
Mr. George Nicollson	William Lumsden of Leask
Francis Irving of Hiltoun	

The hail persones abonenamed by pluralitie of voyces ellectis the Laird of Eight commissioner conforme to the desire of the Generalls letter.

LXXV.

THERE is reason to believe that General Monck had already made up his mind as to the course of action to be pursued, but he was too good a diplomatist to commit himself, and it was against his cautious nature to do anything rashly. The following letter is of exceptional interest, although it is somewhat hypocritical. He was busily preparing for his famous march into England, and to secure the key of the London road he sent a troop of horse to the assistance of his friend, Colonel Myers, the Governor of Berwick. He gave the English Generals, Fleetwood, Lambert and Desborough, plainly to understand that he and his army meant to support the Parliament, and in the letter which we give, he commands the heritors of Aberdeenshire to keep the peace, and hold "no correspondence with any of Charles Stuart's partie." The letter is unsigned, as it was sent by the Laird of Echt:—

My Lordis and Gentlmen—Having a call from God and his people to marche into england to assert and mantaine the libertie and being of parliamentis our antient constitutione and therin the fredome and right of the people of these thrie nationes from arbitrarie and tyrranicall usurpatione wpon ther consciences persones and estates and for a godlie ministrie I doe therfor expect from you the noblemen gentlemen shireff and the rest of the justices of peace and each one of you That you doe preserve the peace of the comonwealth in your shire And I heirby authoriz you to suppress all tumultis stirring and wnlawfull assemblies and that you hold no corraspondence with any of Charles Stuartis pairtie or adherentis but aprehend any such as shall mack any disturbance and send into the nixt guarisone And doe further desire you to countenance and Incourage the godlie ministrie and all that truelie fear God in the land And that you continue faithfull to owne and assert the interest of parliamentarie government in your severall places and stationes I hope my absence wilbe varie short Bot I doe assure you that I shall procure from the Parliament whatever may be for the good government and releiff of this nation and doubt not bot to obtcane abatmentis in your asse

and other publick burtheins according to the proportione of England and what further service I may be able I shall not be wanting in that may promott the hapienes and peace of this afflicted people I shall not trouble you further bot begg your prayeris and desire you to assure yourselves that I ame

Your faithfull freind and humble servant

Edinburgh, 15th November 1659. _____

I desire you to send me word to Berrick wnder your handis how farr you will comply with my desires I desire you that what is behind of the last four monethis of the twelff monethis ssece may be in readines against it be called for.

I lykwayis desire that ther may be particulare notice givine that such as are not fric to concurr with you in this busienes you will send me ther names.

LXXVI.

THE heritors of Aberdeenshire met at Aberdeen on 2nd December 1659, and elected Charles, Lord Aboyne, to act as Commissioner to confer with Monck at Berwick. It is of interest to note that Charles Gordon was styled "Lord Aboyne" prior to the creation of the Earldom in his favour. The letter which we now give was sent with Lord Aboyne, and in it the gentlemen of Aberdeen declare their unanimous resolution to live peaceably. The names of the noblemen and gentlemen who elected Lord Aboyne as Commissioner are also given. The letter is unsigned, being merely a copy:—

My Lord—Upon receipt of your Lordships letter of the 15th of November last wee the noblemen gentlemen of the Shire of Aberdeine have mett and considerit the many affectionat expressions therin of your caire and tendernes of our peace and saffitie and your purposes to deall for the easie and releiffe of our great burthenes together with the ground of your Lordships wndertakingis for mantcining the libertie

and being of parliamentis and of a godlie ministrie wherin our right and libertie is joyntlie concernit with the Interest of England and Irland Wee have thought it our duetic to signifie to your Lordship our unanimous resolutione to oune and assert these grounds in our severall pleaces and stationes and with our firme purposse to leive peacable without disturbance and to our pour to give all possable incurragement to the godlie ministrie and faithfull of the land and by our best assistance and obedience be redie to testifie all due respectis to your Lordships commandimentis And to this purpose we have commissionat the Lord Aboyne to attend and receive your Lordships commandis So we wishe that all these thretning troubles may end in ane happie and universall peace and that your Lordships just Indewores may be enstromental under God with his blissing for that end which is the prayeres of

Your Lordships most humble servantis

Aberdeen 2nd December 1659—In obedience to the desire of Lord Generall Monk his letter direck to the noblemen and gentlemen of the shire of Aberdeen beiring dait the 15th November 1659 convened within the laich tolbuith of Aberdeen the noblemen and heritouris afternamet:—

Earle of Erroll	Mr. Alex. Seatoune of Petmeden
Earle Marshall	Francies Irving of Hiltoune
Lord Aboyne	Kinmundie Mengzies
Laird Drum	William Barcley of Auchredie
Laird of Leyis	Auchincruiff
Sir George Keith	Mr. George Nicollson
John Keith of Craig	Kincowsie
Laird of Petfoddells	Collonell Foullertoune
Laird of Craig Gordoune	Alex. Lumsden of Ridriestoune
Laird of Eight	George Gordoun of Sheilloogreen
Laird of Lesmor	Learny
Laird of Craigivarr	Mr. James Farquharson
Laird of Udny	Hance Jacob King
Sir Robt. Farquhar	John Smith of Inramsay
Thomas Forbes of Auchorthies	John Leslie of Mill of Fintray
Achnahandack Gordoune	Glenbuckett [Patrick Gordon]
Fechill [John Gordon]	Laird of Muresk

Laird of Dyce	Laird of Haddo
Laird of Sauchine	Murthill
Corrachrie	Murack Gordone
Kethoksmill	Tilliett
Laird Auchlesne	Carnborrow
William Thoires of Auchorthies	Robt. Crúikshank of Elrick
Mr. William Lumsden	Harie Gordone of Auchlyne
Bracko Gordoun	Laird of Leask of that Ilk
John Gordoun of Blalock	Mr. Robt. Couttis
Pittindrigh Gordoun	Kincaraigie Gordoun
William Johnstoune of Midletoune	Finzean [Alexander Farquharson]
John Moir portioner of Fintray	Tillisnacht [Alexander Rose]
Mr. John Innes of Tippertie	Mr. John Rose [Minister of Birse]
Alex. Gordoun of Birsмоir	Bellimoir [William Garden]
Achanachie Gordoun	Alex. Burnet of Shethoksley
Mr. James Reid of Bourtie	Hallhead Gordoune
Laird of Loudquharne	John Walker of Orchardtoun
Birkinburn	James Wight
Mr. Arthur Gordon for Straloch	Williame Gordoune of Birkhill
Auchintoull Gordoune	Major George Keith of Mill of
George Moriesone of Barra	Aden
Tarpersie Gordoune	Patrick Gordoune of Cultis
Clackrioch [John Keith]	Balgouny Menzies
John Gordon of Mill of Kincardine	William Mengzies of Wastfeild
Mr. James Hervie	James Bisset of Old Craig
Robt. Irvine of Gordonsmill	Mr. Robert Burnet of Colpney

The meeting be the pluralitie of voices elected the Lord Aboyne commissioner to goe to Berrick conform to the desire of the letter.

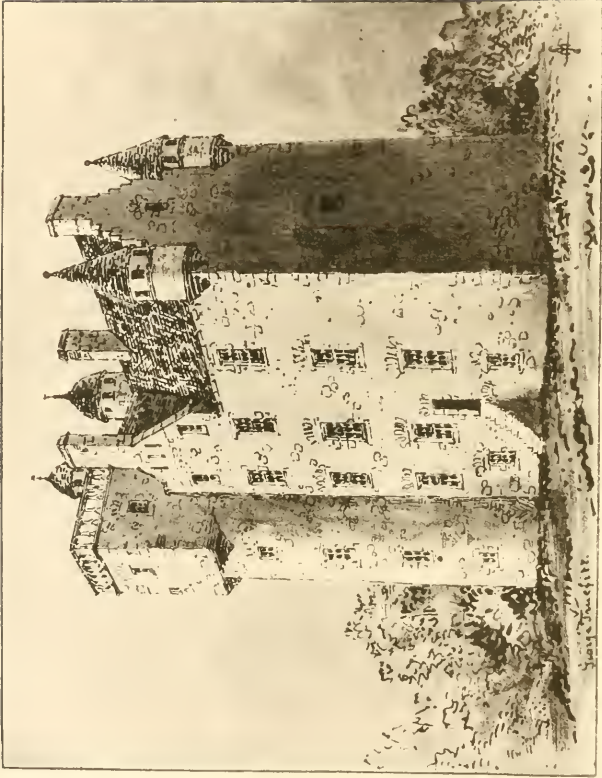
LXXVII.

THE Earl of Glencairn, who writes the following letter to the Gentlemen of Aberdeenshire, took a prominent part in the struggles of the Royalists during the Commonwealth; he having been appointed Commander of the Forces by Charles II. In 1654 General

Monck marched against him, and forced him to retire to Sutherlandshire, where he was joined by General Middleton, who had been appointed to the supreme command. To celebrate the arrival of Middleton, Glencairn invited him and other officers to dine at the Laird of Cuthill's house (where he had established his head quarters), within three miles of Dornoch. During the repast a dispute arose between Glencairn and Sir George Munro, which led to a duel between them; the result being that Munro was seriously wounded. For his part in this affair Glencairn was put under arrest, which so disgusted him that he retired from the army, and entered into negotiations with Monck. He was distrusted, however, on account of his Royalist leanings, and was consequently excepted from Cromwell's Act of Indemnity of 1654. He became Monck's right-hand man in Scotland, and when the General marched into England was one of those who had the principal direction of affairs. At the restoration he was appointed High Chancellor of Scotland for life. The following letter relates to the collection of the cess, and the return of baggage horses:—

Edinburgh February 3rd 1660

Right Honourable—In pursuance of quhat wee wer comissionat from our shires wee find a necessity presentlie to dispatche one of the number to the generall and also hes appoyted ~~four~~ more to follow instructed to mack aplicationes for redrese of the greivances of the natione and for ane particulare account quherof your Comissioner will give you and for the defraying of the necessarie charges of the persones so employed wee have thought fitt that a thrid part of a monethis sesse be presentlie raised and sent to Mr. Andrew Oswald at Edinburgh by the respective collectoris befor the first of March ensuing which wee Intreat as ye wishe the furtherance of the busienes you will tack caire to sie speedilie put in executioun Those of the bugadge horses as are remayneing will upon ane applicatioun made to Comissarie Fleetwood reseiding in the Cannogat be returned to you Lykwayis it is the Lord Generallis desire that ye furth with order your collectoris to send to the receaver generall Baynes quhat is resting of the last eight monethis sesse and the names of dificientis if any be So wee are



ABOYNE CASTLE : SOUTH-WEST FRONT. CIRCA 1662

Signed in the name and by the command of the noble men and gentlemen commissioneris of the shires. Sic subscribitur. Glen-carne J. P. D. Com.

Thomas Moncreiff is continewed our clerk and is to give such advertimentis to the comissioneris of the shires as shall come from the comissioneris that goe to Londone &c.

LXXVIII.

WE now have the Diploma by King Charles II. creating Lord Charles Gordon (4th son of George, second Marquis of Huntly,) Earl of Aboyne, lord Strathaven, and Glenlivet, and this on account of the services rendered by the family of Huntly. This peerage of Aboyne was first created in 1626 in favour of John, the fifth son of the 1st Marquis of Huntly, and his heirs male. John Gordon, Viscount Aboyne and Melgum, was burnt at Fren draught Tower in 1630, leaving issue by his wife Sophia Hay, 5th daughter of Francis, Earl of Errol, an only daughter, so the peerage became extinct. Two years later his elder brother George, Lord Gordon, was created Viscount Aboyne, with special remainder to his second son James. When the Lord Gordon succeeded to the Marquisate of Huntly the Aboyne title went to his second son James—a consistent and active supporter of the Royal cause. He was excommunicated by the General Assembly at Edinburgh 24th April 1644: took part with Montrose, and was excepted from pardon in 1648, but made his escape to France. He died unmarried at Paris in February 1648-9, a few days prior to his father's execution. As already noticed, Lord Charles Gordon was designated Lord Aboyne in 1659. The Diploma is in these terms:—

CAROLUS Dei gratia Scotia Angliæ Franciæ et Hiberniæ rex fideique defensor Omnibus probis hominibus suis ad quos presentes litteræ nostræ pervenerint salutem sciatis nobis enotuisse dilectum nostrum con-

sanguineum non ita pridem Marchionem de Huntileæ et istius familiae predicesores nos et preclarissimos nostros progenitores multis egregiis officiis sibi obsignatis et in omnibus tumultibus in Regno nostro Scotiae a multis retro seculis subinde exortis sese semper probe et honesto ut nobiles subditos oportuit erga nos gessisse nobisque ac nostro et prædicessorum nostrorum juri et servitio spretis omnibus partim quantumvis difficilibus constanter adhæsisse idemque partim pro nobis agendo et partim pro nobis damna ferendo tempore non ita pridem turbatis eminenter notum et testatum fecisse cumque satis compertum habeamus fidem et eximiam amorem dilecti nostri consanguinei Caroli Gordon patrii fidelis nostri consanguinei nunc Marchionis Huntileæ vestigia legitima illustrium eius prædicessorum persequentis cujusquidem non vulgaria documenta præbuit quippe alacriter nostrum servitium amplexus sit ac in omni occasione sibi data eidem promovendo se penitus addixerit cumque nos istiusmodi fidelis obsequia memori gratitudine rependere et regis nostræ benevolentis contestatione clementer qui cupiamus igitur ex potestate nostra regali et prærogativa regia dedimus concessimus et contulimus tenoreque presentium damus concedimus et conferimus memorato nostro consanguineo Carolo Gordoun ejusque heredibus masculis ex corpore suo inperpetuum dignitatem titulum et honorem Comitis et domini parlamenti ut omni tempore futuro Comes de Aboyn dominus de Strathawen et Glenlivett designetur Ac dedimus tenoreque presentium damus et ejusque antedictis dictum titulum et dignitatem Comitis cum suffragio in parlamenti omnibusque aliis honoribus privilegiis immunitatibus et præcedentiis comiti debitis et congruis per eos tenendis et possidendis adeo libere et ample in omnibus respectibus sicut quicumque alius comes fruitur aut frui poterit MANDAMUS porro Leoni Regi nostro armorum ejusque fratribus feccialibus ut talia insignia vel armorum additionem dicto comiti de Aboyn prout congruit et in similibus casibus usitatum est dent et præscribant IN cujus rei testimonium presentibus magnum sigillum nostrum appendi præcepimus apud Aulam nostram de Whythall decimo die mensis Septembris anno domini millesimo sexcentesimo sexagesimo et anno regni nostri duodecimo.

Per signaturam manu S. D. N. regis suprascriptam.

ABSTRACT OF LXXVIII.

DIPLOMA by King Charles the Second, whereby, on account of the eminent services rendered by the Marquis of Huntly and his family, to the King and his predecessors, and in consideration of the fidelity and singular alacrity in the royal service of Charles Gordon, uncle of the Marquis of Huntly, his Majesty grants to the said Charles Gordon and the heirs male of his body for ever, the dignity, title and honour of an Earl and Lord of Parliament, so that in all time coming he should be designated Earl of Aboyne, lord of Strathaven and Glenlivett: with all other honours, privileges, immunities and precedences due and congruous to an Earl: charging, moreover, the Lyon King of Arms and his brother heralds to give and prescribe such ensigns or addition of arms to the said Earl of Aboyne as is usual in such cases. Given under the Great Seal at Whythall, 10th September 1660.

LXXIX.

THE family of Argyll had, during the Commonwealth, held possession of the Gordon estates, to which they acquired certain rights. Charles II., on his restoration, forfeited and executed the Marquis of Argyll and took the opportunity to bestow a considerable portion of the Gordon estates upon the newly-created Earl of Aboyne.

By charter, under the Great Seal, he incorporated the Lordships of Aboyne, Glentanner, Glenmuick, Cabrach, and Strathaven, &c., into the Earldom of Aboyne. The deed is in these terms:—

CAROLUS Dei gratia Magne Britanie Francie et Hybernie Rex fideique defensor Omnibus probis hominibus totius terre sue clericis et laicis salutem Sciatis quia nos considerantes preclara et egregia servitia nobismetipsis et illustrissimis nostris progenitoribus a nuperrimo Marchione de Huntlie ejusque predecessoribus eiusdem familie prestita qui durante omnibus tumultibus in hoc antiquo regno nostro Scotie a

multis retro seculis exortis semetipsos semper fideles et morigeros nobis prebuerunt nostroque et predecessorum nostrorum emolumento et servitio constantes adhererunt spretis omnibus periculis et oppositionibus quibuscunque eorumque fidelitatem eminenter declaraverunt tempore non ita pridem tumultuum tam agendo quam pro nobis gravia damna ferendo ac nos specialiter considerantes amorem et fidelitatem predilecti nostri consanguinei et consilarii Caroli Comitis de Aboyne patruī moderni Marchonis de Huntlie vestigia nobilium suorum predecessorum calcantis ejusdem authoris et fidelitatis non vulgaria testinonia exhibuit nostrum servitium alacriter amplectendo idemque semper pro occasione data semetipsum involvendo et nos cupientis talia fidelia meritis grata retributione rependere eademque speciali tessera regie nostre favoris ornare et animo nostro revolventes tempore non ita pridem tumultuum dum Marchio de Huntlie et dictus Comes de Aboyne ejus filius a privatis suis negotiis devertebantur demortuum Archibaldum nuper Marchionem de Argile per seipsum aliosque in ejus usum acquisivisse quedam jura integrarum terrarum postea specificatarum ac virtute eorundem eadem per semetipsum ejusque servos tenentes aliosque ejus nomine pro diversis annis ante sententiam forisfacture contra eum vigesimo quarto die mensis Maii proximo clapsi latum possidisse QUEQUIDEM terre dominia baronie aliaque subscripta nunc ceciderunt in manibus nostris et ad nostram donationem et dispositionem devenerunt ratione dicte sententie forisfacture IGITUR proque diversis aliis causis onerosis et considerationibus nos moventibus NOS cum avisamento et consensu nostrorum Thesaurarii computorum nostrorum rotulatorum atque deputati nec non reliquorum dominorum et aliorum nostri Scacarij regni nostri dictorum nostrorum Commissionariorum Dedimus concessimus et disposuimus tenoreque presentis carte nostre damus concedimus et disponimus dicto predilecto nostro fidei consanguineo et consiliario Carolo Comiti de Aboyne et heredibus masculis de suo corpore procreandis quibus deficientibus heredi sue ex ejus corpore femelle natu maxime absque divisione et heredibus masculis ex corpore dicte heredis femelle procreandis nomen et cognomen de Gordon et insignia de Aboyne gerentibus quibus omnibus deficientibus heredibus masculis et tallie in infeofamentis patrimonij status et familie de Huntlie hereditarie Omnes et singulas terras dominia aliaque postea mentionata videlicet Terras et dominia de Aboyne Glentanner Glenmick et Cabrach cum integris villis terris

molendinis silvis piscariis forestis castris turribus fortaliciis manerierum locis advocationibus donationibus et juribus patronatum beneficiorum Ecclesiarum et Capellaniarum mossis moris communijs annexis connexis dependentijs tenentibus tenandrijs libereque tenentium servitijs partibus pendiculis et integris pertinentijs quibuscunque ad eadem vel aliquam hujusmodi partem pertinentibus et spectantibus vel in eisdem comprehensis vel eisdem seu alicui ejusmodi parti tanquam proprijs partibus et pendiculis earundem tam in proprietate quam in tenandria annexatis et in infeofamentis hujusmodi quondam Marchionis de Huntlie concessis omnes in vicecomitatu nostro de Aberdein jacentes ET SIMILITER totam et integram forrestam de Blackwater . . . infra vicecomitatum nostrum de Bamffe jacentem Omnes et singulas terras dominium et baroniam de Stratheven cum particularibus villis terris molendinis multuris terris molendinariis silvis piscariis in aquis de Even et Lievot advocatione donatione et jure patronatus capellanie de Pitcasse apud altare Sancti Petri in Ecclesia Cathedrali de Murray fundatum villis fortaliciis domibus edificijs hortis pomariis mossis moris communiis lie Sheilings et Sheiling places et forrestis de Glenaven Linbulg et Glenlivat unacum officio ballivatus ejusdem dominij et baronie et integris commoditatibus et casualitatibus hujusmodi et omnibus ejus terris alijsque in dicto dominio et baronia comprehensis vel eidem seu alicui ejusmodi parti annexatis et ad longum in infeofamentis dicti quondam Marchionis de Huntlie expressis omnes in vicecomitatu nostro de Bamffe prescripto jacentes Totas et integras terras de Cults molendinum et terras molendinarias multuras sequelas et lie alehous hujusmodi . . . in parochia de Tarland et dicto vicecomitatu nostro de Bamffe jacentes Et omnes et singulas decimas garbales aliasque decimas terrarum aliarumque in parochijs de Aboyne et Tullich respective jacentes ad quas per infeofamentum dictus quondam Marchio de Huntlie jus habuit omnes in manibus nostris cadentes et ad nostram donationem et dispositionem more prescripto devenientes una etiam cum omni jure titulo interesse et jurisclameo tam petitoria quam possessoria que seu nos seu preclarissimi nostri predecessores seu successores habuimus habemus quovismodo habere clamare seu pretendere poterimus vel poterint ad terras dominia baronias aliaque particulariter et generaliter prescripta seu ad census firmas canas custumas casualitates proficua et divorias ejusmodi quibuscunque annis seu terminis preteritis seu futuris ratione eschete forisfacture

recognitionis perpresture disclamationis bastardie tanquam ultimus heres seu quocunque alio juro seu titulo seu virtute sententie forisfacture supramentionata seu virtute quorumcunque actorum parlamenti aliorum actorum legum statutorum dicti regni nostri Scotie in contrarium factorum seu faciendorum seu ob quascunque alias causas crimina seu occasiones preteritas diem date presentis carte nostre precedentes RENOUNCIANDO transferendo et extradonando eadem cum omni actione et instantia hujusmodi pro nobis et successoribus nostris ad et in favorem dicti Comitis de Aboyne ejusque prescriptarum pro nunc et in perpetuum cum pacto de non petendo ac supplemento omnium culparum defectuum et imperfectionum tam non nominatarum quam nominatarum quas nos cum consensu prescripto pro nobis et successoribus nostris tanquam pro expressis in hac presenti carta nostra haberi volumus PRETEREA nos cum avisamento et consensu antedicto ex nostra certa scientia dedimus concessimus et disposuimus tenoreque presentis carte nostre pro nobis et successoribus nostris damus concedimus et disponimus prefato Comite de Aboyne ejusque supramentionatis omnia et quecunque debita obligationes dispositiones appretiationes donationes singularum Eschetarum et vitales redditus omnia alia jura et scripta quecunque de et super terris dominijs alijsque supra recitatis et decimis earundem que ad quemlibet Marchionem de Huntlie hereditarium hujusmodi pertinuerunt vel pertinere poterint in persona dicti quondam nuperrimi Marchionis de Argyle seu cujuscunque alterius persone seu personarum in ejus usum existentia vel que fuerunt in suo potestate seu possessione tempore predicto ejus forisfacture vel a commissis criminibus super quibus eadem forisfactura secuta est cum omnibus desuper sequutis vel que desuper sequi poterint unacum omnibus actione instantia et executione nobis seu successoribus nostris virtute earundem competentibus seu competere valentibus nunc in manibus nostris seu ad nostram donationem et dispositionem ratione forisfacture supra mentionate cadentia et devenientia DECLARANDO hanc generalitatem tanti esse valoris ac si eadem specialis et particularis fuisset quocirca nos pro nobis et successoribus nostris tenore presentis carte nostre dispensavimus INSUPER nos cum avisamento et consensu predicto ex nostra certa scientia proprioque motu et potestate regia fecimus univimus annexavimus creavimus et incorporavimus tenoreque presentis carte nostre fecimus unimus annexamus creamus et incorporamus integras terras dominia baronias aliaque particulariter et

generaliter supra recitata in unum integrum et liberum comitatum dominium et baroniam nunc et omni tempore futuro comitatum dominium et baroniam de Aboyne nuncupandum ordinando turrin fortalicium et maneriei locum . . . principale fore messuagium ejusmodi Ac volumus et concedimus proque nobis et successoribus nostris decernimus et ordinamus quod unica sasina pro integris terris dominijs baronijs decimis alijsque particulariter et generaliter supramentionatis absque ulla alia speciali seu particulari sasina per eum seu ipsos apud aliquam aliam partem seu locum hujusmodi suscipienda non obstante quod simul et contigee minime jacent sed in diversis vicecomitatibus et jurisdictionibus penes quas sasinas et omnia que desuper sequi poterint nos cum consensu predicto dispensavimus tenoreque presentis carte nostre pro nobis et successoribus nostris dispensamus in perpetuum TENENDAS et habendas omnes et singulas terras dominia baronias decimas aliaque particulariter et generaliter supramentionata omnes in unum integrum et liberum comitatum dominium et baroniam unitas erectas creatas et incorporatas ut supra expressas prefato Comiti de Aboyne ejusque prescriptis De nobis et successoribus nostris in feodo hereditarie libero comitatu dominio et baronia in perpetuum per omnes rectas metas suas antiquas et divisas prout jacent in longitudine et latitudine in domibus &c. cum furca fossa &c. absque aliqua reversione &c. REDDENDO annuatim memoratus Comes de Aboyne ejusque prescripti nobis et successoribus nostris pro predictis terris et dominijs de Aboyne &c. cum integris particularibus villis terris molendinis multuris silvis piscarijs forrestis lie Sheilings advocacionibus donationibus et juribus patronatum alijsque particulariter et generaliter supra recitatis ad eadem pertinentibus et spectantibus vel eisdem annexatis vel inibi comprehensis decimis supramentionatis exceptis servitium Warde et relevij Et pro predictis decimis unum denarium monete Scotie super solo cujuscunque partis prescriptarum terrarum apud festum pentecostes nomine albefirme si petatur tantum ac per presentem hanc nostram cartam declaratur quum apud nos statuamus terras dicto Comite de Aboyne nullis omnino oneribus obnoxijis ad valorem quadragintarum monete sterlinensis annuatim concedere quod hec nostra donatio conformiter astringetur Et quod prefatus Comes de Aboyne presenti hac nostra carta tenetur et obligatur (post indagacionem a quibusdam nostri Consilij in hunc finem constituendi factam) quascunque terras in hac presenti nostra donatione

contentas nullis oneribus obnoxias excedentibus dictam summam quadraginti librarum monete sterlinensis ab oneribus libere resignare et disponere in favorem Marchionis de Huntly volumus etiam indagationem resignationem et dispositionem ante vigesimam quintam die Decembris proximo sequentis expedire PRETEREA nos cum consensu antedicto fideliter in verbo principis promittimus hanc nostram cartam cum precepto et instrumento sasine desuper sequuturis in parlamento nostro cum consensu statuum ejusmodi ratificatam iri hanc que nostram cartam ad hunc effectum sufficiens fore warrantum ordinamus IN cujus rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus Testibus ut in alijs cartis consimilis date precedentibus Apud aulam nostram de Whythall decimo quarto die mensis Aprilis anno Domini millesimo sexcentesimo sexagesimo secundo et anno regni nostri decimo quarto.

ABSTRACT OF LXXIX.

CHARTER by King Charles the Second, under the Great Seal, whereby, on the narrative, that His Majesty considering the illustrious and eminent services rendered to himself and his progenitors by the late Marquis of Huntly and his predecessors of the same family, who, during all the troubles which have arisen in Scotland in the course of many ages past, have approved themselves faithful and obedient to the crown, and have been constant in their adherence to the interest and service of His Majesty and his predecessors; and, despising all dangers and oppositions of whatsoever kind, have eminently declared their fidelity in the time of the recent troubles, as well by acting, as by suffering heavy losses on His Majesty's behalf; and especially considering the love and fidelity of His Majesty's beloved cousin and counsellor, Charles, Earl of Aboyne, paternal uncle of the present Marquis of Huntly, who, treading in the footsteps of his noble ancestors, has exhibited singular proofs of his fidelity, by cheerfully embracing His Majesty's service, and always applying himself thereto as the occasion offered; and His Majesty being desirous of recompensing such fidelity by a grateful reward, and of adorning the same by a special token of his Royal favour; and revolving in mind that in the time of the late troubles, while the Marquis of Huntly and the said

Earl of Aboyne, his son, were turned away from their private affairs, the deceased Archibald, late Marquis of Argyll, did, by himself and others, acquire certain rights of the lands after-mentioned, and in virtue thereof, had, by himself, his tenants, and others in his name, possessed the same for several years before the sentence of forfeiture was passed against him on the 24th day of May last, which lands were now fallen in His Majesty's hands by reason of the said forfeiture; therefore, and for divers other causes and considerations, His Majesty gives, grants, and disposes to his said beloved and faithful cousin and counsellor, Charles, Earl of Aboyne, and to the heirs male to be procreated of his body, which failing, to the eldest heir female of his body, without division, and to the heirs male of the body of the said heir female, bearing the name and surname of Gordon, and the ensigns of Aboyne, which failing, to the heirs male and of taillie in the infestments of the patrimony, estate, and family of Huntly, heritably, all and sundry the lands, lordships, and others aftermentioned, that is to say, the lands and lordships of Aboyne, Glentanner, Glenmuick, and Cabrach, with their towns, mills, woods, fishings, forests, castles, towers, manor places, &c., all lying in the sheriffdom of Aberdeen: and in like manner, all and whole the Forest of Blackwater, lying in the sheriffdom of Banff: all and sundry the lands, lordship, and barony of Stratheven, with towns, mills, &c., fishings in the waters of Even and Lievot, with right of patronage of the Chaplainry of Pitcasse, at the altar of Saint Peter, founded in the Cathedral church of Moray; sheillings and forests of Glenaven, Linbulg, and Glenlivat, together with the office of bailliery of the said lordship and barony, lying in the said sheriffdom of Banff; all and whole the lands of Cults, mill, &c., in the parish of Tarland and sheriffdom aforesaid: and all and sundry the teind sheaves and other teinds of the lands and others in the parishes of Aboyne and Tullich respectively; to which the said late Marquis of Huntly had right by infestment: granting also to the said Earl of Aboyne and his aforesaid, all and whatsoever debts, obligations, gifts of escheats, and liferent, and all rights and writs whatsoever of and upon the lands and others above recited, which to any Marquis of Huntly, heritor thereof, pertained or might pertain, and which were in the power or possession of the said late Marquis of Argyll at the time of his forfeiture: and further, uniting, annexing, creating, and incorporating the whole lands and others above recited into one whole and free earldom, lordship, and barony, to be

called now and in all time coming the Earldom, Lordship, and Barony of Aboyne: To be holden of the King and his successors in fee heritably, free earldom, lordship, and barony for ever: Rendering yearly the service of ward and relief, and for the teinds one penny Scots in name of blench ferme. Dated at Whitehall, 14th April 1662.

LXXX.

CHARLES Gordon, 1st Earl of Aboyne, married Lady Elizabeth Lyon, only daughter of John, 2nd Earl of Kinghorn, by his second wife Elizabeth, daughter of Patrick Maule, 1st Earl of Panmure. The Contract of Marriage is dated 28th August 1665, and in terms thereof Lady Elizabeth Lyon is to be infest in the lands and lordship of Aboyne, &c., for yearly payment to her of £400 Sterling.

The following is charter under the Great Seal confirming the Contract of Marriage in favour of Lady Elizabeth Lyon:—

CAROLUS Dei gratia Magne Britannie Francie et Hibernie Rex fideique defensor Omnibus probis hominibus totius terre sue clericis et laicis salutem Sciatis nos cum avisamento et consensu confisi et predilecti nostri consanguinei et consilarii Joannis comitis de Rothes domini Leslie et Balinbreich domini nostri Thesaurarii computorum nostrorum rotulatoris collectoris generalis ac Thesaurarii novarum nostrarum augmentationum infra hoc regnum nostrum Scotie Necnon cum avisamento et consensu fidi et predilecti nostri consanguinei et consilarii Willielmi domini Bellenden de Brughtoun nostri Thesaurarii deputati in dictis officiis ac reliquorum dominorum nostri scaccarii infra dictum regnum nostrum nostrorum commissionariorum RATIFICASSE approbasse et hac presenti carta nostra confirmasse . . . dilecte nostre domine Elizabethhe Lyone filii legitime uni genite nunc viventi quondam Joannis Comitis de Kinghorne nunc sponse nobilis comitis Caroli Comitis de Aboyne domini Strathaven et Glenlivet in vitali reddito durante sua vita Contractum

matrimoniale in initum et perfectum inter dictum nobilem Comitem Carolum Comitem de Aboyne ex una parte et dictam dominam Elizabetham Lyone ex altera parte de data vigesimo octavo die mensis Augusti ultimo elapso anno domini millesimo sexcentesimo sexagesimo quinto Per quem contractum pro matrimonio inter dictas personas solemnizato et beneficio desuper accrescendo prefatus nobilis Comes Carolus Comes de Aboyne se heredes suos et successores dictam dominam Elizabetham Lyone in vitali reddito durante sua vita infeodare obligavit IN omnibus et singulis terris dominiis aliisque respective infra mentionatis pro annua solutione et satisfactione dicte nobili domine summe quadringentarum librarum sterlingensis monete regni nostri Anglie solummodo videlicet in terris et dominiis de Aboyne Glentanner Glenmuick et Cabrach cum integris villis terris molendinis silvis piscationibus forrestis castris turribus fortaliciis maneriorum locis advocacionibus donationibus juribus patronatum beneficiorum capellaniarum ecclesiarum glebariis moris communitatibus annexis connexis dependentiis tenentibus tenandriis libere tenentium servitiis partibus pendiculis et integris pertinentiis quibuscunque ad easdem vel quamlibet earundem partem pertinentibus et spectantibus vel inibi comprehensis seu iisdem annexatis vel cuivis parti earundem tanquam propriis partibus et pendiculis ejusmodi tam in proprietate quam tenandria et contentis in infeofamentis earundem quondam Marchioni de Huntlie concessis omnes jacentes in vicecomitatu nostro de Abirdeine Necnon in tota et integra forresta de Blackwater cum integris forrestis terris piscationibus silvis glebariis moris communitatibus annexis connexis dependentiis tenentibus tenandriis libere tenentium servitiis advocacionibus donationibus juribus patronatum partibus pendiculis et pertinentiis quibuscunque Jacente in vicecomitatu nostro de Banff omnibus et singulis terris dominio et baronia de Strathaven cum particularibus villis terris molendinis terris molendinariis silvis piscationibus in aquis de Aven et Livet advocacionibus donationibus juribus patronatum Capellanie de Pitcasch apud altare Sancti Petri in ecclesia Cathedrali de Murray fundatum turribus fortaliciis domibus edificiis hortis pomariis glebariis moris communitatibus lie scheillingis scheilling places et forrestis de Glenaven Glenbulg et Glenlivet unacum officio ballivatus dicti domini et baronie et integris communitatibus et casualitatibus earundem et omnibus aliis terris aliisque in dicto dominio et baronia comprehensis vel eidem seu cuivis ejusdem parti annexatis et

infeofamentis dicti quondam Marchionis de Huntlie ad longum expressis omnes in vicecomitatu nostro de Banff jacentes totis et integris terris de Cultis molendino terris molendinariis multuris sequelis et lie aillhous earundem omnibus et singulis decimis garbalibus aliisque decimis in parochiis de Aboyne et Tullich respective jacentibus tenendis more in dicto contractu matrimoniali mentionato unacum precepto sasine in fine dicti contractu contento cum instrumento sasine desuper sequenti de data quarto die mensis Septembris ultimo elapso anno domini millesimo sexcentesimo sexagesimo quinto sub signo et subscriptione manualibus Jacobi Wight notarii publicii IN omnibus et singulis capitibus . . . Salvis et reservatis omnimodo nobis et successoribus nostris juribus divoriis servitiis aliisque de dictis terris suprascriptis ante hanc nostram presentem confirmationem nobis debitis IN super nos cum avisamento et consensu predicto volumus et concedimus ac pro nobis et successoribus nostris decernimus et ordinamus quod presens hec nostra confirmatio antedicta est et erit tanti valoris efficacie et effectus ac adeo valida et sufficiens prefate domine Elizabethe Lyon pro pacifica fruitione gavisione et possessione dictarum terrarum dominorum aliorumque respective supramentionatorum Et hoc pro annua solutione et satisfactione prefate nobili domine dicte summe quadringentarum librarum sterlinsium tantum ac si eadem ante sasinam dictarum terrarum per illam susceptam data et concessa fuisset Quo circa ac cum omnibus et singulis objectionibus defectibus et imperfectionibus que contra validitatem dicti contractus matrimonialis precepti sasine inibi contenti et instrumenti sasine desuper sequentis vel contra presentem hanc nostram confirmationem ac non insertionem dicti contractus precepti sasine ac instrumenti sasine suprascripti quovismodo objici poterint nos cum avisamento et consensu predicto dispensavimus tenoreque presentis carte nostre dispensamus imperpetuum IN cujus rei testimonium huic presenti carte nostre confirmationis magnum sigillum nostrum appendi precepimus Testibus predilectis nostris consanguineis et consiliariis Willielmo Mariscalli Comite domino Keith et Altrie regni nostri Mariscallo et nostri secreti sigilli custode Joanne Comite de Lauderdale vicecomite Maitland domino Thirlestane et Beltoun nostro secretario dilectis nostris familiaribus consiliariis dominis Archibaldo Prymois de Dummany nostrorum rotulorum Registri consilii sessionis scaccarii et parlamenti clerico Joanne Home de Rentoun nostre justiciarie clerico militibus et domino Willielmo

Kerr de Haddin milite nostre cancellarie direttore apud Edinburgum vigesimo sexto die mensis Januarii anno domini millesimo sexcentesimo sexagesimo sexto et anno regni nostri decimo septimo.

ABSTRACT OF LXXX.

CONFIRMATION under the Great Seal by King Charles the Second, in favour of Lady Elizabeth Lyon, only lawful daughter now living of the late John, Earl of Kinghorn, now spouse of a noble Earl, Charles, Earl of Aboyne, lord Stratheven and Glenlivet, in liferent, of the marriage contract begun and perfected between the saids noble Charles, Earl of Aboyne, and Lady Elizabeth Lyon, of the date the 28th day of August last, in the year 1665; by which contract the aforesaid noble Earl Charles, Earl of Aboyne, obliged himself and his heirs to infest the said Lady Elizabeth Lyon in liferent in the lands and lordships of Aboyne, Glentanner, Glenmuick and Cabrach, in Aberdeenshire, the forest of Blackwater, &c., in Banffshire, for the yearly payment to her of £400 sterling, English money; with Precept contained in said contract, and Sasine following thereon. Dated at Edinburgh 26th January 1666.

LXXXI.

ON 3rd August 1674, Charles, Earl of Aboyne, entered into a contract with Sir Richard Maitland, younger of Pitrichie, and his father Sir Richard, whereby they sold to him the lands and barony of Gight or Scheves, and in terms of that contract they resigned the lands. Thereupon Charles the Second granted a charter under the Great Seal of lands and barony of Gight, in favour of the Earl of Aboyne, as follows:—

CAROLUS Dei gratia Magne Britannie Francie et Hibernie rex fideique defensor Omnibus probis hominibus totius terre sue clericis et laicis salutem SCIATIS nos cum avisamento et consensu confisorum et predilectorum nostrorum consanguineorum et consiliariorum Joannis

Comitis de Rothes &c. summi nostri cancellarii Joannis Ducis de Lauderdale secreti concilii nostri presidis et solius nostri Secretarii principalis Joannis Comitis de Athole secreti nostri sigilli custodis Archibaldi comitis de Argyll &c. Alexandri Comitis de Kincardine Willielmi Comitis de Dundonald ac fidi nostri consilii Caroli Maitland de Haltoun thesaurarii nostri deputati et unius senatorum Collegii nostri justiciarii nostrorum commissionerum pro thesaurario computorum nostrorum rotulatorio et thesaurario novarum nostrarum augmentationum necnon cum avisamento et consensu reliquorum dominorum aliorumque nostri scaccarii commissionerum infra antiquum hoc regnum nostrum Scotie dedisse concessisse et disposuisse et hac presenti carta nostra confirmasse necnon tenore presentium dare concedere disponere et hac presenti carta nostra pro nobis et successoribus nostris cum avisamento et consensu antedictis pro perpetuo confirmare confiso et dilecto nostro consanguineo Carolo Comiti de Aboyne Domino Strathaven et Glenlivat ejusque heredibus masculis de corpore suo legitime procreatis vel procreandis et assignatis quibuscunque quibus deficientibus Georgio Marchioni de Huntly Comiti de Enzie Domino Gordone et Badenoch &c. ejusque heredibus masculis et assignatis quibuscunque hereditarie et irredimabiliter absque ulla reversione redemptione seu regressu totas et integras istas terras terrarum et baronie de Geight alias Shewes infra mentionatas (videlicet) terras dominicales et manerie locum de Geight cum domibus edificiis hortis pascuis pratis et grassumis earundem partibus pendiculis et pertinentiis ejusmodi villas et terras de Fetterletter Woodhead de Fetterletter Milnebreck Blackhillocks Suanfoord Fadounhill Litle Geight molendinum de Geight terras molendinarias multuras et sequelas ejusdem Coattoune Stainhouse de Geight Lethentie et Bruckseat unacum omnibus et singulis domibus edificiis maneriorum locis hortis pomariis toftis croftis lie outsettis insettis glebariis moris maresiis silvis piscationibus pascuis pratis communitatibus communibus pasturis annexis connexis dependentiis partibus pendiculis privilegiis et pertinentiis dictarum integrarum villarum terrarum molendini terrarum molendinariarum aliarumque supra mentionatarum omnes jacentes infra dictam barroniam de Geight alias Shewes tanquam partes et pendicula ejusdem parochiam de Fyvie et vicecomitatum nostrum de Aberdeen QUEQUIDEM ville terre manerei locus molendinum terre molendinarie aliaque suprascripta cum pertinentiis ejusmodi ad dominum Ricardum

Maitland juniorem de Pitrichie militem et dominum Ricardum Maitland seniore de Pitrichie militem baronetum unum senatorem Colegii nostri iusticiarii ejus patrem perprios hereditarie pertinuerunt ac per illos eorumque legitimos ipsorum nominibus procuratores virtute literarum procuratorialium resignationis contentarum in contractu alienationis inter dictum dominum Ricardum Maitland juniorem hereditarium proprietarium terrarum aliorumque predictarum cum speciali avisamento consensu et assensu dicti domini Riccardi Maitland senioris sui patris dictumque dominum Ricardum Maitland seniore pro seipso pro omnibus jure titulo interesse jurisclameo que ipse ad easdem terras aliaque supramentionata habuit seu pretendere potuit ab una et dictum Carolum Comitem de Aboyne &c. ab altera partibus inito confecto et subscripto de data apud Edinburgum tertio die mensis Augusti anno domini millesimo sexcentesimo septuagesimo quarto pure et simpliciter per fustum et baculum ut moris est in manibus dictorum dominorum aliorumque nostri thesaurarii et scaccarii commissionariorum tanquam commissionem et potestatem nostram habentium resignationes terrarum aliorumque infra hoc regnum nostrum de nobis tentarum recipiendi et nova infeofamenta desuper concedendi tanquam in manibus nostris dicti domini Ricardi Maitland junioris et senioris immediato legitimo superiore terrarum aliorumque subscriptorum debite et legitime resignate fuere IN favorem pro que hoc novo nostro infeofamento earundem per dictos dominos thesaurarii et scaccarii nostri commissionarios tanquam nos representantes dicto Carolo Comiti de Aboyne ejusque heredibus masculis de corpore suo legitime procreatis seu procreandis et assignatis quibuscunque quibus deficientibus dicto Georgio Marchioni de Huntly ejusque dictis heredibus masculis et assignatis quibuscunque hereditarie et irredimabiliter ut dictum est retro dando et concedendo in debita et competenti forma unacum omnibus jure titulo interesse jurisclameo proprietate et possessione quibuscunque petitoriis seu possessoriiis que vel quas dicti dominus Ricardus Maitland junior et senior aut eorum alter eorumve predicesores et authores ad easdem aut aliquam earundem partem habuerunt seu quovismodo habere clamare vel pretendere potuerunt in futurum prout autentica instrumenta super dicta resignatione suscepta in manibus Magistri Willielmi Thomsone scribe signeto nostro et notarii publici de data vigesimo tercio die mensis Julii ultimo elapsi anno domini millesimo sexcentesimo septuagesimo quinto latius proportant ac etiam

volumus et concedimus proque nobis et successoribus nostris per presentes decernimus et ordinamus predictum manerei locum de Geight principale fore messuagium dictarum terrarum aliorumque suprascriptorum atque unicam sasinam per dictum Carolum Comitem de Aboyne ejusque predictos quibus deficientibus per dictum Georgium Marchionem de Huntly ejusque antedictos omni tempore futuro apud dictum manerci locum suscipiendam stare subsistere ac validam et sufficientem fore sasinam pro integris villis terris manerei loco molendino terris molendinariis aliisque supra specificatis cum pertinentis earundem non obstante earundem discontiguetate si que sit penes quas sasinas nos pro nobis et successoribus nostris cum avisamento et consensu predicto dispensavimus tenoreque presentium dispensamus imperpetuum TENENDAS et habendas totas et integras dictas istas terras dictarum terrarum et baronie de Geight . . . REDDENDO inde annuatim dictus Carolus Comes de Aboyne ejusque predicti quibus deficientibus dictus Georgius Marchio de Huntly ejusque predicti nobis nostrisque successoribus jura et servitia de eisdem perprius solvi et fieri debita et consueta et quequidem a simplici warda ad taxatam wardam convertuntur pro modo solutione taxate wardae divoriarum subsequentium modo infrascripto (videlicet) pro solutione nobis et successoribus nostris pro warda et non introitu dictarum terrarum aliorumque suprascriptorum vel quovis eorum quando contigerit summam centum librarum monete hujus regni Scotie nostri tanquam juste et equalem dimidietatem summe ducentarum librarum tanquam taxate divorie pro warda et non introitu dictarum integrarum terrarum et baronie de Geight solvi debite tantummodo ad duos anni terminos festa (videlicet) Pentecostes et Sancti Martini in hieme per equales portiones et pro relevio earundem similem summam centum librarum monete predictae tanquam equalem dimidietatem summae ducentarum librarum tanquam taxate wardae divorie pro relevio dicte integre baronie solvende quando ceciderit tantum ac etiam summam ducentarum librarum monete suprascripte tanquam justam et equalem dimidietatem summe quadragintarum librarum pro dicta integra baronia de Geight solvi debite pro maritaggio heredis aut heredum unius seu plurium toties quoties eadem vacare contigerit duntaxat perprius taxato proportionato et rationabiliter estimato secundum cartam conversionis earundem terrarum a warda ad taxatam wardam nuper per nos dicto domino Riccardo Maitland juniori concessam pro omni alio onere exactione questione demanda seu servitio seculari que de dictis integris

villis terris manerie loco molendino terris molendinariis aliisque supra-scriptis cum pertinentiis vel qualibet earundem parte quovis tempore futuro per quascunque personam seu personas exigi poterint quomodo-libet vel requiri IN super volumus et concedimus ac pro nobis et successoribus nostris decernimus et ordinamus quod licitum erit heredibus masculis aliisque heredibus successoribus et assignatis predictis dicti Caroli Comitis de Aboyne quibuscunque semetipsos in totis et integris villis terris manerei loco molendino terris molendinariis aliisque supra-scriptis cum pertinentiis jacentibus ut dictum est deservitos retornatos intratos infeodatos et sasitos obtinere quovis tempore suarum etatum etiamsi in minoritate absque ulla dispensatione non obstante quod eadem de nobis per servitium warde et relevii teneantur atque ita convertantur et taxentur modo predicto penes quam ac cum iudicibus personis inquisitionis omnibusque curie membris que dictis deservitionibus intererint nos ex certa scientia proprioque motu pro nobis et successoribus nostris cum avisamento et consensu predictis dispensavimus tenoreque presentium irrevocabiliter dispensamus imperpetuum IN super vicecomiti et balivis suis de Aberdein necnon dilectis nostris et eorum cuilibet conjunctim et divisim vicecomitibus suis de Aberdein in hac parte salutem vobis precipimus et mandamus quatenus prefato Carolo Comiti de Aboyne vel suo certo actornato latori presentium sasinam totarum et integrarum terrarum baronie decimarum aliorumque suprascriptorum cum pertinentiis secundum formam et tenorem antedictae carte nostre quam de nobis inde habet et unionis predictae juste haberi faciatis sine dilatione et hoc nullo modo omittatis ad quod faciendum vobis et vestrum cuilibet conjunctim et divisim vicecomitibus nostris de Aberdein in hac parte antedicta committimus potestatem IN cujus rei testimonium huic presenti carte nostre magnum sigillum nostrum appendi mandavimus Testibus ut in aliis cartis consimilis date precedentibus apud Edinburgum quarto die mensis Augusti anno domini millesimo sexcentesimo septuagesimo quinto et anno regni nostri vigesimo.

ABSTRACT OF LXXXI.

CHARTER by King Charles the Second, under the Great Seal, in favour of Charles, Earl of Aboyne, lord Strathaven and Glenlivat, and

the heirs male of his body, and his assignees whatsoever, which failing, to George, Marquis of Huntly, his heirs male and assignees whatsoever, heritably and irredeemably, without reversion, redemption or regress, of all and whole those lands of the lands and barony of Geicht, *alias* Shewes, therein mentioned, viz., the mains and manor place of Geicht, the towns and lands of Fetterletter, Woodhead thereof, Milnebreck, Blackhillocks, Swanfoord, Fadounhill, Little Geicht, Mill of Geicht, mill lands, &c., Coattoun, Stainhouse of Geicht, Lethentie and Bruckleseat, with all their pertinents, all lying within the Barony of Geicht, as parts thereof, parish of Fyvie, and sheriffdom of Aberdeen: Which towns, lands, &c., belonged before heritably to Sir Richard Maitland, younger of Pitrichie, Knight, and Sir Richard Maitland, elder, of Pitrichie, Knight, Baronet, one of the Senators of the College of Justice, his father, and were resigned by them in virtue of Contract of Alienation between them on the one part, and the said Charles, Earl of Aboyne, on the other part, of date at Edinburgh 3rd August 1674: To be holden to the said Charles, Earl of Aboyne, and his heirs aforesaid, of the Crown, in fee and heritage; rendering therefor yearly the rights and services due and wont for the same, which are now converted from simple ward to taxed ward, in manner therein specified. Contains precept of Sasine, and is dated at Edinburgh 4th August 1675.

LXXXII.

THE last deed we give from our collection is a charter by King Charles the Second in favour of the first Earl of Aboyne. The Earl resigned the lands of the Earldom for new infeftment because they were claimed by the Marquis of Huntly, who, however, resigned his rights. In this charter the lands comprised in the Earldom are given in detail, and consequently the deed possesses the greater value and interest. It will be noticed that the various estates, with which we have dealt in the foregoing records, are now consolidated and merged in the Earldom of Aboyne:—

CAROLUS Dei gratia magne Britannie Francie et Hibernie rex fideique defensor Omnibus probis hominibus totius terre sue clericis et laicis

salutem Sciatis nos cum avisamento et consensu predilectorum consanguiniorum et consiliariorum Joannis Comitis de Rothes &c. . . . dedisse concessisse disposuisse et hac presenti carta nostra confirmasse . . . predilecto nostro consanguineo et consiliario Carolo Comiti de Aboyne domino Strathaven et Glenlivet &c. et heredibus masculis de corpore suo procreatis et procreandis quibus deficientibus Georgio Marchioni de Huntlie Comiti de Enzie domino Gordon et Badzenoch nepoti suo et heredibus masculis de corpore suo legittime procreandis quibus deficientibus dicto Carolo Comiti de Aboyne &c. propinquioribus suis et legitimis heredibus masculis et assignatis quibuscunque hereditarie et irredimabiliter totas et integras terras et dominium de Aboyne comprehendentes villam castri lie Castletoune de Aboyne cum terris dominicalibus lie maines et manerie loco earundem &c. villam et terras de Wratons Bellagoven Over et Nether Bounties cum crofta earundem molendino terris molendinariis et multuris earundem villam et terras de Over et Nether Formistounes Drumgask Muretoun Over et Nether Balnads molendinum de Deske molendinum terris molendinariis et multuris earundem orientales et occidentales Brearadocks Tomahaleck Knockgud et Croftam earundem Over et Nether Balnacraigs Momenhaven Ferrer et Croftam earundem cum lie ferrie boat earundem supra aquam de Dee Tillehaudie manerie locum ejusdem Over et Nether Bodomends Eastertoun Hirnley Tillibrein Balverie molendinum de Bennetic molendinum terras molendinarias et multuras earundem cum lie ferrie boat et crofta ejusdem Foberbirs molendinum de Cattis molendinum terras molendinarias multuras &c. Tornhinlachie et silvas earundem &c. Bandorie Cobleseat Belhangies Inshbaire ferrie boat ejusdem Belnacraig Garlielie Mariewall et dimidium croftam earundem forrestam de Birs silvas lie Corries rivulos lie burns lie glens et lie sheellings earundem Daluhinge et Croftam hujusmodi molendini fulonum et fulonum ejusdem Croftam foulbogg Boreland Graystone Bridgeend Craigheid Greencoats Birkenhillock Mylnefeild foald et lie bogg maynis et parvis Gallions cum molendino earundem terris molendinariis multuras &c. Bridgeend heugh Camissamari cum silvis ejusdem magnas et parvas Keandores Theandors et Urak cum silvis et lacubus earundem Tulich Cobletoun Coble et Coble croft earundem Tomnakeist cum silvis ejusdem unacum forrestis de Morvein et Coblein silvis lie Corries rivulis lie burns lie glen et lie sheellings ejusdem Bellamoir Bellabeig Bellaren Auchnarne

Blairglesse Mostoun Smiddiecroft Heughhead molendinum villam molendinum terras molendinarias multuras &c. Colquhoulstoune Belheanny Knockdow Finlay's croft Sheeppherd's croft et Doues croft croftas de Mamoir New Groddie et Old Groddie Blackmylne molendinum terras molendinarias multuras &c. Naterchearn Tulloch Staycroft et Croftam de Old Hairelaris Tominturie Belmaldie molendinum terras molendinarias et multuras earundem Handiecroft Drome orientalem et occidentalem Abergardens Bridgeend Kirkouton Cairnmoir Tomnamean Bellantuken Riamri Old Moir villam castris lie Castletoun cum manerie loco earundem Croften Whange Craighostby Belnauhangie cum silvis et lie sheillings dictarum terrarum cum advocacione donatione et jure patronatus ecclesiarum de Aboyne Glentanner Glenmuick Glengairne Colstoune et Tullich &c. cum forrestis silvis lie sheillings integris partibus pendiculis et pertinentibus dictarum terrarum aliorumque suprascriptarum unacum salmonum piscatione super flumen de Die et aquam de Gairne dictis omnibus terris adiacente molendinis terris molendinariis aliisque unacum integris decimis tam rectoriis quam vicariis dictarum terrarum aliarumque prescriptorum cum pertinentibus omnium infra parochias de Aboyne Coull Birs Tullich Colstaine et Glencairne et vicecomitatum nostrum de Aberdein jacentium QUEQUIDEM integre terre et dominium de Aboyne comprehendentes particulares terras aliaque supramentionata ad dictum Carolum dominum de Aboyne perprie hereditarie pertinuerunt per illum de nobis imediate tente per illum suosque procuratores suo nomine virtute literarum suarum procuratoriarum specialiter constitutos in manibus dominorum Commissionariorum nostri thesaurarii et scaccarii tanquam in manibus sui immediati legitimi superioris dictarum terrarum aliorumque supramentionatarum resignate et extradonate fuerunt in favorem proque hoc novo nostro infeofamento per nos dicto Carolo Comiti de Aboyne et suis heredibus masculis et heredibus tallie et substitutionis supramentionatis desuper concedendo prout authentica instrumenta desuper suscepta in manibus Magistri Thome Gordone notarii publici de data apud Edinburgum die mensis anno domini millesimo sexcentesimo septuagesimo latius proportant Necnon dictus Georgius Marchio de Huntlie ad dictas terras et dominium de Aboyne aliaque supraspecificata jus pretendens non solum dicti Caroli Comitis de Aboyne jus ad dictas terras aliaque suprascripta ratificavit approbavit sed etiam eadem terre per illum suosque procuratores suo nomine ad

hunc effectum legitime constitutos et patentes litteras in procuratoria resignationis manu sua subscriptas die mensis anno domini millesimo sexcentesimo septuagesimo contentas in manibus dictorum commissionariorum nostri Thesaurarii et scaccarii tanquam in manibus nostris immediatis legitimis superioribus earundem per fustem et baculum ut moris est debite et legitime resignate fuerunt in favorem proque hoc nostro novo infeofamento earundem dicto Carolo Comiti de Aboyne et heredibus suis predictis hereditarie et irredimabiliter dando et concedendo prout authentica instrumenta desuper suscepta in manibus dicti Magistri Thome Gordone notarii publici de data apud Edinburgum die mensis anno domini millesimo sexcentesimo septuagesimo latius proportant Preterea nos pro bonis et fidelibus servitiis nobis nostrisque progenitoribus regalibus per dictum Carolum Comitem de Aboyne suosque predcessores prestitis et impensis ex nostra certa scientia et proprio motu cum avisa-mento et consensu antedicto de novo dedimus concessimus et disposuimus . . . dicto predilecto consanguineo Carolo Comiti de Aboyne et heredibus masculis de corpore suo legitime procreatis vel procreandis quibus deficientibus dicto Georgio Marchioni de Huntlie et heredibus masculis de corpore suo procreandis quibus deficientibus dicti Carolo Comiti de Aboyne et suis propinquioribus et legitimis heredibus masculis et assignatis quibuscunque hereditarie et irredimabiliter totas et integras dictas terras et dominium de Aboyne comprehendentes . . . ut supra Et similiter nos pro causis suprascriptis univimus ereximus annexavimus creavimus et incorporavimus . . . dictas terras et dominium de Aboyne cum advocacionibus donationibus et juribus patronatus dictarum ecclesiarum de Aboyne Glentanner Glenmuick Glencairne Calstane et Tullich cum decimis rectoriis et vicariis earundem cum partibus pendiculis privilegiis et pertinentibus hujusmodi supra expressis per cartam per nos dicto Comiti concessam antea unitas in unum integrum et liberum Comitatum et dominium nunc et omni tempore futuro Comitatum et dominium de Aboyne nuncupandum ordinans presentem manerie locum vel habitaculum de Aboyne esse principale messuagium dicti Comitatus et domini et quod sasina per dictum Comitem suosque predictos ibi suscipienda nunc et in omni tempore futuro vel super solo alicujus partis dictarum terrarum comitatus et domini aliorumque predictarum stabit et tam sufficiens et valida illis sasina erit pro omnibus et singulis dictis terris comitatu et dominio . . . Et preterea nos considerantes quod

commodo et utilitati inhabitantium ibidem et quod parochie de Glentanner et Aboyne annexentur et quod templa earundum in unum uniantur igitur nos pro causis suprascriptis dictas parochias de Glentanner et Aboyne annexavimus earumque templa in unum univimus nunc et in omni tempore futuro templum de Charletoun de Aboyne nuncupandum ac etiam nos pro causis antedictis damus concedimus et disponimus dicto Carolo Comiti de Aboyne suisque prefatis aliisque heredibus tallie et substitutionis supramentionatis privilegium et libertatem erigendi lie corroves super flumen de Die apud illam ejusdem partem lie crove port vocant dictis terris de Bountie adjacentem vel aliquam aliam partem dicti fluminis alicui parti vel portioni terrarum dicti Comitatus et domini de Aboyne adjacentem cum officio et jurisdictione forrestrie infra forrestas de Morvein et Cublein et Birs . . . cum plena potestate dicto Comiti suisque predictis tollendi et intromittendi cum eisdem et desuper disponendi omniaque alia penes eadem jurisdictionem et officium et forrestrie tam libere et in tali modo agendi quam aliqui dicti comitis predicesores vel aliqui alii tale officium et forrestrie jurisdictionem infra dictum regnum habentes fuerunt faciunt vel in futurum facere poterint Tenendas et habendas totas et integras dictas terras comitatum et dominium . . . de nobis et heredibus nostris eorum immediatis legitimis superioribus earundem in libero comitatu et dominio et hereditate imperpetuum . . . REDDENDO inde annuatim dictus Carolus Comes de Aboyne et heredes sui masculi et tallie supraspecificati sui que predicti nobis et successoribus nostris tanquam superioribus supramentionatis devorias subscriptas videlicet pro advocacione donacione et jure patronatus dictarum ecclesiarum parochialium de Glentanner Aboyne Glenmuick Glencairne Collestone et Tullich dicto burgo baronie de Charletoun de Aboyne officio et jurisdictione forrestrie unum denarium monete Scotie annuatim ad festum et terminum Pentecostes nomine albe firme si petatur et pro dictis comitatu et dominio de Aboyne comprehendente terras aliaque suprascripta ut dictum est omnia nunc in unum comitatum et dominium in modo supraexpresso unita devorias jura et servitia debita et consueta . . . Et similiter nos pro causis supramentionatis ratificavimus et approbavimus tenoreque presentium carte nostre cum avisamento et consensu antedicto ratificamus et approbamus cartam et infeofamentum factum datum et concessum per nostrum predilectum consanguineum Georgium Marchionem de Huntlee ad et in favorem prefati Caroli Comitis de Aboyne et suorum heredum

inibi specificatorum totarum et integrarum terrarum et barronie de Glentanner videlicet Contullich Waternadie Little Tullich Neutoun Tillicairne Coblheugh Heughhead ejusdem Kendacraige moram de Kendacraige Heughhead de Kendacraige Over Bellastreen Boginglack Hellgreine Nether Belnastreen Woodend Craignenrick Bridge end ejusdem Tormoir Bealyne molendini terrarum molendinariarum et multurarum ejusdem Birkenhillock Cairnuhing Easter Glen cum forrestis et silvis de Glentanner lapicidiis rivulis lie glens et lie sheillings earundem cum salmonum piscaria super flumen de Die et aquam de Tanner dictis terris vel aliorundem parti adjacente ac etiam terrarum et baronie de Glenmuick videlicet Hunthall alias Keondakylle manerie loco earundem pomariorum parcorum sylvarum earundem Bellatrach superiorem et inferiorem Grystone ville molendini lie mylnetoun de Bellatrach molendini et terrarum molendinariarum multurarum &c. Tomberrie Bellamonie capitis de Inch lie head insh Tomdorack Risantrach molendini et terrarum molendinariarum de Bellamoir multurarum Bellindore Mylnetoun de Glenmuick molendini et terrarum molendinariarum earundem Aldinrie Tomabuchill Blairhargo Linmoire Benasleik Balindorie superiorum et inferiorum Bellintonbers et crofte ejusdem Wairdhead et Maines de Braichlie cum manerie loco hortis pomariis et silvis &c. Burnesyde de Braichlie Belmachie Gerthead Toldaire Tombreck superiorum et inferiorum Knocks Belliface Dari Ardineach molendini et ville molendini de Brachille molendini multurarum Steerien molendini terrarum cum molendinariarum et multurarum &c. Linmure Auldhallich Tossinsellie crofte superiori Ardmenach crofte Bruchdow et Niche &c. forresta ejusdem silvis lapicidiis rivulus lie glens et sheillings earundem superiorum et inferiorum Achollies Stodack croft Eandarghaugh of Achollie Auchnacraig Spittle cum forrestis de Braicca et Glenmuick silvis lapicidis rivulis lie glens et sheillings earundem cum lacu de Muick et piscatione super eundem cum partibus pendiculis et pertinentibus dictarum integrarum terrarum aliorumque suprascriptarum omnium infra parochiam de Glentanner et Glenmuick et vicecomitatum de Aberdeen predictum jacentium una cum salmonum piscaria super flumen de Dee et aquam de Muick dictis terris vel alicui earundem parti adjacenti unacum decimis garbalibus integris decimis tam rectoriis quam vicariis dictarum terrarum aliorumque suprascriptarum infra parochias de Glentannar et Glenmuick et vicecomitatum de Aberdein jacentium

tentarum de predilecto nostro consanguineo Georgio Marchioni de Huntlie &c. dictarum terrarum superiore forrestarium silvarum aliorumque supra-mentionatorum in libera alba firma et hereditate imperpetuum Reddendo inde annuatim dictus Carolus Comes de Aboyne sui que predicti unum denarium monete Scotie ad festum Pentecostes nomine albe firme si petatur tantum . . . Preterea nos pro causis suprascriptis ratificavimus et approbavimus tenore presentium carte nostre cum avisamento et consensu predicto ratificamus et approbamus vitales reditus cartas et infeofamenta facta data est concessa per predictum Carolum Comitem de Aboyne ad et in favorem Elizabethhe Comitisse de Aboyne sue sponse totarum et integrarum terrarum et dominio de Aboyne . . . In cujus rei testimonium huic presente carte nostre magnum sigillum nostrum appendi mandavimus Testibus ut in aliis cartis consimilis date precedentibus apud Aulam nostram de Whytehall decimo nono die mensis Novembris anno domini millesimo sexcentesimo septuagesimo sexto regnique nostri vigesimo octavo.

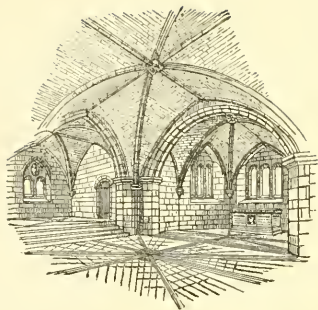
ABSTRACT OF LXXXII.

CHARTER, by King Charles the Second, to his beloved cousin and counsellor, Charles, Earl of Aboyne, Lord Strathaven and Glenlivet, and to the heirs male of his body, which failing, to George, Marquis of Huntly, Earl of Enzie, Lord Gordon and Badenoch, his nephew, and the heirs male of his body, which failing, to the said Charles, Earl of Aboyne, his nearest and lawful heirs male and assignees whatsoever, heritably and irredeemably, of all and whole the lands and lordship of Aboyne, comprehending the Castletoun of Aboyne, with the mains and manor places of the same; town and lands of Wratouns, Bellagoven, Over and Nether Bounties, with croft of the same, mill, mill lands, and multures thereof; town and lands of Over and Nether Formastouns, Drumgask, Muretoun, Over and Nether Balnads, Mill of Deske, mill, mill lands, and multures thereof; Easter and Wester Brearadochs, Tomahleck, Knokgud, and croft of the same; Over and Nether Balnacraigs, Momenhaven, Ferrie and croft thereof, with the ferryboat of the same upon the water of Dee; Tilliehaudie, manor place thereof, Over and Nether Bodomends, Eastertoun, Hirnley, Tilliebreme, Balverie, Mill of Bennetie, mill, mill

lands, and multures of the same, with the ferrie boat and croft thereof; Foberbirs, Mill of Cattie, mill, mill lands, multures, &c., Torhinlachie and woods thereof, Bandorie, Cobleseat, Belhangies, Inchbaire, ferryboat thereof, Balnaeraig, Garlielie, Mariewall, and half croft of the same; Forest of Birs, woods or corries, burns, glens, and sheallings of the same; Dalwhinge and croft thereof, Waulkmill and Waulkers' Croft of the same; Foulbog, Boreland, Graystone, Bridgend, Craighead, Greencoats, Birkenhillock, Mylnefield fold and the bog mains and small gallions, with mill of the same, mill lands and multures; Bridgend heuch, Camisamari, with woods thereof, Meikle and Little Keandores, Theandores, and Wrak, with woods and lochs thereof; Tulich, Cobletoun, coble and Coble Croft of the same; Tomnakeist, with woods thereof, together with the forests of Morvein and Coblein, corries, burns, glens, and sheallings thereof; Bellamoir, Bellabeig, Bellaren, Auchnarne, Blairglesse, Mostoun, Smiddie Croft, Heugh-head, Miltoun, mill, mill lands, multures, &c., Colquhodlestoun, Belheanny, Knockdow, Finlay's Croft, Shepherd's Croft, and Dowes Croft; crofts of Mamoir, New Groddie and Old Groddie, Blackmylne, mill, mill lands, multures, &c., Naterchearn, Tulloch, Stay Croft, and Croft of Old Hairelaris, Tominturie, Belmaldie, mill, mill lands, and multures thereof, Handieeraig, Drome, Easter and Wester Abergardens, Bridgend, Kirkton, Cairnmoir, Tomnamean, Bellantuken, Riamri, Oldmoir, Castletoun, with manor place thereof, Croften Whange, Craigeostby, Belnawhangie, with woods and sheallings of the said lands, with advocation, donation, and right of patronage of the churches of Aboyne, Glentanner, Glenmuick, Glengairne, Colston, and Tullich, with forests, &c., salmon fishings upon the water of Dee and water of Gairne, adjacent to all the said lands, with the teinds, rectorage, and vicarage of the said lands and others, all lying within the parishes of Aboyne, Coull, Birs, Tullich, Colstane, and Glengairne, and Sherifffdom of Aberdeen: which whole lands, &c., belonged before to the said Charles, lord of Aboyne, and were resigned by him for this new infestment: and also the said George, Marquis of Huntly, pretending right to the said lands and others, not only ratified and approved the right of the said Charles, Earl of Aboyne, to the same, but also resigned the said lands in his favour, for this new infestment thereof to be given to the said Charles, Earl of Aboyne and his heirs aforesaid: and further, for the good and faithful services of the said Earl and his predecessors, His Majesty of new gives

and grants the said lands and lordship of Aboyne to him and his heirs aforesaid; and likewise unites, erects, annexes, creates, and incorporates the whole into one whole and free earldom and lordship, now and in all time coming to be called the Earldom and Lordship of Aboyne, ordaining Sasine of the same to be taken at the manor place of Aboyne, as the chief message of the said Earldom and Lordship: and further, for the convenience and utility of the inhabitants there, uniting the parishes of Glentanner and Aboyne into one, and the church thereof to be called in all time coming the Church of Charletoun of Aboyne: and also granting to the said Earl the privilege and freedom of erecting croves upon the water of Dee, at that part called the crove port, adjacent to the lands of Bountie, or upon any other part of the river adjacent to any part of the lands of the earldom: together with the office and jurisdiction of Forestry within the Forests of Morvein, Cublein, and Birs: To be holden of the King and his successors in free earldom, lordship, and heritage for ever: Rendering for the advocacy of the churches aforesaid, and for the office of Forestry, one penny Scots yearly; and for the said earldom and lordship of Aboyne, the duties, rights, and services due and wont: And in like manner ratifying a charter granted by George, Marquis of Huntly, to and in favour of the said Charles, Earl of Aboyne, and his heirs therein specified, of all and whole the lands and barony of Glentanner, namely, Contullich, Waternadie, Little Tullich, Newton, Tillicairne, Cobleheugh, Heughhead of the same, Kendacraige, Muir of Kendacraige, Heughhead of Kendacraige, Over Bellastreine, Boginglack, Hellgreine, Nether Belnastreen, Woodend, Craignewrick, Bridgend of the same, Tormoir, Bealyne, mill, mill lands, and multures thereof, Birkenhillock, Cairnwhinghe, Easter Glen, with forests and woods of Glentanner, quarries, streams, glens, and sheallings thereof, with salmon fishings on the river of Dee and water of Tanner, adjacent to the said lands or any part thereof; and also, of the lands and barony of Glenmuick, namely, Hunthall, otherwise Keondakylle, manor place, orchards, parks, and woods thereof, Bellatrach, Over and Nether Grystone, Milltoun of Bellatrach, mill, mill lands, and multures thereof, Tomberrie, Bellamonie, Headinch, Tomdorack, Risantrack, mill and mill lands of Ballamoir, multures, Bellindore, Milltoun of Glenmuick, mill and mill lands of the same, Aldinrie, Tomabuchill, Blairhargo, Linmoire, Benasleik, Balindorie, Over and Nether Balintoubers, and croft thereof, Wairdhead, and Mains

of Braichlie, with manor place, yards, orchards, woods, &c., Burnesyde of Braichlie, Belmachie, Gerthead, Toldaire, Tombreck, Over and Nether Knocks, Bellaface, Dari, Ardineach, mill and milltoun of Brachille, mill, multures, Steerien, mill lands, and multures, &c., Linmure, Auldhallich, Tossinsellie, Overcroft, Ardemenach Croft, Bruckdow, and Niche, &c., forest thereof, woods, quarries, streams, glens, and sheallings of the same, Over and Nether Auchollies, Stodack Croft, Eandarghaugh of Achollie, Auchnacraig, Spittle, with forrests of Braicca and Glenmuick, woods, quarries, glens, and sheallings of the same, with the Loch of Muick, and fishing on the same, with parts, pendicles, &c., of the said whole lands and others above written, lying within the parish of Glentanner and Glenmuick, and sheriffdom of Aberdeen, together with salmon fishings on the river of Dee and the water of Muick, adjacent to the said lands or to any part thereof, within the parishes aforesaid, held of the said George, Marquis of Huntly, superior of the aforesaid lands, forests, woods, &c., in free blench and heritage for ever: Rendering therefor yearly one penny Scots money in name of blench ferme, if asked only: ratifying, further, the charters and infestments made and granted by the said Charles, Earl of Aboyne, to and in favour of Elizabeth, Countess of Aboyne, his spouse, in liferent, of the lands and lordship of Aboyne. Dated at Whitehall, 19th November 1676.





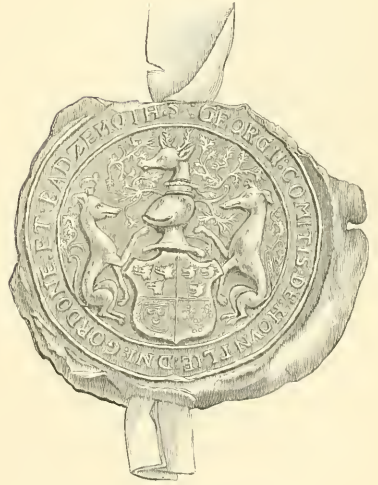
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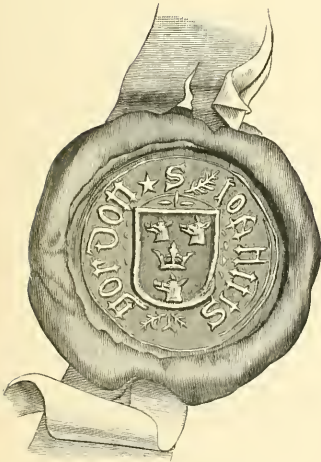
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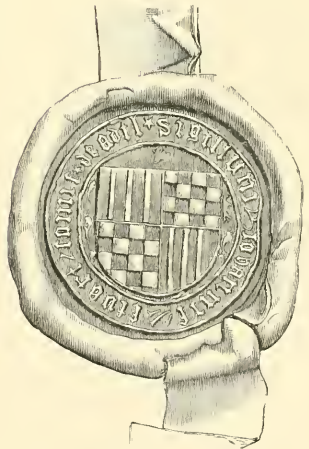
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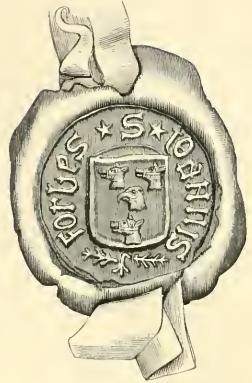
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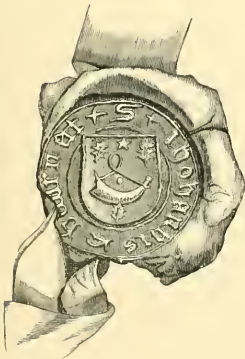
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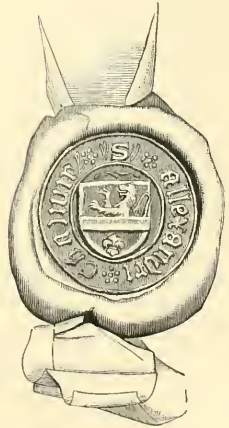
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THE GORDONS OF THAT ILK.

THESE Records would not be complete without a brief account of the family in whose possession Aboyne has remained for so long. We deal first with the forbears of the Earls of Huntly, and shall not follow the various speculations, into which many writers have entered, as to the origin of the Gordons. It is intended to deal with historical facts, and rather to correct the errors of the family historians than to imitate them. We know, however, that the family of Gordon or Gourdon was of considerable importance in France long previous to the name appearing in the north of Britain. A Duke de Gordoun was Constable of France and General in Brittany at the time of Charlemagne; and when Sir Robert Gordon wrote the history of the House of Sutherland in 1630, he says, "To this day there is a Viscount de Gordoun in France who traced his pedigree from Duke Gordoun De Beuland, who was Constable of France in the reign of Lewis Debonair (A.D. 820)." Richard the First of England was slain by Bertram de Gourdon at Chalus in Aquitaine. In this province of France we still find a most interesting, and picturesquely-situated, town called Gourdon.

Though we cannot trace the connection, it is probable that some of the family crossed to England at the time of William of Normandy; but the first appearance of one of the name in Scotland is in the time of Malcolm III. This Gordon was a captain in Malcolm's army, and is said to have received from the King, as rewards for his bravery and valour, the lands of Stichel and others in the Merse, which, according to Ferrerius (writing A.D. 1545), continued in the family of Huntly for upwards of 500 years, a great part of the superiority of these lands belonging to the family of Gordon in his day. John Ferrerius was native of Piedmont, became Abbot of Kinloss, and wrote "A History of the Origin and Progress of the Gordon Family," at the desire of Mr. William Gordon, secretary and kinsman to the fourth Earl of Huntly.

It may here be noticed that, while the Gordons appear to have given their family name to a village in Berwickshire, they afterwards, on their settlement in the north, gave the name of Huntly (which they found in the Merse) to their principal seat in Strathbogie, and adopted it later as the leading title under which they were ennobled.

Not until the reign of Alexander the II. (A.D. 1214-1249) did surnames begin to be assumed in Scotland; not only then (but for long after) were they restricted to men of rank and property. The great Norman barons, the Brus', Baliols, and Comyns brought surnames with them from England, where the practice obtained at a somewhat earlier date, and even from Normandy, where it was still earlier in fashion; while the lesser barons and gentlemen (of Norman extraction or not) only obtained surnames in our country when they received charters of land, the surname being generally derived from the territory so granted.

There are traditions relating to four of the early owners styled of Gordoun, which, however, cannot be verified, and are, therefore, out of place here. Symeon of Durham describes the fatal march of Malcolm Canmore (A.D. 1093) into England, when he and his eldest son met with defeat and death at the hands of Robert, Earl of Northumberland,* on the banks of the Aln; and Gordoun appears to have assembled his retainers and followed his sovereign, and to have fallen with him in that encounter. When David I. espoused the cause of his niece, Queen Matilda, and her son's right to the English throne, the then Laird of Gordoun supported him, and fell at the Battle of the Standard, A.D. 1138. He left two sons, Richard and Adam, between whom the estates were divided, to be united again four generations thereafter. In the Kelso chartulary there is extant a grant by Richard de Gordon (circa A.D. 1160), giving^r the Monks of that Abbey a right of pasture, an acre of ground at Todlaw, and an acre of meadow in Huntly-Strother, in the barony of Gordon. Richard was succeeded by his son, Sir Thomas de Gordon, A.D. 1170, who confirmed his father's grant of the lands and pertinents to the Church of the Virgin Mary and the monks serving God in Kelso. †

Thomas de Gordon saw his sovereign, William the Lion, taken prisoner in England in 1173, and, on the king's return from a year's captivity, was one of his most constant supporters during the remainder of his long reign of 48 years, amid the ever-recurring revolts in Galloway,

* *Symeon of Durham*, vol. ii., p. 221.

† *Liber de Calchou*, vol. i., p. 97.

Ross, Caithness, and other parts of the kingdom against the Crown. He died about the same time as King William, and was succeeded by his son, Thomas, who was knighted by Alexander II., the second of the family to receive that distinction in Scotland. Sir Thomas de Gordon confirmed the donations made by his father and grandfather to the Abbey of Kelso, and, with the consent of his wife, Marjory, made a further grant of "some lands, with part of his peatary, called the Brunmoss; the liberty of taking timber from his woods, and pulling heather on his estates," in return for which privileges he obtained the right of burial in the cemetery of the Abbey of Kelso.* In 1249, King Alexander summoned a general muster of the barons and military forces of the kingdom for the purpose of reducing the Western Islands, but his sudden death on Kerrera, the well known island in the beautiful bay of Oban, caused the expedition to be abandoned. Sir Thomas survived his sovereign some nine years, dying in the year 1258, and leaving an only child—a daughter—styled in the charters, Alicia de Gordoun. We must now revert to the younger branch springing from Adam, the younger brother of Richard de Gordon.

As already stated, Adam received a portion of the family lands; to these he added those of Faunes. According to the Pronie MSS., he was succeeded by his son, Alexander, designated of Huntly, who was in his turn succeeded by Sir William de Huntly, a contemporary of his cousin, Sir Thomas de Gordon. Sir William was one of the officers in command of the first Scottish contingent of 1000 men that went to the Crusades, from which he never returned. He died in Africa on his way to the Holy Land, leaving his estates to his brother, Adam, who did not long survive him, and was succeeded by his son, Adam.

Early in his career Adam Gordon seems to have been filled with military ardour, and joined in the civil war raging between Henry III. of England and his barons. Daniel, the Historian, relates some of his adventures, especially his defence of the Castle of Dunsyre, and a romantic personal encounter with Prince Edward near Farnham Castle.† This single combat with the future King of England was drawn, neither side having any advantage. Edward was so delighted with the courage and skill of his antagonist that he called a parley, and offered to forgive him what was past, and very much advance his fortune if he would yield the honour of the combat to him. Some accounts aver that Adam indignantly

* *Liber de Calchou*, vol. i., p. 90. † *History of the Gordons*, 1726, vol. i., pp. 7, 8.

declined this proposal, but others, probably more correct, say that he consented, as he soon afterwards returned to Scotland, having earned his spurs and received knighthood. There was another likely reason for his romantic expedition. In his boyhood he had left his kinswoman, Alicia, heiress of the elder line of Gordon, and if he had aspired to her hand, he may have desired to prove himself, in that dawning age of chivalry in Scotland, worthy of her choice. Whether this conjecture be correct or not, certain it is they were married soon after Sir Adam's return, and the line of Gordon, with the estates of Gordon and Huntly, again united.

After some years of peace, and when the young King Alexander III. had just ascended the throne, an order arrived from the Pope calling upon Scotland to furnish and equip a suitable contingent for another crusade. Among those who left Scotland to assist Louis IX. of France in the expedition to Palestine, were Robert Brus, David Hastings, Earl of Athol, and Sir Adam Gordon; disaster and disease wrecked the cause: many perished before reaching the Holy Land, and Sir Adam was one of these. He granted and confirmed to God and the Church of St. Mary of Dryburgh, for the salvation of his soul and that of Alice his spouse, pasturage and other rights to the lands of Faunes, in free and perpetual alms.^{*} His widow, Alicia, survived him several years, as we find from charters of confirmation given by her to the Abbey of Kelso. She died in 1280, and was succeeded by her son Adam, who fell indeed upon evil times. King Alexander the III. and all his family had died; the heir to the throne of Scotland was an infant in a foreign land, and Edward the First of England was already engrossed in schemes for the complete subjugation of the country.

The young Maid of Norway died on her homeward passage, and Scotland had to endure the horrors of a disputed succession. The unpatriotic conduct, and the conflicting interests of powerful and jealous nobles, the servility of the rivals for the Scottish Crown enabled Edward to constitute himself Lord Paramount of the kingdom, notwithstanding the firm protest of the community of Scotland. He then proceeded to adjudicate upon the claims of the competitors, and decided in favour of the weak Baliol, who found himself, ere many years elapsed, in a more humiliating position than he could endure. When, in 1295, Baliol endeavoured to free himself from Edward's yoke, Adam Gordon, with his

^{*} *Liber de Dryburgh*, p. 146.

tenants and dependants, joined the army he raised in the West, under the leadership of Comyn, Earl of Buchan, and William, Earl of Mar. His lands of Gordon and Huntly were plundered by Edward during his victorious march through Berwickshire, and forfeited to the English Crown. When, on 28th April 1296, the two armies met on the field of Dunbar, he was one of the great Scottish host who fell in that fight, so fatal to their country's independence. He confirmed his father's grant to Kelso, and was succeeded by his eldest son, Sir Adam de Gordon, who seems to have been one of the few who held out after Dunbar, and retreated northwards before the conqueror until compelled to surrender himself at Elgin upon the 28th July 1296.*

Sir Adam's mother, Marjory, had no option but to submit and swear fealty to Edward, which she did by appearing before him on the 3rd September 1296, and obtained restitution of the estates. †

When, in the spring of 1297, Sir William Wallace commenced his noble and patriotic career, Sir Adam de Gordon was one of the first to join him. Throughout the two memorable years which followed, Gordon took part in the hardships, the romantic expeditions, and the brilliant achievements of his leader. At the battle of Stirling Bridge he greatly distinguished himself, and again had to see Scotland at the feet of England after Falkirk, a defeat due to the intrigues of Edward, and the jealousy and treachery of some of the Scottish nobles. While the country was under the governorship of Sir John Comyn of Badenoch and Sir John Soulis, Sir Adam Gordon seems to have co-operated with them, and in 1300 they selected him for the post of Warden of the East Marches. In March 1301, he was one of the Scottish envoys who had safe conduct to Canterbury (at the request of King Philip of France) to treat of peace with his envoys. ‡

Irritated by the defeat which his generals received at Roslin, Edward collected a large army with which he broke across the borders in June 1303. "In recording," says Tytler, "the history of this last miserable campaign, the historian has to tell a tale of sullen submission, and pitiless ravage. He has little to do but to follow in dejection the chariot wheels of the conqueror, and to hear them crashing under their iron weight all

* *Ragman Rolls.*

† *Chalmer's Caledonia, ii., p. 387.*

‡ *Bain's Calendar of Documents, vol. ii., p. 318.*

that was free and brave in a devoted country."* Edward got as far north as Kinloss in Moray, driving Comyn, Fraser, Wallace, Gordon, and those who still held out into the wilds and fastnesses of the Highlands. Not until Wallace had been treacherously betrayed and cruelly executed, did Sir Adam Gordon yield. In the summer of 1305, after two years' hardship and desultory warfare he gave in his allegiance to Edward. At a convention of the Scottish nobles and barons, held at Perth immediately after the death of Wallace, Sir Adam advocated the cessation of further hostilities, and a policy of conciliation towards the English king. This counsel prevailed, and was very acceptable to Edward, who directed the convention to elect ten representatives to proceed to London to concert with the Commissioners of the English Parliament then sitting. Sir Adam was one of the ten chosen by the convention, and, after adjusting the terms of peace and accepting the fine imposed upon him of three years' rents of his lands, he returned to the north apparently determined to be as true now in his allegiance to England as he had been for so many years constant in his opposition to her power. Perhaps, at his interview with the great king, he may have been reminded of the latter's "bout of chivalry" with his grandfather at Farnham? He was in 1305 appointed Joint-Justiciar of Lothian, and had 40 marks as his fee. †

During the eventful years 1306-7, while Brus was engaged in desperate struggles to secure the independence of the country, Sir Adam seems to have remained quietly on his estates in the Merse, then in the hands of an English factor, to have settled disputes which had arisen about marches with the monks of Kelso, and to have so managed his affairs that at the end of the second year the fine imposed upon him was paid, and he regained full possession of his lands. Brus was engaged during these and the next few years in consolidating his power in the north, and the Border lands were free from war and spoliation; but, though still on the English side, Gordon was able to render two important services to the Scottish king. Lamberton, Bishop of St. Andrews, who was devoted to Brus, and was his earliest and most confidential friend, had been present at his coronation, had interceded with the Pope for him, and even put on armour and led his vassals against the English, was surprised and taken prisoner by the Earl of Pembroke (1306). The

* *Tytler's History of Scotland*, vol. i., p. 117.

† *Bain's Calendar of Documents*, vol. ii., p. 462.

Primate of Scotland was taken to England, only saved from the gallows by his sacred functions, and thrown into prison, loaded with chains, by Edward I. This Monarch died in 1307; and, in the following year, at the intercession of Sir Adam Gordon, Henry Sinclair, and Sir Robert de Keith, and on their becoming security that Lamberton would stick to his cassock in time to come, Edward the II. released the Bishop to the delight of the Scottish king. The other service was one which even more deeply affected the personal feelings of Brus. The king's sister's son, Sir Thomas Ranulph, was a neighbour of Gordon's, and between them a warm friendship subsisted. He was taken prisoner after the defeat at Methven, and would have been instantly executed by Edward, but for the exertions of Sir Adam, who was ordered to keep him in sure ward at the castle of Inverkip.* It says much for Gordon's influence with the king of England that he was able to obtain from him the life, and liberty, of one of the hated Brus's kin.

On 14th December 1307, Sir Adam Gordon was one of those whom Edward II. of England (on the occasion of his departure for Boulogne) commanded to keep the peace, and obey the Earl of Richmond as warden; and, on 19th May of the following year, the English king granted him the Manor of Temple Thorntoun in Northumberland during pleasure at a rental of £45, with the oxen, ploughs, &c.† Four days later he became surety for William, Bishop of St. Andrews, who was then released from Winchester Castle. Next year he entered into a contract with the monks of Kelso in regard to a carucate of his lands of East Gordon, which carucate is mentioned as having been granted "ex dono bone memorie Domini Andree Fraser militis jam defuncti." On 4th March 1309, the king of England granted to his liege Adam Gordon the lands of Stichel, forfeited by the rebellion of Thomas Ranulph, to be held without reddendo.‡ The claim which Sir Adam established over Ranulph stood him in good stead in after years, when despairing of the hopes of the English cause, with the fortunes of their Scotch supporters sunk to desperation, Sir Adam accepted, along with David Strathbolgi, Earl of Athol, a mission from Edward II. to negotiate the terms of a truce with the Scots. The attempt failed through the intrigues of France and the double-dealing of Athol.

* *Palgrave's Transcripts*, vol. lxxiii., f. 49. † *Bain's Calendar of Documents*, vol. iii., No. 88.

‡ *Patent Rolls*, 11. Ed., ii., m. 11.

Going back a little we find that during the year 1310 Sir Adam Gordon appears to have lost his Scottish Estates, for there are writs under Privy Seal granting him 100 marks per annum until he recovers his lands in Scotland; and in 1311 and 1312 there are orders for the payment of his arrears as Justiciar of Lothian—amounting to £50. In January 1313, he has a gift of 20 merks from the English king by the hands of his son, William Gordon.*

There is every reason to believe that Sir Adam Gordon yearned to draw his sword once more in the cause of Scottish freedom; and it appears that the English king had some suspicion of his intention. An adept in dissimulation Edward bided his time, and apparently instructed the Constables of Roxburgh and Berwick to plunder the lands of the Earl of March, Sir Adam, and other Scots who remained loyal to England. Harassed on the one hand by the partisans of Brus, and on the other by the English garrisons, they were compelled to make a truce for 15 days with Brus, with the result that the Constable of Berwick ravaged their lands, carrying away 300 fat cattle and 4000 sheep; the people being seized in their beds, imprisoned, and held up to ransom.

From the Patent Rolls we learn that when complaint was made to William de Filerges, Constable of Roxburgh, he seized Sir Adam Gordon and imprisoned him, until he found security in £1000 that he would appear before the king and his lieutenant, and not attempt to injure Roxburgh Castle. †

Later, in 1313, the Scots nobles and barons, who still adhered to the English cause, met and resolved to send a deputation to Edward "to lay their miserable state before him, and to request his advice and assistance." The Earl of March and Sir Adam Gordon were entrusted with this important mission; and, having laid their grievances before the king, Sir Adam was freed from his Bond of £1000, but instead of receiving assurances of help, he and March had to listen to the most bombastic enconiums on their faithfulness and constancy. They saw that no reliance could be placed on the English king, and returned to Scotland, gave in their report, and advised a change of sides.

Sir Adam straightway sought an interview with Brus, and offered him his fealty and services, which were gratefully accepted, to the joy of Sir Thomas Ranulph, who aided him in obtaining the restoration of his

* *Bain's Calendar*, vol. iii., p. 59.

† *Patent Rolls*, 7 *Edward II.*, membrane 2.

estates from their forfeiture to the Scots Crown, and apparently allowed him to retain the barony of Stichel, which gift King Robert Brus confirmed by charter, dated 28th June 1315, to Sir Adam Gordon and his second son, William, and his heirs. From this William, the Gordons of Galloway and Kirkcudbright, with Lochinvar and the Viscounts of Kenmure, trace their descent.

Gordon took service under Ranulph, soon after created Earl of Moray, and thenceforth shared in the councils and exploits of that sagacious and skilful commander, fighting by his side in the eventful part which the division he commanded played on the memorable field of Bannockburn, the 24th June 1314. Well did the Brus repay those gallant deeds, by his own hand granting charters of new lands to Sir Adam, and by employing him in State affairs of the highest importance.

The king was earnestly desirous of being reconciled to the Holy See. The Bulls of excommunication which the Pope hurled against him, though of little effect in Scotland, where their publication was prevented, were circulated in England, and, by intrigues of Edward, backed by emissaries of the church, fomented discord among Brus's relatives, and caused him much mental anxiety. The Scots Parliament met at Arbroath and drew up an address to the Pope, setting forth the grievances which their kingdom had suffered from the kings of England, and in manly, straightforward terms praising the character and rule of Robert Brus, "to whom are we bound both by his own merit and by the law of the land, and to whom, as the saviour of our people and the guardian of our liberty, are we unanimously determined to adhere."

This memorable letter is dated the 6th April 1320, and the two commissioners chosen by the Parliament to carry it to Rome and advocate its prayer before the Pope, were Sir Adam Gordon and Sir Edward Mabuisson. Since the war of independence began, Scotland had had no representative at the Papal Court, for the slaughter of Comyn by Brus, within the sacred precincts of the Church of Dumfries, rendered it improbable that a representative of the Scottish king would have been received by the Pope, so the commission entrusted to Sir Adam and his colleague was not a royal mandate, but one from the Parliament of the kingdom. The commissioners were, at first, coldly received at Rome, but, aided by two of Sir Adam's sons, John and Thomas Gordon, who had both taken holy orders, they gained access to one after another of the

dignitaries of the church, and informed themselves as to the policy of the English king, whose emissaries were trying to counteract the Scots. At last they had their interview with the Pope, and presented the memorable Scottish declaration and petition. His Holiness seems to have been much mollified by Sir Adam's representations, and after the delay of more than a year, while no new Bulls were issued against Brus, a somewhat enigmatical answer was returned, expressing the Pope's appreciation of the loyalty and obedience professed by the estates and people of Scotland, but that, as the commissioners had not full power to treat, their commission not being from the king, and merely a resolution of Parliament, it was not meet that his Holiness should give an opinion as to the matters referred to in the petition. Sir Adam Gordon lost no time in returning to Brus, having had the address to discover that there would be no disinclination now to receive a plenipotentiary from the Scottish king, to arrange both spiritual and temporal matters; he advised his sovereign to accredit his old friend, Ranulph, Earl of Moray, as Ambassador to the Pope. This advice the king followed, and Moray was able to effect an entire reconciliation with the church; the Pontiff, (much to the indignation of Edward II.,) consenting to remove all quarrel between himself and Brus, to whom he accorded the title of King of Scotland. Sir Adam received from his sovereign a charter of the barony of Strathbolgi, which had been forfeited to the Crown from David Strathbolgi, Earl of Athol, by the decree of the Parliament held at Scone in December 1319. This was the first footing of the Gordons in Aberdeenshire and the north, with which districts their names have ever since been associated. In the same year he and his son Sir Adam are knights, and witness charters to Melrose.* He appears to have died in the reign of Robert Brus. His spouse was Annabella.†

Sir Adam de Gordon was succeeded by his son, Sir Adam de Gordon, who confirmed his father's charter to Melrose during life of Robert I.‡

Edward II. was deposed in 1325, and succeeded by Edward III., then a mere boy. About this time Sir Adam de Gordon, accompanied by eight score followers, attempted to carry off the cattle which pastured under the protection of the garrison of Norham. The garrison sallied out hastily, were intercepted by Sir Adam, and compelled to defend

* *Liber St. Marie de Melros*, p. 388.

† *Liber de Calchou*, p. 86.

‡ *Liber St. Marie de Melrose*, ii., 376.

themselves among ruined houses. Sir Thomas Gray, seeing the danger of his compatriots, vowed "he would drink of the same cup." He first caused the large mastiffs of the castle to be let loose, and attacking Gordon's force with only sixty men, drove them across the Tweed.* Shortly afterwards a daring and extensive expedition of Brus's into the heart of England brought about the peace of Northampton, the glorious consummation for which the Scottish king had so long and bravely struggled. He lived but a short year afterwards to witness the fruits of this peace, and died in 1329, leaving his son, David, aged eight years, under the regency of Ranulph, Earl of Moray. For some time all went well, until Moray was basely murdered in the year 1332 with a cup of poison at the hands of a monk who had, under the pretence of being a physician, insinuated himself into the Regent's confidence. The country then fell into great disorder. A band of disinherited barons, headed by Henry Beaumont, Earl of Buchan, (by his marriage to Alice, eldest daughter of the late Sir Alexander Comyn, Sheriff of Aberdeen,) and David Strathbolgi, Earl of Athol (whose lands of Strathbogie had been conferred on the late Sir Adam Gordon), and others, claimed to be reinstated in their Scottish estates and titles. They banded themselves together, and put forward Edward Baliol, son of the late John Baliol, as rightful king of Scotland. Under the incapable regency of the Earl of Mar, their arms met with some success, and they crowned Edward Baliol as king. Checked in their career by Sir Andrew Moray, the posthumous son of the colleague of Wallace, they appealed to Edward the Third of England, who was quite ready to throw off the mask of neutrality, and, putting himself at the head of a splendid army, marched into Scotland and laid siege to the town of Berwick. The city was stoutly defended for some time, and at last a Scottish army appearing to raise the siege, Edward III. drew up his forces on Halidon Hill to the west of Berwick. The Scots were arranged in four lines, in the first of which Sir Adam Gordon held high command. His brother, Sir William Gordon—who is witness with him in same year to a charter of Alexander Purveys in favour of Dryburgh †—fought in the third line, while his eldest son, John Gordon, with three other knights, sallied forth with a party of townsmen from Berwick to help their countrymen. The battle was fought on 26th July 1333. The Scots,

* *Scalacronica*, p. 146.† *Liber de Dryburgh*, p. 274.

rashly handled by the Regent, Sir Archibald Douglas, crossing the marsh which separated the foe, attacked them up the steep ascent of Halidon, and were disastrously defeated.

The followers of Edward Baliol overran the country, and seized the possessions of King David Brus's adherents. David Strathbolgi, Earl of Athol, held the lands which had been conferred by charter upon Gordon's father, and he, with Beaumont and Talbot (all three married to heiresses of the Comyns), for a short time carried all before them for the English party, and what was known as the "Comyn faction." But Brus's interests were worthily maintained, and gradually improved under the leadership of the young Stewart of Scotland, the Earl of Moray, son of the great Ranulph, with the help of Gordon and others. Lurking in the deepest recesses of the forests, and in dens and coverts of the mountains, the party contrived to elude the vigilance of the English soldiers, organised raids upon them, and intercepted their convoys of provisions for a whole year after Halidon Hill, until the return of Sir Andrew Moray from his captivity in England brought fresh adherents under his captaincy to the Royal Standard.

Dissensions also broke out between the Comyn faction and the Mowbrays, of which "the patriots" soon took advantage. Beaumont capitulated at Dunderg in Buchan; Talbot was taken prisoner; and David, Earl of Athol, alone remained. Before he had time to collect his followers, Moray by a rapid march drove him into the wilds of Lochaber, and compelled him to surrender. Athol now made his peace with the Scottish party, and took the oath of fealty to King David Brus, but no sooner had he done this than he began to sow discord among his new friends, and to intrigue with Edward III., who mustered a large army and again invaded Scotland. The Scots pursued their tactics of the previous year, by retiring to their mountain fastnesses, and Edward, thinking the country thoroughly subdued, retired to England, leaving Athol Governor of the Scottish realm. Moray harassed and sorely pressed the English forces on their homeward march, until learning that Athol had raised his vassals in the north with the view of capturing Kildrummy, he turned to succour it, and with good reason. For two years the castle of Kildrummy had been held by his wife, Christian Brus, the heroic sister of Robert, on behalf of her nephew the young king, and she was now in sore straits. It was

late in the autumn, but, collecting the flower of his supporters, Moray crossed the Mounth (the Grampian range), and met Earl Davy (Athol) on the slopes of Culblean. On learning of Moray's approach, Athol left Kildrummy and occupied the highway in order to intercept his adversary, who had encamped at the Ha' of Logie-Ruthven. Wynton, the ancient chronicler, gives a minute account of the battle, which he must have had from an eye-witness. It is sufficient here to record the defeat and death of Athol on St. Andrew's Day, 1335, through being outflanked by a party under the leadership of John of the Craig, who followed an unknown path through the wood. Tradition avers that Earl Davy fell by the hands of Gordon. If so, he requited the wrongs he had received from the supplanter and spoiler of his estates. Though this is not confirmed by the writers of the time, Gordon is credited with pursuing Sir Robert Menzies, who had taken refuge in the Pele of Kinnord after the battle, and with constructing rafts whereby he transported his men to the island (on which the Pele was built), storming the castle, and putting the garrison to the sword. The battle of Culblean restored Gordon to his estates in the North, but kindled anew the military ardour of Edward III., and for the fourth time he crossed the border. Edward suddenly left Perth on 12th July 1336, and passed the Mounth with 400 men at arms, and as many archers. The object of this rapid raid was to try and restore the English supremacy, and he was also moved by the urgent entreaties of Athol's widow, who was besieged in the Castle of Lochindorb. The king appears to have been successful in the feat of relieving her. The first intimation the garrison had of his approach was the sudden display of his banners. He then went to Kinloss and burnt Forres; having spared Elgin. He crossed to Inverculan, went to Doglavan (*sic*), and from thence to Kildrummy. In the meantime fifty of his sailors having been slain in Aberdeen, he proceeded there and took signal vengeance on the inhabitants by burning and razing the place.* He did not again secure a firm hold over Scotland, for so vigorous were Moray's efforts that, though the wars had impoverished the country to the last degree, by 1340 it was freed from foreign foe, and Moray thought it safe in that year to bring King David, then eighteen years old, home from his long residence in France. Six years only intervened before war broke out again with England, and King David, summoning

* Ellis' *Original Letters*, 3rd series, vol. i., p. 35.

a muster of his forces, from all parts of Scotland, at Perth, invaded England. Edward was away fighting his battles in France, but Queen Philippa secretly assembled a splendid force, which awaited the Scots at Durham.

King David was little aware of these preparations, or of the position of the English, and attacked when they occupied an entrenched and far superior position, on October 17th 1346. As at Halidon Hill, the English archers decided the fate of the day, and the Scots suffered an overwhelming defeat. King David, grievously wounded, was taken prisoner, while all the leading nobles and barons were either killed or taken into captivity. John Gordon, son of Sir Adam, was among the latter. It is uncertain when Sir Adam Gordon died. He is not alluded to in the various genealogies—which give the name of this laird as Alexander—of whom there is no record. He is no doubt the Sir Adam who, according to Sir Robert Gordon, had confirmation of Strathbogie, and died in 1351.

For eleven years the King of Scotland and his fellow prisoners endured the harshest confinement in the Tower of London at the hands of Edward III., who might have treated his young brother-in-law, David, less rigorously, but it was his object to obtain payment of the heavy ransoms he demanded for his release, and for that of the Scots nobles. At last, in 1357, the enormous sum stipulated for the delivery of their king was found by the Scots, and John Gordon was set at liberty at the same time, the Earl of Douglas being principal cautioner or security for the payment of the ransom for John Gordon, as well as for the king. It would appear that while King David was lodged in the Tower, a warm friendship had sprung up between him and his fellow prisoner, Gordon; and one of the king's first acts, after regaining his liberty, was to grant a charter, dated 20th March 1357-8, "confirming to John de Gordon the donation which King Robert I. had made to his grandfather, Sir Adam, of the lands of Strathbogie."* Gordon lived a great part of the rest of his life at Strathbogie, endeavouring to put his estates in order, they being much depleted by the hostile bands which had overrun them; by the famine and pestilence which now grievously afflicted the whole country; and by the ransom for his release from captivity, which he had to pay. We know that he died before the year 1375; and, incidentally, that he was married to a lady of

* *Gordon Charters.*

the name of Elizabeth, her family name not being given, for, in the Bond of Suretyship which the Earl of Douglas gave for him, she is referred to as "Elizabeth uxor Joannis de Gordon."* He was succeeded by a son, named John, who had charters granted by Robert II. (who succeeded David Brus in 1370), dated 16th June 1376, confirming our dear relative, ("dilecto consanguineo nostro,") John Gordon, in the lands of Strathbogie, which King Robert I. had given to his great-grandfather (pro-avus), Sir Adam Gordon, knight. †

Sir John Gordon II. was of a bold and heroic spirit, full of military ardour. These were the days when chivalry had reached its zenith, and feats of arms and renown in the field were the highest aspirations of the nobles and barons of England and Scotland. When not fighting, one against the other, they went over the sea and served as volunteers in the continental wars. Though, during Robert II.'s reign, Scotland was supposed to be at peace, yet, continual border raids and passages of arms took place. The Earl of Northumberland was warden of the marches on the English side, and the Earl of March (grandson of the great Ranulph, Earl of Moray), warden on the Scots side. Under the latter's banner, Sir John Gordon ranged himself, preferring to win glory on the borders where his Gordon estates lay, than allow his sword to rust in Strathbogie. It would be outside the scope of these records to notice all the brilliant achievements which rendered his name famous. It is sufficient to mention the storming and burning of Roxburgh Castle; his engagement with and capture of Sir John Lilburn, who commanded a far superior force, at the pass of Carham, to which Wyntoun makes reference. In this encounter Gordon was badly wounded, but recovered,

"And of his dede that he had dune
There rays a welle grete renoune
And greatly prysyd wes gud Gordoune." ‡

The skilful part he played in command of the left wing at the battle of Melrose, under the leadership of Sir Archibald Douglas against Sir Thomas Musgrave, which, from the number of knights and the picked body of troops on both sides engaged, was considered one of the most chivalric passages of arms of the times; and, lastly, his gallant support of the Douglas on the glorious field of Otterburn (Chevy Chase), fought

* *Rotuli Scotie*, i., 824. † *Antiquities of Aberdeen and Banff*, vol. ii., p. 159.

‡ *Wyntoun's Cronykil of Scotland*, by Laing, vol. iii., p. 11.

in the moonlit night of the 5th August 1388. Froissart delighted to write of these feats of arms, and goes into ecstasies over Otterburn, and says, "Of all the battles of which I have made mention hitherto, this was the bravest and best contested," while the ballads of the period sang the prowess of the combatants. Percy had surprised the Scots in the evening after they had taken their meal and laid down to rest. Douglas prepared at once for action—

"He stepped out at his pavilion door
 To look an it were less ;
 Away, ye lordyngs, one and all,
 For here begins no peace.
 The Earl of Menteith, thou art my eme,
 The forward I give to thee ;
 The Earl of Huntly, cawte and keen,
 He shall with thee be."

It thus seems as if Gordon was known by the title of Huntly, though the patent of nobility had not been conferred on him. Some writers aver that Sir John Gordon was slain at Otterburn, but there is record proof to the contrary, for he had a confirmation of Strathbogie from Robert III., and witnessed a charter of Andrew Leslie of that ilk in 1390.* In the following year he was appointed Justiciary for settling disputed marches ; he died in 1394,† as relief of the lands of Strathbogie, amounting to 700 merks, due on his death to the king, was granted to Sir Malcom de Drummond in 1395. Sir John de Gordon was unmarried, but left two natural sons, "Jock and Tam" Gordon, by Elizabeth Cruikshank, heiress of Asuanley, in the parish of Glass. Some writers have stated that the next laird, Sir Adam Gordon, was the father of "Jock and Tam" Gordon, who, though illegitimate in the eyes of the church, were looked upon by the people as the lineal heirs, and regarded as the forefathers of the real Gordons. But "Jock and Tam" Gordon were not sons of Sir Adam ; they were natural sons of Sir John Gordon, who fought at Otterburn, and was Sir Adam's elder brother. This is proved by a charter, of Ardlay, recovered from the rubbish at Aberdour.‡ They were Sir Adam's nephews, and, had they been legitimate, would have succeeded in preference to him.

* *Antiquities of Aberdeen and Banff*, vol. i., p. 540. † *Acts of Parliament of Scotland*, i., p. 219.

‡ *Antiquities of Aberdeen and Banff*, vol. ii., p. 379.

A peace with their southern neighbours, kept with more fidelity than usual, had succeeded Otterburn. The combat on the North Inch of Perth (1395) for a time tended to tame the wild spirits of the northern tribes, and so the Scots were for some years comparatively quiet. We know that Sir John Gordon was succeeded by his brother, Sir Adam Gordon, styled of Huntly, who married Elizabeth, fourth daughter of Sir William Keith, Great Marshal of Scotland. This was a very important alliance, as Sir William had acquired, through marriage with Lady Margaret Fraser, only child and heiress of Sir John Fraser (son and successor of Sir Alexander Fraser, High Chamberlain of Scotland, and Mary Brus, second sister of King Robert Brus), great estates in the counties of Aberdeen and Kincardine, and other parts of Scotland. Among these in the north were the Forest of Cowie, the Thanage of Durris, and the baronies of Strachan, Culperso, Johnston, and Aboyne. Sir William's eldest daughter, Muriella, was married to the Regent, Duke of Albany, in whose hands the government of the country was, both before the death of Robert II. in 1390, and during the reign of the infirm Robert III.

Through the machinations of Albany, the king's eldest son, the Duke of Rothesay, married the Lady Marjory Douglas, eldest daughter of Archibald, Earl of Douglas, and broke his troth to the Lady Elizabeth, daughter of the great Earl of March. Sir Walter Scott, in the "Fair Maid of Perth," has graphically described what followed—the protest, the curse, and rebellion of March, and the sad fate of the noble-minded and honest, though reckless Rothesay, at the hands of his unscrupulous uncle Albany. On March's defection, Sir Adam Gordon was appointed warden of the east marches, with the superiority of the lands of Gordon and Fogo,* thus giving him feudal rights and a barony in Berwickshire, in addition to the titles he held in Aberdeenshire. He gave obligation to W. le Bard of Kirkwod in 1398.† In October 1398, Adam de Gordon was one of those excepted from free exchange of prisoners on the marches, and had to appear as a common truce-breaker before the great Commissioners, under a penalty of £1000.

March had repaired to the English court, and was not long in persuading Henry IV., who hated Albany, to raise an army for the invasion of Scotland, which was thereupon led by the attainted Earl and his old

* *Robertson's Index*, 140.

† *Kilsyth Charters*.

enemies, the Percies, plunging the Border districts again into the horrors of war. Albany saw that a great effort must be made to repel these invasions, and, in August 1402, assembled the flower of Scottish chivalry. With a large force, which entered England by the middle marches, he traversed the whole of Northumberland and a great part of Durham without meeting an enemy. Hotspur, by the advice of March, had quietly retreated with the view of intercepting the Scots on their homeward journey, when encumbered with spoil, and so it happened! The Scottish army, under the Earl of Douglas, was retreating slowly and carelessly, when intelligence came that Hotspur with a strong force had occupied the pass in front. Douglas took up a position on Homildon Hill, a small eminence commanded by surrounding high ground, from which the English archers poured their volleys with unerring skill, and again in history the "cloth yard shaft" decimated the flower of Scotland, the best and bravest of her sons.

Cramped up in their unfortunate position, and hampering one another, numbers were killed without the chance of coming to close quarters with their foes. It was at this time that the famous scene between Sir Adam Gordon and Sir John Swinton took place, which Sir Walter Scott so graphically and fully describes in his drama of the Battle of Homildon Hill. A deadly family feud had long kept these two brave knights asunder, and they had not looked each other in the face for years but in hate. Now they stood in the battle's front, in the presence of a death from which there seemed no escape. The shattered remains of their families and followers were around them, the greater part lying dead at their feet. "My friends," exclaimed Sir John Swinton, "why stand we here to be slain like deer, and marked down by the enemy? Where is our wonted courage? Are we to be still, and have our hands nailed to our lances? Follow me, and let us at least sell our lives as dearly as we can!"

These gallant words won the admiration of Sir Adam Gordon, and, throwing himself from his horse, he knelt at his feet and begged Swinton's forgiveness, and the honour of knighthood at his hands. "For of hand more noble," said Gordon, "can I never receive that honour." Swinton instantly granted the request, gave him the accolade, and tenderly embraced him. Both knights then remounted, and, side by side at the head of a hundred of their followers, made a desperate charge upon the

English host, from which not one of them returned. It was always believed that if this brave movement had been followed up, the fortunes of the day might have been retrieved to the Scots, but such was the confusion in their ranks that Douglas was too late in advancing to his countrymen's support. Besides Sir Adam, Alexander and Roger Gordon, his uncles, with many others of his kindred, perished on that fatal field on 14th September 1402.

The death of Sir Adam Gordon of Huntly and Strathbogie left the succession and representation of the family of Gordon to his son John. This John, who is totally overlooked by genealogists, entered into an Indenture with his mother—the widow of Sir Nicholas Erskine of Kinnoull—whereby she freely let in ferme to the said John her terce of the lordships of Gordon, Fogo, Strathbogie, Kinnoull and Maler, for the term of five years from the date of the deed. John of Gordon was to pay his mother as much rent as the terce might be set for; and she became obliged to satisfy him for all his “costis travails and dispensis.”* This deed is dated at Perth 14th December 1406.

John Gordon, the last of that Ilk, married Lady Agnes Douglas (daughter of James Douglas, Lord of Dalkeith), the relict of Sir John Livingston of Callendar, who fell at Homildon in 1402.† By this lady, who survived him, Gordon does not appear to have had any issue, for he was succeeded in 1408 by his sister Elizabeth, who is then designed the heir of her late father, Sir Adam Gordon.

* *Kilsyth Charters.*

† *Ibid.*

ELIZABETH DE GORDON. ALEXANDER, LORD GORDON.

The ward and marriage of Elizabeth, who, on the death of her brother, the last Gordon of that Ilk, succeeded to the family estates, appears to have been in the hands of Walter Haliburton of Dirleton, for, on 7th March 1408, Sir William Seton purchased it from him for a liferent of 50 merks out of the barony of Tranent.*

Elizabeth Gordon thus became the ward of Sir William Seton of that Ilk, whose wife was Catherine, daughter of Sir William Sinclair of Herdmanston. She was chosen by her guardian for marriage with his eldest son, but he preferred to wed a daughter of the Earl of March, so Elizabeth was married to the second son, Alexander Seton, who in 1405 was taken prisoner along with Prince James of Scotland. In accordance with the practice of the times, Elizabeth Gordon, of her own free will, resigned her lands before the Parliament at Perth in 1408; and, upon 20th July of that year, she and her husband, Alexander Seton, had a charter from the Regent Albany of "All and whole the lands and baronies of Gordon and Huntly lying within the sheriffdom of Berwick; the lands of Fogo and Faunes with their pertinents; the lands of Strathbogie and Beldygordon with the pertinents in Aberdeenshire: To be held by the said Alexander and Elizabeth and their heirs lawfully procreated; whom failing the true and lawful heirs of the said Elizabeth whomsoever; rendering the services used and wont." †

Thus the Gordon territories were firmly settled upon Alexander Seton and the issue of his marriage with Elizabeth Gordon. According to one writer, Alexander Seton and Elizabeth were within the forbidden degrees, and had a dispensation from the Pope in 1428, long after their marriage. ‡ In this dispensation it is stated that Alexander de Seton had contracted marriage with Elizabeth, the heiress of Gordon, "per verba de presenti publici, juxta morem patriæ." §

Three years after his marriage with Elizabeth Gordon, Alexander Seton took a prominent part in a struggle fraught with consequences to

* *Registrum Magni Sigilli*, 232, No. 25.

† *Antiq. of Aberdeen and Banff*, vol. ii., p. 161; *Reg. Mag. Sig.*, p. 235.

‡ *History of the Gordons*, 1726, vol. i., p. 38. § *Riddell's Peerage Law*, p. 222.

Scotland. Donald, Lord of the Isles, laid claim to the Earldom of Ross in right of his wife, Margaret. His just pretensions were not recognised by the Regent, and Donald took up arms to make good his claims. He laid waste the lands of Ross, meeting with a temporary check, however, at the hands of Angus Dubh Mackay of Far, who, at the head of the men of Sutherland, attacked him at Dingwall. The Mackays and Sutherlands were defeated with great slaughter, and, elated with success, Donald and his Highlanders pressed on through Moray, plundering the Scoto-Norman and native lairds who refused to submit to him. His intention was to lay waste Buchan, for the Earl of Buchan claimed the Earldom of Ross on the illegal resignation in his favour by his niece, the Countess Euphemia, who became a nun.

Donald had come to the district of the Garioch, and designed to sack Aberdeen. His career of spoliation was cut short by the lawless free-booter who, some years before, carried by assault the Castle of Kildrummy, and in this rough manner wooed and won the Countess of Mar and her Earldom. It fell to Alexander Stewart, the erstwhile leader of caterans, and, by reason of the above episode, Earl of Mar, to render the most important services to his country. He now acted the part of defender of Scotland, and, hastily collecting the barons of Aberdeenshire and the Mearns, he marched to meet the hitherto victorious Highland army. The issue involved the supremacy of the Highlander or Lowland Scot. On the one side were ranged the clans from the Isles, Lochaber, Inverness, and Ross, while on the other the chivalry of the north-east of Scotland—the Brodies, Burnetts, Gordons, Irvines, Leiths, Leslies, Ogilvies, &c.—were arrayed. The forces met on the field of Harlaw, and, although the Highlanders numbered ten to one, the "mail-clad" barons did not hesitate to attack, and, after a stubborn fight, which was only ended by nightfall, remained the victors. Donald and his host retreated during the night, leaving a thousand men and several chiefs upon the battlefield. This victory was a tremendous gain to the Lowlanders, "for, had Donald won the battle, he would have been lord of about half of Scotland." * Success was dearly bought; scarcely a gentle family but had lost one or more of its members, and it is said that in "ae day the coronach was cried from the mouth of Tay to the Buck of Cabrach." Leslie of Balquhain fell with eleven of his sons, † and the cairns, where lie the

* *Burton's History of Scotland*, vol. iii., p. 100.

† *Laurus Leslaana*, No. lv.

ashes of the Knight of Drum and others, are pointed out to this day. The popularity enjoyed by the ballad which commemorates this battle, and preserves a record of the valiant deeds performed, proves how deeply did the result impress itself upon the popular mind, for:—

“Baith hieland and lowland mournfu’ be,

For the sair field of Harlaw.”

Mar assigned to the Gordons a prominent position on the left of his little army, and they were led by Seton, who had assumed, and was recognised by, the title of Lord of Gordon. For some years after this Seton does not seem to have taken any prominent part. In 1413 and 1420, he received various payments from the Exchequer, but he appears to have settled in Strathbogie, and the only records we have of him are the peaceful ones of witnessing the charters granted to, or by, his neighbours. In 1421 he went to France to the assistance of the Dauphin, and took along with him, on his own charges, 40 lancers and 100 horse.

His sovereign, a prisoner of the English king, was then in France, and Lord Gordon visited King James, at whose desire he left the French service, where he acquired some fame. On 14th April 1422, he had safe conduct from the King of England by land or sea till May. He was one of the Commissioners appointed to treat for the release of James I., and on 18th May 1423, he, along with Walter of Ogilvie and Alexander of Forbes, knight, had safe conduct to travel into England with twenty attendants to meet King James at Durham. Next year, on 21st May, he was one of the hostages, for the Scots King, removed from Pontefract Castle to the Tower of London;* and on the 28th May he became bound in 400 merks for the king’s ransom. This sum, it may be interesting to note, was his annual revenue. In July following he had safe conduct for his servants; and, on 28th February 1424-5, he was sent to Durham to be exchanged, being delivered to Sir John Langton, Sheriff of York, on 16th June same year. †

King James of Scotland summoned his second Parliament to meet at Perth on 13th March 1424-5, with the full intention of adopting stringent measures for the subjection of his powerful nobles. During the Regency, and the preceding reign, their oppressions and extortions became a crying evil, so the king determined to curb their power. To allay suspicion, matters of trade policy were at first discussed. The time at length

* *Foedera*, x., 335.

† *Bain’s Calendar of Documents*, vol. iv., p. 201.

arrived for the revenge which the king long meditated, and the arrest of Duke Murdoch and his confederates struck consternation into the feudal aristocracy. Having got rid of the Albany faction by execution and imprisonment, James proceeded northwards, and summoned the Highland chiefs and nobles to meet him at Inverness. They obeyed only to be seized, executed or imprisoned. Among those who at this time incurred the royal displeasure was Sir Alexander Seton of Gordon, and his neighbour the Knight of Drum. James I. made his power felt throughout his kingdom, but ere long fell a victim to the resentment created by the strong handed measures adopted to bring his subjects under the dominion of the law.

It may be presumed that Alexander Stewart, Earl of Mar, did not forget the important services rendered by the Lord of Gordon and Huntly at the battle of Harlaw. In 1425 he granted a charter to Alexander de Seton of the half of the lands of Culclarachy and the sixth part of the lands of Gerry in the barony of Drumblade, resigned by Sir Walter of Lindsay, knight.* These lands were to be held of the Crown for the services used and wont.

Between 1425 and 1436 Alexander Seton of Gordon, as evidenced by the *Rotuli Scotiae*, made frequent journeys to England in connection with public affairs. About the latter date he was created a Lord of Parliament as Lord Gordon—a title which formed his territorial designation since his marriage with the Gordon heiress. "The existence of this Barony of Gordon," according to an eminent Peerage writer, "in 1437 is fixed by legal evidence recovered from the Gray Charter Chest, which, besides styling Alexander Seton (son and heir apparent of the first peer) a noble and potent Lord, also gives him the title of Master of Gordon—a higher distinction the more we go back, and unequivocally denoting the eldest son of an Earl or Lord of Parliament; while a noble lord, 'Schir' Alexander, Lord of Gordon, first appends his seal on the part of the Barons after the Earl of Douglas to an agreement in Parliament between the Queen and the Livingstons, dated 4th September 1439." †

On 12th November 1437, there is a Bond of Warrandice by the Lord Gordon and his son to Andrew Gray of Broxmouth, their cousin. They had given Gray a charter of the two west parts and the half part of the lands of Tullibody, and they now became bound and obliged, if he could

* *Antiquities of Aberdeen and Banff*, vol. iii., p. 517. † *Riddell's Peerage Law*, vol. ii., p. 349.

not "joyse and brouk" these lands, to pay him the sum of twelve thousand merks within forty days for his service and fee done to them.*

In 1437 the Lord of Gordon uplifted the fermes of Aboyne and Cluny,† and from henceforth these lands remained in possession of his descendants. We have elsewhere traced the descent of these lands into the possession of the Frasers, and to the Keiths-Marischal, through Margaret, the Fraser heiress, who married Sir William Keith. This Margaret brought to her husband great estates, among them being those of Aboyne, Cluny, &c. The Regent Albany appears to have compelled Sir William and his lady, for some unknown reason, to make over the barony of Aboyne in favour of the Earl of Buchan, to the prejudice of their own children, by charter dated at Falkland 18th May 1407. This rapacious noble had already usurped the Earldom of Ross, and from the date of this deed he is designed "Earl of Buchan and Ross and Lord of Aboyne," by which style he is mentioned in sundry charters until the return of King James I. from his English captivity. As Lord of Aboyne the Earl of Buchan, on 24th May 1417, granted a charter to Alexander Forbes, knight, lord of that Ilk, of the lands of Fotherbris, in the Barony of Aboyne, resigned by John Scot; for rendering a common suit at the Court of Aboyne.‡

Margaret Fraser, Lady of Aboyne, had been dead several years, and apparently left the lordships of Aboyne, Cluny, Glenmuick, and Glentanner to her daughter, Elizabeth, the wife of Sir Adam Gordon. This Elizabeth as we have seen, a few years after the death of Gordon, became the wife of Sir Nicolas Erskine, Lord of Kinnoull. She entered the bonds of holy matrimony with Thomas Somerville as her third spouse. That she succeeded to the old hereditary estates of her mother there seems every reason to believe, for, as "Elizabeth of Keith, Lady of the barony of Aboyne," she and Thomas Somerville, her husband, granted a Precept, dated at Perth 20th October 1431, for infesting their cousin, Sir Alexander the Forbes, Lord of that Ilk, in the lands of Ballindorrie, half of the town of Belhangy, with the half of the mill thereof, and also the half of the town of Torquinlachy, with the forest of Fotherbris in the lordship of Fotherbris, barony of Aboyne, and sheriffdom of Aberdeen. §

* *Antiq. of Aberdeen and Banff, iv., p. 261.*

‡ *Antiq. of Aberdeen and Banff, iv., p. 383.*

† *Exchequer Rolls of Scotland, v., p. 9.*

§ *Castle Forbes Muniments.*

Elizabeth of Keith probably lived until 1436, and upon her death the extensive possessions inherited from her mother, Margaret Fraser, passed into the hands of the heiress of the Gordons, who, in 1436, seems to have asserted her rights thereto, and Alexander de Seton, Lord Gordon, her husband, uplifted the fermes of Aboyne and Cluny in July 1437. Thus it would appear that the Deeside estates of the Gordons came to them through Elizabeth Keith, and were acquired at her death, and not by the first Earl of Huntly in consequence of his supposed marriage with Jean, daughter and heir of Robert, Lord Keith.

The minority of the king made peace with England desirable, and to this end Commissioners were appointed to draw up the terms of a truce between the two countries. Lord Gordon was one of those chosen upon the Scots side. This truce was to last from 1st May 1438, until 1st May 1447, and it provided for the regulation of the commercial intercourse between England and Scotland. The enactments in regard to the truce are interesting, as shewing how much the prosperity of the country must have been hindered by the jealous restrictions. Scottish trade as we know was greatly hampered, and often paralysed by the acts of piracy of the English Navy, and much of the State correspondence of the period relates to the seizure of trading vessels of both countries. This was now to be remedied, and the Lord Gordon was appointed one of the conservators of the truce,* to which his seal was attached.

The Custom Account of Dundee for the year 1438 shew a payment of £60 for the expenses of the Lord Gordon and Alexander of Montgomery, the Scots Ambassadors to England; and the Accounts of Aberdeen for 1441 shew a payment of £45 for releasing from pawn the king's jewels, pledged for the expenses of Lord Gordon and his companions. † The Lord Gordon seems to have been favourably received by the English King, who gave him a silver gilt cup as a token of his goodwill. In April of 1438, after satisfactorily arranging the truce, Alexander, Lord of Gordon, had instructions to settle the bounds within which the garrisons of Berwick and Roxburgh might graze their cattle and collect forage and fuel; and this being adjusted, he had, on 14th May, another safe conduct

* *Foedera*, vol. x., p. 688.

† *Exchequer Rolls*, vol. vi., pp. 15-93.

to visit the King of England with twenty attendants. About same time next year he once more journeyed to England, as Scots Ambassador, accompanied by two clerks and a retinue of 40 persons.

It is necessary now to revert to the position of parties in the country. Scotland at this period was kept in a state of great confusion, for the Livingstons, Crichtons, and Douglasses had taken advantage of the minority of their sovereign and the weakness of his mother, to enter into a contest for the supremacy. The princely house of Douglas was at this time at the zenith of its power. Archibald, fifth Earl of Douglas and Duke of Touraine, was undoubtedly the most powerful subject in Scotland. He had been appointed Lieutenant-General of the Kingdom, and had he chosen to act firmly and resolutely, he could have foiled the ambitious schemes of Crichton and Livingston, and saved his country, its Government, and King from the disgraceful and humiliating scenes which attended the struggle for ascendancy between Livingston of Callendar and Chancellor Crichton. The latter had hitherto kept the young king and his mother in jealous seclusion in Edinburgh Castle; and it was only by stratagem that the Queen-mother got her son out of the power of Crichton, and placed him in Stirling Castle, under the protection of Livingston, who had been in high favour with the late king.

The Earl of Douglas, whose province it was, in virtue of his position, to take cognizance of these things, held aloof, and seemingly disdained to have anything to do with what he considered merely a private feud between Crichton and Livingston. The latter having now the young king and his mother in his power, seized the opportunity to attempt to crush his rival, and, gathering his vassals, besieged Crichton in Edinburgh Castle. Crichton tried to induce the Douglas chief to espouse his cause, but without success; and, thus foiled, he straightway proposed a coalition with his rival against the Lieutenant-General. How Douglas would have acted under these altered circumstances, it is impossible to say, for very soon after he died of fever, leaving his princely possessions to his son, then in his seventeenth year.

The restraining influence of the Douglas now removed, Livingston and Crichton acted pretty much as they liked, and the result was that, in the general confusion, murder, rapine, and oppression became rife. The King and the Queen-mother were little better than prisoners, and the latter, in this unprotected and unenviable state, bestowed her heart and hand upon Sir James Stewart, the "Black Knight of Lorn." This

alliance, which, from the power and connections of Sir James, might have been of immense advantage to the country, only served to bring about an incredible state of things. Foolishly confiding in the honour and good faith of Livingston, the Queen-mother and her husband remained in his power, and were only awakened to their helpless state when Sir James and his brother were suddenly arrested and cast into the dungeon of Stirling Castle. Violent hands were laid upon the Queen, and she was so strictly guarded as to be able to hold no communication with any of her party.

These high-handed measures—treasonable in the highest degree—led to a general convention of the nobility at Stirling, which convention was, however, attended by only a few other than the supporters of Livingston and Crichton. Strange to say, the result of this convention was that the Queen-mother came to an agreement whereby the young king was to be committed to the custody of Livingston until of age, and Stirling Castle was lent to him for a residence. Not only so, she pardoned Livingston and his accomplices for what occurred, because it was done “of gude zele and motif,” and she “remittit and removed all the said greif and displeasance that scho consavit agayn thaim.” It was also stipulated that Livingston and his friends were not to be brought “nearer the death” for any part they might have acted. These transactions were ratified by the convention, and Sir Alexander Seton, Lord of Gordon, on the part of the barons, appends his seal after that of the Earl of Douglas.*

Such confidence on the part of the Queen, especially after what occurred, is inexplicable, unless she was compelled thereto. That it proceeded from compulsion is probable, for both her husband and son were in the power of Livingston. The coalition which brought things to this pass was not to last, for the Chancellor, finding that Livingston was acquiring supreme power, lay in ambush for the king in the park of Stirling, and having seized him carried him off to Edinburgh in January 1439. The Lord of Gordon had perhaps taken a part in this enterprise, for his son had become the son-in-law of Crichton, and at Edinburgh on 18th March 1439, Sir Alexander Seton and Elizabeth Crichton his spouse, had a charter from King James of the lordships of Gordon and Strathbogie, &c., upon the resignation of Sir Alexander de Seton, Lord of Gordon.†

* *Acts of the Parliament of Scotland*, vol. ii., pp. 54-5.

† *Gordon Charters*.

Although the house of Douglas was represented by a youth not yet out of his teens, Livingston and Crichton—neither of whom were representatives of great feudal families—viewed with concern the character developed by the young Douglas chief. Earl William had arrived at a period of life susceptible to outside influences, and it was abundantly evident that the imperious and ambitious youth would ere long give trouble to the petty barons, who had usurped the government of the country, and upon whom he looked with supreme disdain. They determined on his death, and invited him and his brother to Court. The magnificent reception he received flattered his vanity, and he remained in fancied security until he and his brother were arrested as traitors to the State. A mock trial ensued, and the result was that both were executed. It is affirmed, with some degree of truth, that the grand-uncle of the murdered Earl was a party to these proceedings, for the Douglas Estates were not forfeited to the Crown; they reverted to the Earl of Avondale, the murderer of Sir David Fleming of Cumbernauld. A portion of the Douglas possessions, such as Galloway, Wigtown, Balvenie and Ormond, were left in possession of the heir of line, Margaret, (the sister of the late Earl,) known in history, on account of her singular beauty, as the “Fair Maid of Galloway.” She became the wife of William, the 8th Earl of Douglas, and the family estates thus once more united, the House of Douglas came to the front with renewed power and vigour.

Alexander Seton, first Lord Gordon, had two sons by Elizabeth, his wife:— I. Alexander, Master of Gordon, created Earl of Huntly.

II. William, ancestor of the Setons of Meldrum. III. Henry.

I. Elizabeth, married to Alexander, Earl of Ross.*

Elizabeth, the heiress, died at Strathbogie on 16th March 1438, and “was buried at Nicolas his church in New Aberdeen in the yle of Cocklarachie which yle herself had caused build. She wes a judicious wiffie and a prudent woman.”†

The Lord of Gordon survived his wife, for, on 18th March 1439, upon his resignation, his son, Sir Alexander Seton, and Elizabeth Crichton his spouse, had a charter of 100 merks out of the lordship of Gordon, with reservation of the liferent of Alexander, Lord Gordon, father of said Sir Alexander.‡ Lord Gordon died before 3rd April 1441.§

* *Registrum Magni Sigilli*, xii., 186.

‡ *Gordon Charters*.

† *Gordon's Earldom of Sutherland*, p. 68. § *Acts of Parliament of Scotland*, vol. ii., p. 59.

ALEXANDER, LORD GORDON, EARL OF HUNTLY.

Egidia Hay, first wife ; Elizabeth Crichton, second wife.

The first Lord Gordon died before April 1441, and was succeeded by his eldest son, Sir Alexander. During the lifetime of his father, this Alexander was styled "Master of Gordon," and, under such designation, he went to France in 1435 as one of those chosen to accompany the ill-fated Princess Margaret of Scotland, on the occasion of her marriage with the Dauphin.*

By a charter, dated at Aberdeen, 26th November 1438, his divorced wife, Egidia Hay, Lady of Tullibody, granted him for his lifetime all her lands of the "barony of Tullibody and its pertinents, in the sheriffdom of Clackmanan ; the barony of Kilsaurle, the lands of the forest of Enzie and Boyne, with the pertinents, in the sheriffdom of Banff." In this deed the lady styled him as "her beloved kinsman, Sir Alexander of Seton, knight, son of Sir Alexander Seton, Lord of Gordon." † On 23rd February of the following year, Sir Alexander de Seton, styled "of Tullibody," and as heir of Elizabeth Gordon, late Lady of that Ilk, confirmed the excambion made between his ancestors, Sir William Keith and Margaret Fraser, and William Lindsay, Lord of Byres (in regard to the lands of Uchterstruther, Wester Markinch, and Pettindrēch in Fife, which Keith had given for the lordship of Dunottar) in favour of Sir John Lindsay, Lord of Byres. ‡ Three days later, as "Master of Gordon," he is witness to a charter by David, Earl of Crawford, in favour of William, Lord of Crichton, of the lands of Garvald and others. §

On 3rd April 1441, Sir Alexander Seton, now Lord Gordon, resigned his lands into the king's hands for new infeftment, and on same day he and Elizabeth his spouse had a charter of the lordships of Gordon and Strathbogie, with the pertinents ; the lands of Aboyne, Glentanner, and Glenmuick ; Panbride, and others. These lands were to be held in liferent

* *Fordun*, vol. ii., p. 485.

† *Gordon Charters*.

‡ *Reg. Mag. Sigil.*, iii., 176.

§ *Ibid.*, iii., 138.

by said Alexander, and, after his decease, by George of Seton, the son of Alexander and Elizabeth, and the heirs male of his body lawfully procreated.*

The Lord Gordon had acquired the lordship of Aboyne, the lands of Glentanner, Glenmuick, &c., by right of his mother and grandmother—Elizabeth Keith—who, as we have noticed, was styled “Lady of Aboyne” in 1431. In consequence of his succession to so great a portion of the Keith estates, a controversy arose between Lord Gordon and his kinsman, Sir William, Lord of Keith, the nephew of the above Elizabeth, Lady of Aboyne. To arrange matters, a meeting was held at Cluny, on 1st August 1442, between the Lords of Gordon and Keith, in the presence of Walter Ogilvy of Beaufort, Sir Alexander Irvine of Drum, Sir Andrew Ogilvy of Inchmartin, and others, with the result that Lord Gordon granted a deed narrating that, on account of natural affection, nearness of kin and blood, and for service done to him, he and his heirs renounced, overgave, quitclaimed, and discharged all rights and claims that he or they had, or may have in time to come, in favour of Sir William, Lord of Keith, Marshal of Scotland, of all lands, offices, or any part of them, in possession of the said Lord Keith. The Lord of Gordon also became bound to make the Lord of Keith and his son, Sir Robert, “sikkar of the said lands and offices.” He also bound himself and his heirs to pay the penalties named in an indenture entered into betwixt “umquhile the lord our fader the lady our moder and ourself on the ta part and the said Sir William Lord of Keith and dame Mary umquhile his spouse on the tothir part,” if he or his heirs broke the conditions of this contract; and has sworn the “bodely ath holi ewangels toucheit” that he and his heirs shall keep and fulfil these conditions.†

On the 5th October following, Alexander, Earl of Ross, Lord of the Isles, and Justiciary beyond Forth, granted the barony of Kinnedward, with the patronage of all benefices therein, to Sir Alexander Seton, Lord Gordon, for his lifetime, commanding all the tenants to obey him.‡

The Lord Gordon and the Forbesees lived upon friendly terms. His grandmother in 1431 granted them certain lands in the lordship of Fotherbris, and now to further cement the alliance between the families, Lord Gordon, on 30th September 1444, granted a charter to James of

* *Acts of Parliament of Scotland*, vol. ii., p. 59. † *Registrum Magni Sigilli*, ii., 128.

‡ *Registrum Epis. Aberdonense*, i., p. 241.

Forbes, son and heir of Sir Alexander Forbes of that Ilk, of the lands of Corsindae, Kebidy, and others in the barony of Cluny. This grant does not seem to have afforded satisfaction to either party, for upon third of October there is an obligation by James of Forbes, whereby he becomes bound to a "right mighty lord, Sir Alexander of Seton of Gordon," that so soon as the latter secures and infefts him in the lands of Findlater, Kincaigie, Tulimair, Tulykery, Tulifour, &c., in the parish of Tullich; or in the lands of Easter Tolmad, Wester Tolmad, and others in the barony of Cluny, he shall freely, at the will of the said lord, resign all the lands of Corsindae, Kebidy, and others, with all rights and writs given to him.*

The date of the creation of the Earldom of Huntly is uncertain, but its constitution must have taken place between 3rd October 1444, and 3rd July 1445. Upon the latter date Alexander, Earl of Huntly, is witness to the Parliamentary ratification of the Barony of Hamilton. † According to the family historians, the Earldom was not conferred upon the Lord Gordon until 1449-50. It is absolutely certain that the creation took place before July 1445, and in the Register of Moray there is, upon 4th November of that year, charge given to the Earls of Moray and Huntly that they must not compel the tenants of the Bishop to follow them in hostings, &c. ‡ Fordun, the chronicler, very consistently fixes the creation of the Earldom in 1445. §

Hitherto we have only been concerned with the peaceful transactions of the Earl of Huntly. Closely allied as he was to the Chancellor Crichton, it was only to be expected that sooner or later he would take a prominent part in the feuds of the period. The struggle between the Douglasses, Livingstons and Crichtons, which we noticed in the Memoir of the first Lord Gordon, still continued. James, Earl of Avondale and Douglas, was gathered to his fathers, and his son William succeeded in March 1443. Earl William was a noble of unbounded ambition. He eagerly sought the re-union of the Douglas estates, a great portion of which were held by the Fair Maid of Galloway. He left no stone unturned to secure a dispensation from the Pope to marry his cousin "The Fair Maid" Margaret, of Galloway, a girl who had not yet attained her twelfth year. Livingston and his friends readily promised their assistance,

* *Antiquities of Aberdeen and Banff*, iv., p. 341.

‡ *Registrum Epis. Moravienses*, p. 219.

† *Acts of the Parliament of Scotland*, ii., p. 59.

§ *Fordun a Goodal*, ii., p. 541.

provided Douglas threw in his lot with them, and make common cause against Crichton. Douglas lost no time in going to Court, and soon gained the confidence of his youthful sovereign. He was created Lieutenant-General of the Kingdom, an elevation which caused Crichton great alarm, for he fled to Edinburgh Castle. Nor were the fears of the Chancellor groundless. On 20th August 1443, Douglas at the head of a great force marched to Midlothian, and laid siege to the Castle of Barnton, the property of Sir George Crichton. Two months later the Crichtons were summoned to attend a Council at Stirling, and, failing to appear, were attainted of treason; James Bruce, Bishop of Dunkeld, being appointed Chancellor in place of Crichton. The ex-Chancellor did not tamely submit to this reverse of fortune; he and his friends harried and plundered the Douglas lands, carrying away a great booty and destroying Abercorn and Strabrock.*

The schemes of Douglas, owing to the influence of Livingston, were successful. He obtained a dispensation to marry his cousin in July 1444,† and, thus uniting the Douglas possessions, he became the most powerful noble in Scotland. He was watched, however, by the jealous eye of Bishop James Kennedy of St. Andrews, who, alarmed at the combination of Douglas and Livingston, ultimately determined to support Crichton at all hazard. Kennedy was the nephew of James I., and almost every historian has written about him in terms of highest praise. "He was the Wallace of his century," and a "prelate whose singleness of purpose and purity of character stand out in bright relief in an age when such qualities were rare." He was also "wondrous godly and wise;" and, although he did not scruple in after years—in times of difficulty and trouble, to become an English spy and receive English gold, yet, at this time he acted patriotically and with discernment. Douglas had meantime entered into a league with David, Earl of Crawford, and, to shew the bishop that he had better not interfere, and should stick to his cassock for the future, Crawford invaded the bishop's territories and carried away an immense booty. Remonstrance was made in vain, and the Lindsay chief was formally excommunicated by bell, book, and candle. Not only so, the Abbey of Arbroath deprived his son, the Master of Crawford, of the lucrative office of Justiciary within their bounds, and appointed in his stead Alexander Ogilvy of Inverquharity. As a natural

* *Asloan MS.*, v., 36.

† *Stewart's History of the Stewarts*, p. 467.

consequence, this appointment led to a feud between the Ogilvies and the Lindsays. The Master of Crawford would not resign, and, vowing vengeance against the Abbey, collected his vassals and determined to attack the Ogilvies in the first instance. The Douglas chief sent one hundred of his Clydesdale retainers to the assistance of his friend, and the Hamiltons also sent some forces.

Although Ogilvy could not muster such a force as to meet the Master of Crawford upon equal terms, he does not seem to have hesitated in his resolve to take the offensive. The Ogilvies were assembling in the courtyard of the Castle of Inverquhar when the Earl of Huntly and his train put in an appearance. Huntly was probably returning from Court, for his father-in-law, after enduring a siege for nine weeks in the Castle of Edinburgh, entered into a treaty with Livingston and Douglas, and was by this time restored to power and influence. The Earl, by accepting of Ogilvy's hospitality, had, by ancient custom, become bound to own his quarrel, and, accordingly, on the following day he marched with him to the town of Arbroath, where they found their opponents drawn up at the gates.*

What a stirring scene must have been witnessed on that 23rd of January 1445-6, when the chivalry of the north-east of Scotland were thus drawn up in martial array! Those who had hitherto been friends and allies were now to engage in mortal combat, and soon would be heard the clash of steel as, in the *mélee*, spear and broadsword ring upon the mail-clad knights and barons of the Mearns. But ere this occurred a tragic incident gave every element of romance to the scene. The old Earl of Crawford had heard at Dundee of the intended fight, and he who had lawlessly withstood the thunders of the church, and its bitterest and most awful denunciations, now desired to act as a peacemaker. His wife too was an Ogilvy, and thus it came about that before the strife began he galloped up between the two lines on foaming charger. The attempted mediation was in vain, for, ere he could be heard, he was borne to the ground by the spear of one of the enemy, who knew him not; the lawless Lindsay chief receiving his death-wound on the anniversary of his ravaging "St. Andrews' lands in Fife." †

The fall of their chief maddened the Lindsays, and, rushing upon their enemies, they engaged in a fierce and sanguinary struggle. The Ogilvies

* *Auchinleck Chronicle*, p. 38.

† *Auchinleck Chronicle*, p. 39.

resisted manfully for a considerable time, but their ranks were ultimately broken, and five hundred of their number were left dead upon the field. Ogilvy himself was taken prisoner, and died in the Castle of Finhaven. The Earl of Huntly and Wat Ogilvy—the brother and successor of Inverquharity, escaped by flight. Earl “Beardie” was not slow to follow up his advantage, and terrible was the vengeance taken by the “Tiger,” as he was also called, upon the hapless Ogilvies. Their castles were given to the flames, and their goods and gear were at the disposal of those who cared to take them.

It is no discredit to the Earl of Huntly that he fought and was forced to fly; he lived to fight another day, and right gallantly did he wipe out any stigma which might have attached to him for his conduct at Arbroath. He next appears in the character of peacemaker. His good friend and kinsman, Sir William Forbes of Kinaldie, was killed at Arbroath, and a contest having arisen between his sons, Alexander and Malcolm, as to the succession to their father, the Earl of Huntly was one of the arbitrators, who, on 21st May 1446, decided in favour of Alexander Forbes, and enjoined his brother Malcolm for a certain consideration to be man and servant to him.* Upon 16th October following the Earl of Huntly and his spouse had confirmation from King James of the charter of 3rd April 1441, already noticed.†

On 29th January 1449, the Earl of Huntly once more resigned his lands, and had a charter from the king confirming to him the lands of the Earldom of Huntly, the lordship of Strathbogie, the lands of Cluny, Tullich, Aboyne, Glentanner and Glenmuick, the lordship of Gordon and the barony of Panbride; which earldom, lordships and lands were to be held by the said Earl Alexander, and the descendants and heirs born or to be born between him and Elizabeth, his Countess;‡ whom failing, to the true, legitimate and nearest heirs whomsoever of the said Earl. Thus were the earldom and lands limited to the issue of the Earl's marriage with Elizabeth Crichton.

In the same year Huntly is the king's tenant in the lands of Bochrom, Kinninmond and Abergeldie.§ During 1451 the Earl frequently appears at Court, and witnesses various charters granted in favour of his father-in-law and William, Earl of Douglas, who, after his sojourn at Rome, is

* *Antiquities of Aberdeen and Banff*, iii., p. 404. † *Antiquities of Aberdeen and Banff*, iv., p. 340.
 ‡ *Acts of Parliament of Scotland*, ii., p. 59. § *Exchequer Rolls*, vol. v., p. 397.

once more the recipient of signal royal favours.* In same year he pays £60 on behalf of the king and queen, and lent £100 to the king for his household expenses.†

The Earl of Huntly had as a reward for his services a charter from his sovereign, dated 28th April 1451, of the lordship of Badenoch and Castle of Ruthven,‡ which refutes the story that this grant was conferred for services at Brechin.

Notwithstanding the kindness with which he had been treated by James II., William, Earl of Douglas, did not learn wisdom from the fall of the Livingstons, but entered into a league, with the powerful Earls of Crawford and Ross, which virtually shook the throne. Against this confederacy of the great lords of the north and south, the king was helpless, and he, with a sagacity beyond his years, determined to bide his time and proceed against them singly. Douglas was marked out as his first victim. This arrogant noble had lorded in high-handed fashion over his vassals. The attempted assassination of Crichton, the murder of Sir John Herries and Maclellan of Bomby, and his contempt for the royal authority, roused the wrath of the fiery Stuart. He summoned the haughty chief to a conference at Stirling, and, to allay apprehension, granted him a safe conduct. Douglas was courteously received by the king, and, after having dined and supped, was invited to a private apartment, where the monarch endeavoured to reason with him as to his treasonable practices. He charged him to break the league with Crawford and Ross. This the Earl, in insolent terms, refused to do, and the enraged king struck him in the breast with his dagger.§

The tragic death of Douglas, under circumstances almost partaking of treachery, had once more brought the curse of blood upon the Stuart race, and the consequences of the act were far reaching. James, however, lost no time in following up his advantage. His enemies were powerful, and, were they allowed time to rally from the shock produced by the murder, the result might be disastrous. In his time of trouble and difficulty, James looked with confidence for assistance from Huntly, whom he at once created Lieutenant-General of the Kingdom. The Earl was in a precarious position, for, on the one hand, were the Earl of Ross (a youth of seventeen, along with whom was his disgraced kinsman,

* *Acts of Parliaments*, ii., p. 68, &c.

† *Exchequer Rolls*, vol. v., ff. 462-4.

‡ *Registrum Magni Sigilli*, iv., p. 139.

§ *Auchinleck Chronicle*, p. 47.

Livingston), and the Douglas Earls of Moray and Ormond, while on the other hand was the great Earl of Crawford (whose fierce character had given him the nickname of "the Tiger"), well known as the victor of Arbroath. The king therefore determined to effect a junction with Huntly, and, for this purpose, marched to Perth. In his absence, James, the new Earl of Douglas, and his friends invaded Stirling, and amused themselves, and perhaps the populace, by a curious act of feudal defiance. But the scene did not even end with their "slandrous words," denunciations of the king, and the dragging in the mire of his safe conduct (in favour of the late Earl) at the tail of a "sorry horse," for they set fire to and sacked the town.

The Earl of Ross, aided by his kinsman Livingston, rose in rebellion, and took possession of the royal Castles of Inverness, Urquhart and Ruthven.* The Earl of Moray also summoned his feudal following to attend him. Crawford, too, raised his vassals, and determined to prevent the Earl of Huntly from joining the king. Around the royal banner displayed by Huntly there rallied a large force, and he was now to meet "the Tiger" upon more favourable terms than at Arbroath. The armies came face to face within two miles of Brechin on the 18th May 1452. Ere they engaged an incident is alleged to have occurred which, though manufactured in later times, was held as confirming the tradition (extensively quoted), affecting the *status* of certain Gordons. It is said that on the morning of the battle Huntly "placed his second son of Gight at the head of the Gordon clan, but the Laird of Pitlurg, as *chief* of the Gordons, claimed the leadership, which, being refused, he drew aside, pulled off his black bonnet, and waving it aloft exclaimed, 'A' that's come o' me, follow me!'" The whole clan deserted Huntly, and rallied round Pitlurg. The Earl immediately submitted, and good humouredly said, "Gentlemen, you have overcome me—I yield it to you! Pitlurg command the Gordons! And now that you have got the better of me, let me see that you beat Crawford." 'Tis a pretty legend, and not unfavourable to the Earl. Such an incident, however, never occurred; and the tradition is but a century old, dating from the time when certain Aberdeenshire families set up untenable claims to represent the Gordons of that Ilk. The story on the face of it bears its own confutation. There was no Gordon of Gight until a later

* *Asloan MS.*, pp. 14-43.

generation, and there was no Gordon clan in those days, merely a feudal following, over whom the illegitimate descendant of Sir John Gordon could exercise no authority; neither was there a Gordon "Laird of Pitlurg"; lastly, all gentlemen of the period were clad in mail, and wore steel helmets—not black bonnets!

As might be expected, when the issues at stake are considered, the battle was hotly contested. The Lindsays were reinforced, and fought so stubbornly and valiantly that for a time the result seemed doubtful. Unfortunately, all these early battles are said to have been lost and won by an element of treachery. The Ogilvies ascribed their defeat at Arbroath in 1445 to the desertion of Thomas Ogilvy, afterwards of Clova—without considering that the "following" of a younger son and landless man could not materially affect the issue. And now, because the Lindsays were defeated at Brechin, John Collace of Balnamoon was branded as a traitor, by the Lindsay Laird of Pitscottie, upon insufficient authority.

The "Tiger" made frantic efforts to win the day, but, being thoroughly beaten, he fled to his Castle of Finhaven: closely pursued by Hugh Calder of Asuanley. So fiercely did this adventurous youth pursue the Earl, that, it is said, he got in among the latter's retainers, and for safety had to go along with them; it is presumably on his authority the story is told of the "Tiger" declaring that he would willingly "pass seven years in hell, to gain the honour of such a victory as had that day fallen to Huntly."*

Hugh Calder, on 31st August 1440, had a charter from Huntly of the lands of Asuanley, which was confirmed by the king on 8th July 1450.† So that the story of his having received these lands as a reward for his services at Brechin, and his exploit of carrying off Crawford's silver goblet, is unfounded.

At the battle of Brechin the Earl of Huntly lost his two brothers, William and Henry, and some of his minor vassals, but this did not deter him from retracing his steps, and inflicting signal vengeance upon the men of Moray, who ravaged Strathbogie during his absence at Brechin.

The great Earl of Crawford had been humbled it is true, but he retained sufficient power to severely punish all those who refused to support him at Brechin. Archibald Douglas, Earl of Moray, who, having married Elizabeth, the younger daughter of James Dunbar,

* *Lives of the Lindsays*, vol. i., p. 137.

† *Registrum Magni Sigilli*, iv., 44.

last Earl of Moray, was enabled by the influence of his family to obtain and retain possession of the Earldom to the prejudice of the rightful heir, began extensive additions to Darnaway Castle, and proceeded with the fortification of the stronghold of Lochindorb. In the Parliament of 12th June 1452, the Earls of Douglas, Moray, and Crawford were attained, and in the following month the king in person marched against Douglas, who, having submitted, was again restored to favour and his family possessions. The king even promoted his marriage with his brother's widow, the "Fair Maid of Galloway,"* an unnatural alliance into which the lady appears to have been forced.† In the Spring of 1453 the king marched northwards against the Earl of Crawford; but, at the intercession of the Earl of Huntly and Bishop Kennedy, he was received into favour, and right well did "the Tiger" deserve this indulgence. Not so the Douglas.

Brooding over his private wrongs and the losses sustained by his family, the Douglas chief determined once more to measure his strength with his sovereign. An interview between him and the young Earl of Ross in May of 1453 resulted in a naval demonstration by the men of the Isles, under the command of Donald Balloch of Islay. Encouraged by the English Court, which treated him as an independent prince, and sent embassies to him, Douglas broke out in rebellion. His brother, the Earl of Moray, also created a diversion in the north, and in 1454 surprised and defeated a body of the Gordons at Dunkinty, which repulse is commemorated in the jeering song:—

"Where did you leave your men
Thou Gordon so gay?
In the bog of Dunkinty
Mowing the hay."

Huntly, however, raised fresh troops, and compelled the Earls of Moray and Ormond to leave the north.‡

The great struggle took place in the south, where James in person conducted a vigorous campaign in the country of his enemy. This time the Douglasses were to be effectually curbed, and, at the battle of Arkinholme, the Earl of Moray was slain; his brother, Ormond, was taken prisoner, and the great Douglas himself fled to his ally, John, Lord of the Isles, Earl of Ross. At the Parliament held in August 1455, the

* *Stewart's History of the Stewarts*, p. 444.

† *Vide p. 14.*

‡ *Douglas Peerage*, vol. i., p. 644.

Douglas forfeitures were followed up by enactments against those aiding the Earl or his people; and, to prevent the Earls of Douglas and Ross making headway in the north, the king in September marched to Aberdeen. The confederacy between the Douglasses, Crawfords, and Rosses was now effectually broken, and the downfall of these great lords, to which the Earl of Huntly so materially contributed, led to his being styled, "Cock of the North," a designation which has since pertained to the heads of the House of Gordon.

While at Aberdeen on 7th September, King James granted a remission to the Earl of Huntly and his son and heir, Sir George Seton, knight, for their depredations on the Earldom of Mar.* The possession of this Earldom was in dispute between the king and the Erskines, and Huntly had occupied the lands of Kildrummy and Migvy during 1452-3. He was also appointed keeper of the Castle of Kildrummy at a salary of £100.†

On 15th March 1457, the Earl of Huntly and Elizabeth Crichton once more resigned the Earldom of Huntly, and King James, for his faithful services, granted him a charter of all and whole the lands and Earldom of Huntly, comprising Strathbogie, Aboyne, Glentanner, Glenmuick, with the pertinents in Aberdeenshire; the lordship of Badenoch in Inverness; the forest of Enzie with the pertinents in Banff; the lands of the lordship of Gordon and Huntly in Berwick; to be held by said Alexander for his lifetime, and, after his decease, by George, his son, and the lawful heirs male of his body born or to be born; whom failing, to Alexander de Gordon, brother-german of George, and his lawful heirs male; whom failing, to William de Gordon, brother of Alexander, and his lawful heirs male; whom failing, to the lawful heirs male of the body of said Earl Alexander; whom all failing, to the true, lawful, and nearest heirs of said George de Gordon whomsoever.‡

A daughter of the Earl of Huntly, Christian, had married William, Lord Forbes, and on 25th January 1460, Lord Forbes grants a discharge to the Earl of Huntly to the effect that he has taken the ward of the lands of Corsindae from his father-in-law for 100 merks. This sum appears to have been "past payment of the soum of mone quhilk my Lord forsaid was bunden to umquhile Sir James, Lord Forbes, my fader, for my merrege."§

* *Antiquities of Aberdeen and Banff*, iv., p. 203.

† *Exchequer Rolls*, vol. v., pp. 513-600.

‡ *Gordon Charters*.

§ *Ibid.*

The Earl of Huntly was once more to take part in the turmoil of war. A number of the Douglas faction found an asylum in England, and their machinations led to the postponement of the king's visit to Mar and Deeside. James meant to recover Roxburgh from the English, but the enterprise proved fatal to him. Among those who had come to his assistance were the Earls of Huntly and Ross. If we are to credit the family historian, it was during the salute of welcome accorded to Huntly* that the accident occurred which deprived Scotland of a brave and generous prince on the 3rd August 1460.

Two years later a fresh agitation affected the north parts of the realm. The Earls of Ross and Douglas again raised their heads. They treated with Edward of England as independent princes; made a remarkable treaty with him, whereby they became his vassals, and, after conquering Scotland, with his assistance, the country was to be partitioned between the Earls and Donald Balloch.† That this compact produced an element of disturbance in the North is beyond question. The brother of the Earl of Ross uplifted the revenues of Ross, Inverness and Moray. That he plundered these districts is evident, because the Exchequer Rolls shew large tracts of land as yielding no rent in the following year.‡ Of the part taken by the Earl of Huntly at this period we have no record. We next find him at enmity with the Bishop of Moray in regard to the annual revenue of £7 6s. 8d. from the lands of Rhynie, Dunbennan, and others, which the Bishop claimed as due to the church. The matter in itself was not of a serious nature, but in those days the clergy were all powerful, and there were few indeed who could withstand the church's most potent weapon—ecclesiastical censure—which was used unscrupulously. Thus do we find, on the 20th May 1464, the "Cock of the North" uncovering his head, bending his knee before the Bishop, humbly and earnestly—both standing and sitting—promising faithfully to pay the above sum for the future. Such a ceremony as this was not sufficient to impress the authority of the Bishop, and the Earl must crave that he and his predecessors be absolved from the sentences and censures pronounced against them for non-payment in the past. To this the Bishop agreed, and the kiss of peace being exchanged, the Earl delivered to the Bishop half an English noble and a gross of twelve pence of silver in token of remission of the

* *History of the Family of Gordon*, 1726, vol. i., p. 78. † *Rotuli Scotiæ*, ii., p. 406.

‡ *Exchequer Rolls*, vol. vii., p. 357.

past payment.* These details are an interesting reminiscence of the dark and superstitious age of ceremonial priestcraft.

On 1st September same year, as a mark of special favour, the Earl had a charter from the king erecting the town of Kingussie in the lordship of Badenoch into a free burgh of barony.† He granted a Precept of *Clare Constat* directed to Andro Glastyr of Glak in favour of James Innes, as heir of his father Robert Innes of that ilk, for infestment in the lands of Rothmakenzie on 24th October 1464.‡ Three years later Huntly had a charter of various lands in Elgin, resigned by William Hay of Lochloy.§

The Earl of Huntly during his career had ample opportunity of realizing the advantages arising from the consolidation of his power, and during the later years of his life he secured and strengthened his position by exacting bonds of manrent. Thus, on 8th July 1468, he granted a charter of the lands of Abergarden in the barony of Aboyne, and others in Cluny, to William, Lord Forbes, his son-in-law. Lord Forbes thereupon granted him a bond of manrent, whereby he became bound for himself and his successors to be "men of special service, manrent and retinue" to the Earl of Huntly, and his son, Lord Gordon.||

Alexander, Earl of Huntly, married first, according to the various genealogies, Jean Keith, daughter and heir of Sir Robert Keith, the grandson and heir-apparent of Sir William, the Marshal of Scotland.¶ Of this marriage we can find no record, and, as the Earl had married Egidia Hay when he was only seventeen years of age, there is grave reason to doubt the connection, notwithstanding the fact that it was a characteristic of the age, for the sons and daughters of great families to marry remarkably young. It has been alleged that the Earl of Huntly acquired great estates through Jean Keith, who is said to have died without issue—but we have already shewn how the Fraser-Keith estates came into his possession through his mother and grandmother.**

The Earl's first wife was Egidia Hay, daughter and heiress of John Hay of Tullibody. They appear to have been married before 8th January 1426, for the king on that date, upon the resignation of Egidia, granted

* *Reg. Epis. Moraviensis*, p. 230.

† *Registrum Magni Sigilli*, vi., 123.

‡ *Innes Charters at Floors*.

§ *Registrum Magni Sigilli*, vii., 128.

|| *Antiquities of Aberdeen and Banff*, iv., p. 403.

¶ *Douglas Peerage*, i., p. 644, &c.

** *Ante*, pp. 376-7.

to them and their heirs the lands of the barony of Tullibody; the lands of the forests of Boyne and Enzie and barony of Kilsaurle; and the lands of Kinmundy in the barony of Kinedward.* Of this marriage there appears to have been a son, Alexander, who succeeded to the Tullibody estates of his mother, and became ancestor of the Setons of Abercorn.

As before stated, the Earl divorced Egidia Hay, and in a liferent charter which she granted him of the lands of Tullibody, &c., dated at Aberdeen, 26th November 1438, she styled him "her beloved kinsman, Sir Alexander Seton, son of Sir Alexander Seton, Lord Gordon."† Sir Robert Gordon states that the Earl was divorced from Lady Hay, "and for satisfaction of all the patrimonie that he had with her in marriage, he gave unto the son begotten between them the lands of Tough and Tullibody."‡ On 7th August 1440, at Dingwall, Egidia Hay, Lady of Tullibody, in her pure widowhood, for the many faithful services rendered to her by Sir William Forbes, knight, grants him a charter of the lands of Achonwery with the pertinents.§ Whom she married after her divorce from Huntly has not yet been ascertained.

The Earl next married Elizabeth, daughter of William, Lord Crichton. On 18th March 1439, there is a charter to them and their sons and daughters, and also in the event of a divorce between them to Alexander's heirs whomsoever, of 100 merks out of the lordship of Gordon, reserving the liferent of Alexander, Lord Gordon, upon whose resignation the charter was granted.|| The Earl died at Huntly upon 15th July 1470, and was buried at Elgin. During his lifetime his kinsman, Richard Forbes, dean of Aberdeen, mortified some lands to the altar of the Virgin Mary for the repose of his soul and that of his Countess Elizabeth. The Countess Elizabeth survived her husband, and in 1471 she pursued Andro Mercer of Mekillour for taking 16 oxen out of the lands of Netherdale.¶ This proves that the Earl could not have married as fourth wife (as supposed) the "Fair Maid of Moray," by whom he is said to have had two daughters—one married to James Innes of that Ilk, and the other to Hugh Rose, 8th of Kilravock. It may be noted, however, that in the many documents relating to these ladies they are never

* *Registrum Magni Sigilli, vii., 226.*

§ *From General Register House.*

† *Gordon Charters.*

|| *Gordon Charters.*

‡ *Sir R. Gordon's Earldom of Sutherland, p. 76.* ¶ *Acta Dominorum Auditorum, p. 10.*

represented as illegitimate. The children of the Earl of Huntly by Elizabeth Crichton were:—

1. George, 2nd Earl of Huntly.
- II. Sir Alexander of Midmar, of whose descendants some account is given pp. 229-233.
- III. Adam, Dean of Caithness, who had:—William Gordon, Chancellor of Dunkeld; George Gordon of Beldormie (p. 66); John Gordon of Drummuy in Sutherlandshire; and Elizabeth, wife first of Alexander Ogilvy of Findlater, and secondly of Sir John Gordon.

According to Sir Robert Gordon, the Earl's eldest daughter was contracted to the Lord of the Isles, Earl of Ross, but was killed by a fall from her horse in Strathglass before her marriage, and he thereupon married the second daughter:—

1. Janet.* (The wife of the Earl of Ross of this period was Elizabeth Livingston, and genealogists represent Janet as wife of James Dunbar, Earl of Moray.)
2. Elizabeth married first Nicol Hay, 2nd Earl of Errol,† before 31st January 1466-7. She married secondly John, Lord Kennedy, before 12th July 1471.‡
3. Christian married William, Lord Forbes.§

A fitting conclusion to this Memoir of the first Earl of Huntly are the lines from the pen of Buchanan, who could not be described as a friend of the house of Huntly:—

Clausus Alexander jacet hac Gordonius urnâ,
 Qui priscum ornavit lumine stemma novo.
 Forma decens, firmæ vires, unoque tenore
 Continuo nullis sors labefacta malis;
 Dives opum, luxuque carens, domus hospita cunctis;
 Pectus amans pacis, fortis ad arma manus,
 Omnia permensus felicitis commoda vitæ,
 Hic animam coelo reddidit, ossa solo.

[Enclosed within this tomb lies Alexander Gordon,
 Who has added new lustre to an ancient name;
 Comely, strong, and in his even course of life by ills unsubdued.
 Rich, shunning extravagance, hospitable to all;
 Loving peace, ready for war,
 Having gone the round of all the blessings of a happy life;
 He rendered up his soul to heaven, his dust to earth.]

* *Sir R. Gordon's Earldom of Sutherland*, p. 76.

‡ *Ibid.*, vii., 207; et ix., 65.

† *Registrum Magni Sigilli.*, vii., 105.

§ p. 391.

GEORGE, 2nd EARL OF HUNTLY, LORD GORDON AND BADENOCH.

Elizabeth Dunbar, Countess of Moray, first wife ; Princess Annabella Stuart, second wife ; Elizabeth Hay, third wife.

Alexander, Earl of Huntly, was succeeded by his second son, George, the eldest son of the marriage with Elizabeth Crichton, the Earldom of Huntly being strictly limited to the issue of this marriage. As a consequence, Alexander Seton of Tullibody, the son of Egidia Hay, succeeded to his mother's estates, but there is reason to believe that he assumed and used the style and designation of Lord Gordon long after the above limitation,* and this was the cause of the bitter controversies between him and his brother, the second Earl, of which anon.

George, Master of Huntly, comes first into notice when the lands, afterwards erected into an Earldom, were settled upon him and his heirs in 1441. He next appears as the intended husband of Elizabeth Dunbar, Countess of Moray. This lady was the younger daughter of James Dunbar, Earl of Moray, but on account of the great power and influence of her husband, Archibald Douglas, the elder sister, Janet, was deprived of the revenues of the Earldom, although she always used the style of "Countess of Moray." † Archibald Douglas, who styled himself Earl of Moray, was slain at Arkinholme as already noticed, and, nineteen days after his death, the Countess entered into a remarkable contract with the Earl of Huntly. This contract, which is dated at Forres, 20th May 1455, is betwixt Alexander, Earl of Huntly, Lord of Gordon ; his spouse, Elizabeth, Countess of Huntly ; and George, Master of Huntly, knight, their son and heir : and a noble lady, Elizabeth, Countess of Moray ; Nicolas Sutherland, Captain of Darnaway ; Sir Richard Holland, Chantor of Moray ; James of Dunbar ; and others, men to the said lady, whereby it is agreed that the said George shall marry Elizabeth, Countess of Moray, and "nane others indurand hir life," and shall obtain a dispensation in all goodly haste for any impediments, so that they may lawfully complete the said marriage, and in the meantime he shall not constrain the lady,

* *Douglas Baronage*, p. 167 ; *Reg. Mag. Sigilli*.

† *Westfield Charters*.

but of her own free will. Further, the said lady's men shall retain Darnaway until the marriage is completed, when the castle will be delivered to the said George and his spouse. And the said lady and her men shall do all their "gudly power to gar the said Earl of Huntly have deliverance of Lochindorb."* This contract, so interesting as illustrating the state of society at the period, preserves to us the names of the children of Elizabeth by Archibald Douglas, of whom there is no record elsewhere. They were Janet and James, and appear to have died young; and the fact of their birth prior to 1455 renders it the more improbable—nay, impossible, that the Countess of Moray could have been the niece of her husband, as represented by genealogists. The Countess Elizabeth, was forfeited in the same year, and the king created his younger son, David, Earl of Moray. Some writers have been pleased to say that this "change in her fortunes may have been a very potent reason for her divorce from the Master of Huntly," who three years later allied himself with the Royal family. The fact, however, is that this marriage was illegal under the papal law, because the Master of Huntly's uncle, Sir James, Lord Crichton, had been for several years the husband of the Master's sister-in-law, Janet.† This was the true cause for the dissolution of the Master of Huntly's first marriage, notwithstanding that James, Lord Crichton, had died between July and September 1454, when his spouse, who had always used the style of Countess of Moray, describes herself as a widow.‡

The Princess Annabella of Scotland, younger sister of James II., was betrothed at Stirling on 14th December 1444, to Lewis, Count of Geneva, son of Lewis, Duke of Savoy, in presence of the latter's ambassadors. In November 1455, James II. writes to Charles VII. of France, thanking him for his kindness to his sisters, Isabel, Duchess of Bretagne, and the Lady Annabella, in Savoy.

The marriage between Lady Annabella and Lewis appears to have been dissolved owing to the intrigues of the King of France, and, in consequence of this unfortunate event, the Princess was paid 25,000 crowns as a solatium, together with her expenses home. Her brother, James, by a letter still extant in the Archives of Savoy, consented to these conditions, and expressed his willingness "to receive her to his fraternal

* *Miscellany of Spalding Club*, vol. iv., p. 128-9.

† *Registrum Magni Sigilli*, iv., 274; *Westfield Charters*.

‡ *Westfield Charters*.

arms."* She was expected to return in November 1457, but stress of weather prevented her from setting out, under escort of the Bishop of Galloway, and it was early in 1458 ere she landed at Kirkcudbright.†

On 10th March 1459, she appears as the wife of George, Lord Gordon, who had some time previously divorced the Countess of Moray, "*Judicio Ecclesie*," and they have a charter of 200 merks out of the barony of Aboynce.‡

The Lord Gordon, as the Master of Huntly is more frequently styled, upon 10th June 1459, entered into a contract with James, Lord Forbes, for the redemption of certain lands in the barony of Cluny, which the Lord Forbes had obliged himself to resign to the Earl of Huntly.§ From 1461 to 1466, he appears to have been keeper of the Castles of Kildrummy, Kindrocht, and Inverness, for all which he receives a fee.|| He entered into a contract with Nicol, Earl of Errol, whereby they became bound to defend each other against all living men, on 26th January 1466.¶ In the following year he had a charter of the lands of Schivas and Netherdale, upon the resignation of Elizabeth and Janet, daughters of the deceased Sir Patrick Maitland.** The Boyds, who had risen to great power at the beginning of the king's reign, had by this time fallen into disgrace, and, upon the forfeiture of Robert, Lord Boyd, the king granted to George, Lord Gordon, the lands of Rynylton, Fauside, and Mellostanes, and half of Fogo, in the lordship of Gordon, on 7th February, 1469.†† A month or so before his father's death, in consequence of an agreement with Alexander Seton of Tullibody, the latter resigned the lands of Kilsaurle and the forests of Boyne and Enzie, upon which the king granted them to George, Lord Gordon.‡‡ About this period he granted charters to his brother, Alexander Seton of Tullibody, of the lands of Wester Gordon, Huntly, Fauside, Easter Gordon, Mellostanes, Fogo, and others, and these charters were confirmed by the king in 1472.§§ During the same year, George Nairn of Sandford resigned to him the lands of Balmure, Cocklaw, and others, and he

* Riddell's *Historical Tracts*, p. 83; Guichenon's *Histoire de la Royale Maison de Savoie*, vol. iv., p. 586.

† Stevenson's *Letters Illustrating English War in France*, vol. i., p. 354.

‡ pp. 1, 3.

§ *Gordon Charters*.

|| *Exchequer Rolls*, vii., pp. 86-88.

¶ *Miscellany of Spalding Club*, ii., p. 251.

** *Registrum Magni Sigilli*, vii., 124.

†† *Registrum Magni Sigilli*, vii., 83.

‡‡ *Ibid.*, xiv., 349.

§§ *Ibid.*, vii., 256.

re-granted them to Alexander Dunbar of Westfield. On 30th March 1473, he had a charter of the king's lands of Hallyards in Banffshire.

In 1471, the Earl of Huntly divorced the Princess Annabella of Scotland, by whom he had many children, on the ground that he "carnaliter cognovit quandam dominam Elizabeth de Dunbar quam duxit in matrimonium, et ab eadem, postmodum, judicio ecclesie, legitime devortiatius et separatus, dicte domine Annabelle, in tertio et quarto gradibus consanguinitatis attingentem Et sic se invicem Dominus Georgius et dicta Annabella in consimilibus tertio et quarto gradibus attingunt."* Thus was the unfortunate Princess divorced for no offence or misconduct on her part (but owing to the former marriage of her husband, which had been set aside), though their descendants were legitimated by the *ignorantia* and *bona-fides* of the parents. †

The same instrument which preserves to us an account of the divorce proceedings, also shews that, within a month thereafter, the banns of marriage between the Earl and Elizabeth Hay were proclaimed in the Parish Church of Fyvie, on 18th August 1471. This marriage, however, does not appear to have been consummated until after 12th May 1476, for on that day the lady's brother takes the precaution to have the Earl swear upon the Holy Bible that "I sall never presume til hafe actual delen wyt the said Elizabeth nether be slight nor myght, nor any other manner, on to the tyme it be sene to the said Lord Nicol and other tender friends that I may hafe the said Elizabeth to my wife lawfully." ‡

We pass from the consideration of these peaceful records to those of a more stirring nature. The Earl of Ross, who had played so important a part in the Douglas rebellion, was still a disturber of the peace in the northern districts—a traitor to his country. His acts of treason were supported and encouraged by the English Court, and, although the Scots King and his advisers seem to have been cognizant of his doings, yet, he was continued keeper of the royal Castle of Urquhart. He did not condescend to attend the Parliament, but was represented by Gilbert, Lord Kennedy, as his procurator. As a near neighbour and relative of the Earl of Huntly, a feud seems to have arisen between them. The cause is not easy to discover, and the inference is that the Earl of Ross had molested the vassals of Huntly, for he seems to have acted for many

* *Gordon Charters, Hutton Collections, &c.* † *Riddell's Peerage Law, vol. i., 528.*

‡ *Erral Charters; Riddell's Tracts, p. 85.*

years in a most arbitrary fashion. Accounts of the slaughters, raids, and forays committed by them were noised abroad, and attracted the attention of the authorities. As a consequence, letters are sent by "Gilbegan" to Huntly to cause the Earl "cum to Edinburgh for certain materis to the King."* On 21st March 1473, the king sent letters to both Earls for the "stanching of their slachteris and herschippis" by William Nevin, who is allowed 40s. for his expenses.† What the result of this royal interference we know not, but one of the consequences was that a courier from the Earl of Ross brought letters to the king. These seem to have been unsatisfactory, for, on 16th October 1475, the Earl of Ross was cited, by Unicorn pursuivant, at his Castle of Dingwall to answer for his treason before the Parliament, summoned to meet at Edinburgh for 1st December. He did not put in an appearance, and was consequently forfeited.‡ The Island Prince was now to be effectually crippled, and a commission of fire and sword was granted to Colin, Earl of Argyll, against the Earl of Ross and his accomplices, who were all commanded to make faith and oath to Argyll to observe future fidelity.§

David, Earl of Crawford, and John Stewart, Earl of Athol, led an expedition against him, as did also the Earl of Huntly. The latter rendered the most important services. He raised his vassals, captured the Castle of Dingwall, and led his forces into the wilds of Lochaber, with the result that the Earl of Ross was induced by him to petition for pardon. A higher personage also interceded for the powerful Earl, whose humiliation before the King and Court strangely contrasts with the conduct hitherto of the great lord who was treated as an independent prince. At the intercession of the Queen his possessions were restored to him, but vastly curtailed. The Earldom of Ross, the Castles of Inverness and Nairn, the districts of Knapdale and Kintyre, were taken from him; to compensate him for which loss he was created a Lord of Parliament, under the style and title of Lord of the Isles, with remainder, failing lawful issue, to his two natural sons.||

For the part taken by the Earl of Huntly in the subjection of the Earl of Ross, the king sent him a letter upon the 27th March 1476, thanking him "maist heertlie," and praying him to "tak na displeser that

* *Accounts of the Lord High Treasurer*, i., p. 47. § *Historical MSS. Commission Report*, iv., p. 487.

† *Ibid.*, p. 48.

|| *Registrum Magni Sigilli*, vii., 335.

‡ *Acts of Parliament of Scotland*, ii., p. 109.

we haf for a little lymmit the keping" of Dingwall Castle "to our cousing Johne Stewart, quhilkis we haf ordainit to be rulyt and gournit in all matris be your grete prudence and vertu." He tells him frankly that had he desired the keeping of the castle it would have been granted to him. Some months later he bound himself to secure by charter and sasine to the Earl, and his heirs, one hundred merks worth of land lying in competent places in the north parts of the realm, as a recognition of the services rendered by Huntly.*

In 1478 the Earl of Huntly and Alexander Seton of Meldrum were pursued by Euphame, the relict of Malcolm Fleming, in regard to certain monies alleged to be due to her from the lands of Monycabock, which lands were granted by Malcolm Fleming to Alexander, Earl of Huntly.† The lady married William Fleming of Bord, and the dispute between the two families went on for many years, accompanied with much bitterness, as evidenced by processes before the Lords Auditors and Lords of Council. Huntly at this period became involved in litigation with his kinsman William, Lord Forbes, who pursued a process against him before the Lords Auditors, for raising the maills of certain lands in the forest of Enzie, which had been assigned to Forbes.‡ The Earl of Huntly was Chamberlain of Petty, Braichlie and Strathdearn, and had the fermes of Urquhart and Glenmoriston for his pension. Desirous of letting these lands to the best advantage, he granted a lease of them to Hugh Rose of Kilravock, which led to a dispute between the Mackintoshes and the Roses. Arbiters were ultimately appointed to decide the questions at issue. The matter was discussed before the Earl in his Court held at Inverness, with the result that, by advice of the Arbiters, the Roses were continued in possession.§ Huntly was also keeper of the Castles of Redcastle and Inverness, and on the 10th October 1479, the king appointed him Justiciary north of the Forth,|| an honour which shews in what esteem he was held by his sovereign. In his capacity of Justiciary, his authority was exerted for the suppression of feuds between various Highland families. Among the first to fall under his displeasure was Duncan,

* *Miscellany of Spalding Club*, ii., pp. 133-4.

§ *Rose of Kilravock*, p. 139.

† *Acta Auditorium*, p. 70.

|| *Gordon Charters*.

‡ *Acta Dominorum Auditorum*, p. 78.

the chief of the Mackintoshes, for breach of the compact above noticed, relative to the lands of Glenmoriston. Duncan had some years before this received tokens of the Earl's goodwill, and, on 25th July 1481, he became bound at Perth to "underlie the judgment of his superior, and make amends if any breach were proved."

During the same year the Earls of Huntly and Marischal entered into a contract as to a marriage between the families. Huntly's daughter, Elizabeth, was contracted to marry William, the son and heir of Earl Marischal, and her father promised, as tocher, the sum of sixteen hundred merks to be paid by instalments. Earl Marischal also secured them in 100 merks worth of lands of the barony of Aden. It was further agreed that if the contract "be mystic and nocht cleir in onything that thai be reformit and correckit be the sicht of the friendis of bayth."*

The reign of James III., although comparatively peaceful since the suppression of the Boyds, Douglasses, and Rosses, was not by any means popular. The king lived in seclusion, and was not of the disposition necessary to command, or restrain, his jealous and unruly nobles. Fond of music and the fine arts, he surrounded himself with men of the like accomplishments and tastes, thereby raising a spirit of discontent among the nobility, who determined on the overthrow of the favourites. Chief among those who resented the king's conduct were his brothers, Albany and Mar, and the Earl of Angus. The treason of these nobles coming to light, Albany and Mar were imprisoned; the former escaped from Edinburgh Castle, while the latter, confined in Craigmillar Castle, was seized with fever and died soon afterwards.

Albany sought refuge in the Castle of Dunbar, but the vigorous measures adopted by the king compelled him to fly to France. The French Monarch tried to act as a mediator between them, and while James was disposed to treat the treacherous Albany generously, the latter seems to have been bent upon annoying his brother. Meeting with no encouragement from the French King in his designs, Albany readily entered into the projects of Edward of England, who had some reason to be aggrieved at the conduct of James III. The marriage, projected in 1474, between the Princess Cecilia of England and Prince James of Scotland was unduly delayed. Edward had already paid a

* *Antiquities of Aberdeen and Banff*, vol. iv., p. 34.

great portion of the lady's dowery,* and, feeling that he was being trifled with, sent an ultimatum to the Scots King. James was preparing for hostilities, knowing that his traitor nobles had as usual found a refuge in England; and the Scottish Parliament, which met in March 1481-2, being of the like mind as their king, directed messengers to be sent to the further parts of the kingdom to summon the lieges who were most distant, ere those at hand were called.† They expressed a firm resolve to live or die for their king, and to show their contempt for Edward, they styled him "the revare Edward calland him King of England."

Edward followed up his threats by sending Master Patrick Haliburton to negotiate with the Lord of the Isles and his Council. The Scottish King, hearing of this attempt to seduce the Island Prince from his allegiance, promptly sent a ship in pursuit of Haliburton.‡ Edward made terms with Albany, paid him large sums of money to defray his expenses in his unpatriotic designs, offered his assistance in the conquest of Scotland, as well as the hand of the Princess Cecilia, provided he "can make himself clear of all other women according to the laws of Christ's church. If he cannot so clear himself within a year, there is to be a marriage between his son and heir and a lady of the blood royal of England."§ In the remarkable document wherein these things are recorded, Albany uses the style of "Alexander, King of Scotland by the gift of the King of England."

Meantime the Duke of Gloucester and the Earl of Angus were engaged in the usual border forays. The latter made an extensive inroad, which, however, appears to have been a mask to cover his designs. The advance of Gloucester and Albany towards Berwick led to a general muster of the Scots army at Borough Muir, near Edinburgh, whence they marched to Lauder. Among the assembled nobles were the Earls of Huntly, Lennox, and Crawford. They cordially hated the royal favourites, as did the great bulk of the nobility. Thus they came to take part in the famous scene enacted at the Church of Lauder, when, at the instigation of Archibald Douglas, Earl of Angus, the Scots nobles took summary vengeance upon Cochrane, Earl of Mar, by hanging him, and the other favourites, over the bridge near by. Violent hands were laid upon the sovereign, the army was disbanded, and the

* *Bain's Calendar of Documents*, iv., p. xxxvii.

† *Acts of Parliament*, ii., p. 139.

‡ *Exchequer Rolls*, ix., p. 211.

§ *Fadera*, xii., 156.

king conveyed a prisoner to Edinburgh. As a consequence, Berwick fell into the hands of the English; Gloucester and Albany advanced to Edinburgh without opposition; Angus and his confederates were free to engage in their designs of supplanting the king by his brother. This last course, however, did not meet with the approval of the Earls of Huntly, Lennox, Argyll, or Crawford, who with the greater portion of the nobility thought that the "purifying" of the Council had been enough. To check the designs of Albany and Angus, a Scots army assembled at Haddington, and compelled them to moderate their intentions.

Albany having now lost his popularity among the barons, he was the more desirous of coming to terms with his brother. Several nobles and prelates interceded for him, and, after the farce of relieving the king from the alleged restraint inflicted by his uncles, (the Earls of Athol and Buchan,) the Earldom of Mar and Garioch was bestowed upon Albany.* He was also made Lieutenant-General of the Kingdom, in which capacity he endeavoured to regain his popularity by issuing orders to the lieges to burnish their armour, as he meant to engage in hostilities with England. Instead of doing so, he renewed his traitorous designs with Edward: was once more pardoned by his kindly brother, as evidenced by the remarkable contract between them, dated at Dunbar, 19th March 1482-3.† Continuing his treachery, Albany was forfeited in 1483, along with many of his adherents, and sought refuge at the Court of England. The usurper Richard having trouble enough of his own, took care not to excite the animosity of the Scots King. Albany therefore concerted measures with the outlaw James, Earl of Douglas. They determined to gain a foothold in Scotland without the assistance of Richard, and, at the head of 500 horse, on 22nd July 1484, entered Lochmaben. Here they were attacked by the country people, and, after a fierce engagement, Douglas was taken prisoner, while Albany escaped with difficulty.

James III. was ever ready to exercise the royal prerogative of mercy, and received the rebel Earl with respect, for his kindly disposition led him to regard with compassion the Douglas chief, who had grown grey in intrigue and banishment. He decreed that henceforth Douglas was to live in honourable seclusion at Lindores Abbey. A truce with England speedily followed (1484), one of its conservators being George,

* *Registrum Magni Sigilli*, x., 32.

† *Acts of Parliament of Scotland Index Volume*, p. 31.

Earl of Huntly. The Earl was at the time keeper of the Castles of Inverness and Kildrummy, and enjoyed the royal confidence and favour. He strengthened his position in the north by friendly dealings with his neighbours, and the exaction of bonds of manrent, which show the impotence of the law at the period. Even south country lairds, such as Alexander Home of that Ilk, otherwise known as the Master of Home, were willing to become "men" to him against all that live or die.*

King James neither forgot nor forgave the indignity he suffered at Lauder, which had the effect of changing his character to a great extent. He now acted so vigorously as to alarm those in any way concerned in the *émeute* at Lauder, for his authority was being strengthened daily. The death of Queen Margaret in 1486 brought matters to a crisis. James sought a union with the Queen of Edward IV., and as such a marriage would prove fatal to the interests of many of the Scots nobles who had intrigued with England, something had to be done. A formidable conspiracy was the result. The Parliament which met in October 1487 passed various resolutions, all tending to shew that the king meant to strictly enforce his rights. He was determined to act firmly and resolutely against all traitors; there was no hope for those who acted in opposition to his authority, and the faction of the Earl of Angus prepared for the worst. Among Angus's adherents were the Earl of Argyll (who had been made Chancellor), the Lords Gray, Home, Hailes, and Drummond. In short, the southern part of the kingdom revolted, and in this dilemma the king hastened to the north to join the loyal Earls of Crawford, Huntly, Athol, and Buchan.

Since the death of the Queen, the rebellious faction had successfully alienated the young Prince of Scotland from his father, and he now appeared at the head of the insurgents. The loyal barons of the north came thronging to the royal standard, and, with a great army, James returned southwards. He encountered the rebels at Blackness, and, after an indecisive skirmish, negotiations were opened; but, prior to this, disaffection had broken out in the royal camp. The Earl of Buchan, who possessed great influence with the king, was for stern measures, to which the Earls of Huntly and Errol were opposed, the result being that they both retired to the north. That Buchan had judged rightly there can be no doubt, for the rebels were offered terms

* *Miscellany of Spalding Club, iv., p. 185.*

much too favourable, consequently the king had but returned to Edinburgh when they again appeared in the field against him. James at once mustered his army; advanced to Stirling, and, without waiting for the northern Lords and their forces, attacked the rebels, whom he drove across the Forth. It was only a temporary success, although he followed it up by destroying the houses of the neighbouring gentry.* The Castle of Stirling held out for the Prince, and the king was not in a position to lay siege to this fortress.

On 11th June, father and son again met face to face at Sauchie, near the scene of ever-memorable Bannockburn. The king, possessed of the personal courage of his race, determined upon risking an engagement with a force much inferior to that commanded by his son. A choice body of the Gordons, Grahams, and Lindsays, headed by their respective chiefs, hurried to the assistance of their sovereign, who was too impatient to await the arrival of the others. James was not without superstition; he girt himself with the sword of the heroic Robert Brus, and it was afterwards found upon the field of battle.

The first division of the royal army, led by the Earls of Huntly, Athol, and Menteith, drove the rebels before them, an advantage which was soon checked by the steady advance of the spearmen of the Borders—men inured to arms—the heroes of many a foray. At the spear point they pressed the royalists back, and compelled them to retreat upon the division commanded by the king. Although outnumbered, the forces of James fought obstinately, yet, the issue was not long in doubt, and the king flying from the field, upon the mettled charger presented to him by his loyal friend, Lord Lindsay of the Byres, was thrown from his horse. He was carried into a miller's cottage near by, and met his death at the hands of a traitor who had assumed the priestly functions. James, one of the most amiable of the Scots kings, fell a victim to that princely generosity which caused him to spare his mortal foes.

Among those who held out and sought to revenge his death were the Earls of Huntly and Marischal, the Lord Forbes and the Master of Huntly. The last sent a letter (quoted elsewhere) to the King of England begging his assistance to punish the "untrew leges" who had murdered their sovereign; and when Lord Forbes displayed

* *Acta Dominorum Concilii*, ff. 90, 96, 130; *Reg. Mag. Sigil.*, xii., n. 64.

the bloody shirt of King James at Aberdeen it was accepted as the signal for revolt. These northern Lords were joined by Lord Lyle and the Earl of Lennox, who quickly garrisoned the Castles of Dunchal, Dunbarton, and Crookston. Such doings soon became known to James IV.; he wrote to Arbuthnot of that ilk commanding him to secure "his house and strengths because the Earl Marischal, the Master of Huntly, Lord Forbes, and others are making certain leagues and bands at the Castle of Dunbarton."* This rebellion led to no important result; it was soon suppressed, and James did not deal harshly with those concerned, for ever since the death of his father he felt the pangs of remorse. By the 15th October 1490 the Earl of Huntly seems to have been received into the royal favour, and he and Elizabeth Hay, his spouse, had a charter of the lands of the forest of Enzie. Early in the following year he entered into a family alliance with the powerful Patrick, Lord Hailes, Earl of Bothwell. By an Indenture drawn up between them, Bothwell is to have one of the Earl of Huntly's daughters, Margaret or Catherine—which ever pleased him best. From this contract it is obvious that these two ladies were the only marriageable daughters of Huntly, and the Earl is to give a tocher of 2000 merks.† Of same date there is a bond of manrent between them, wherein they became bound to be in all things "tender kynd and lele as the fadre sonnys and brethir aucht to be."‡

Huntly was soon after made a Privy Councillor, and on 13th May 1491, Lieutenant of the North§ until the king attained 25 years of age, and thereafter during his majesty's will. He acted a friendly part to Alexander Innes of Innes, his nephew, who had taken part in Lord Forbes's abortive rising, and secured him in the lands in the forest of Enzie possessed by his father James.|| During 1491 and 1492 the Earl appears to have been engaged in amicable transactions with his neighbours. He exchanged certain lands in Strathaven with the Laird of Grant; but the vexed question of the possession of Urquhart and Glenmoriston nearly led to a rupture between them. These lands had been held by the Roses, and they finding the occupation troublesome had assigned their rights to the Grants, apparently with the consent of

* *Nisbet's Heraldry*, vol. ii., p. 83.

§ *Douglas Peerage*, vol. i., p. 644.

† *Miscellany of Spalding Club* iv., p. 136.

|| *Innes Charters at Floors*.

‡ *Ibid.*, p. 188.

Huntly, for he discharged the Roses of the rents, and constituted them keepers of the Redcastle in Ardmanoch. The Grants withheld the rents of Glenmoriston for four years, and it was only the intervention of the Lords of Council on 28th January 1492, which moved John Grant of Freuchie to submit to the deliverance of the Earl of Huntly.*

Ever since the forfeiture of the Earl of Ross in 1476 his illegitimate brothers and sons kept the Isles and the district of Ross in constant ferment. As proved by the Exchequer Rolls, a great portion of Ross lay waste; while Inverness was so impoverished that a special remission of their fermes was granted to the bailies of that town at the intercession of the Master of Huntly.† One of the most powerful of the De Yle family was Alexander of Lochalsh, the son of Celestine, the illegitimate brother of John, late Earl of Ross. In 1491 he made an extensive foray into Inverness and Ross: plundered the country, assisted by the Mackintoshes and others, but was defeated by the Mackenzies—a family which rose upon the ruin of the Earls of Ross. The Mackenzies, as might be expected of a race which year after year refused payment of the fermes due and deforced the officers of the Crown, used their victory in such high-handed fashion that the Earl of Huntly had to issue a commission of fire and sword against them. Among those who had taken part in the hership of Cromarty was Hugh Rose, younger of Kilravock, the brother-in-law of Huntly, and as the king's writ did not run against the Mackintoshes and other Highlanders, he had to bear the whole burden. The Urquharts of Cromarty established their claims against him, and he was fined in 800 merks, which made him press the Earl of Huntly for a settlement of the tocher due to him through his wife, amounting in all to 380 merks, of which twenty pounds had been paid. The case came before the Lords of Council, and they on 6th November 1495, charged the Earl of Huntly to pay the sum due.‡

In the following year, on 23rd June, Huntly and his son Alexander, Lord Gordon, entered into a contract at Edinburgh with Alexander Seton of Tullibody and Alexander Seton of Touchfraser, his son, for fulfilling the contract of date 1470, already referred to, regarding the lands of Kilsaurle, Enzie, &c. By this contract the Setons became bound never to claim the said lands pertaining to "Gelis the Hay moder

* *Acta Dominorum Concilii*, p. 267.

† *Invernessiana*, p. 160.

‡ *Acta Dominorum Concilii*, p. 421.

to the said Alexander Seton elder," and to allow the Earl of Huntly and his heirs to "bruk the saidis landis for ever mar." They are also to discharge all their rights in favour of Huntly in the "sikkerist wiss that can be devisit," and in return the Earl becomes bound to infest Alexander Seton the younger in seventeen merks worth of land of Monycabock, and ten pounds annual rent from said lands, to be held of Lord Fleming as freely as the said Earl holds them. Provision is made in the event of Fleming refusing to receive young Seton as a tenant; and should the latter recover the lands of Dirpis in Perthshire it shall not prejudice him or his father in the infestment made to them in the lands of Huntly and Gordon. The dispute to which we have already referred between the Euphemia Livingstone, the relict of Malcolm Fleming, as to the lands of Monycabock, was also taken into account, and during her lifetime Seton is to be provided for elsewhere.*

Before 4th March 1497, the Earl of Huntly was made High Chancellor of Scotland. The precise date we have been unable to discover, but it seems probable that the honour was conferred when his daughter Catherine was given in marriage to the adventurer Perkin Warbeck, whom the Scots King for politic reasons favoured. An interesting love letter, said to have been sent by Perkin in 1495 to Catherine, has fortunately been preserved, and may be given as a specimen of the style of so early a period:—

"Most noble lady, it is not without reason that all turn their eyes to you; that all admire love and obey you. For they see your two-fold virtues by which you are so much distinguished above all other mortals. Whilst on the one hand, they admire your riches and immutable prosperity, which secure to you the nobility of your lineage and the loftiness of your rank, they are, on the other hand, struck by your rather divine than human beauty, and believe that you are not born in our days but descended from Heaven.

"All look at your face so bright and serene that it gives splendour to the cloudy sky; all look at your eyes as brilliant as stars which make all pain to be forgotten, and turn despair into delight; all look at your neck which outshines pearls; all look at your fine forehead, your purple light of youth, your fair hair; in one word at the splendid perfection of your

* *Gordon Charters.*

person ;—and looking at they cannot choose but admire you ; admiring they cannot choose but love you ; loving they cannot choose but obey you.

“I shall, perhaps, be the happiest of all your admirers, and the happiest man on earth, since I have reason to hope you will think me worthy of your love. If I represent to my mind all your perfections, I am not only compelled to love, to adore and to worship you, but love makes me your slave. Whether waking or sleeping I cannot find rest or happiness except in your affection. All my hopes rest in you, and in you alone.

“Most noble lady, my soul, look mercifully down upon me your slave, who has ever been devoted to you from the first hour he saw you. Love is not an earthly thing, it is heaven born. Do not think it below yourself to obey love’s dictates. Not only kings, but also gods and goddesses have bent their necks beneath its yoke.

“I beseech you most noble lady to accept for ever one who in all things will cheerfully do your will as long as his days shall last. Farewell, my soul and consolation. You, the brightest ornament in Scotland, farewell, farewell.”*

Lady Catherine Gordon followed the fortunes of her husband, and was styled Duchess of York. When Perkin was defeated in Cornwall she was taken prisoner at St. Michael’s Mount, and on 15th October 1497, there is a payment of £7 13s. 4d. to Robert Southwell for horses, saddles, and other necessaries purchased for conveying of “myLadyKateryn Huntley.”† The Lady was singularly beautiful, for we are told that Henry VII. “much marvelled at her beauty and amiable countenance, and sent her to London to the queen.” On the 16th October same year the king wrote to his trusty Thomas Stokes :—“We wol and charge you for the diete of Katerine daughter to therl of Huntlye from Bodman unto our dearest wife the queene whereever she bee, ye deliver to our trusty servant Thomas Englishe sergeant of our pulterie the sum of twenty pounds sterling upon a prest and rekenyng by him to be declared.‡ Henry took the greatest interest in his beautiful prisoner, whom he dubbed the “White Rose,” and treated her with distinction, making her a suitable allowance. In his wardrobe accounts there appear warrants in

* *Spanish State Papers*, vol. i., p. 78.

† *Bentley’s Excerpta Historica*, p. 115.

‡ *Gairdner’s Letters Illustrative of the Reigns of Richard III. and Henry VII.*, vol. ii., p. 73.

her favour for various articles of dress. On 23rd April 1502, there are warrants for black and crimson velvet for her gowns; tanny chamlet for "kyrtells"; black velvet for her bonnet; crimson and black velvet for "frontlets"; sarcenet for "tippets"; a picce of syprus for "nekkerchiefs"; black kersey for hose, and as much money as "will make the stuff." In November of same year she prepares for the winter, and there are warrants for a gown of black satin to be "furred with minks of her own store"; a black cloth gown to be "furred with lettewys poudred and pured mynevere within"; black damask for "kirtells;" black chamlet for a "cloke" with bordering and lining of black velvet; a bonnet of crimson velvet; frontlets of black velvet and tanny satin; black sarcenet for "tippets"; linen cloth for "smokkis"; "raylys," &c.*

The subsequent history of Lady Catherine Gordon is of interest. On 4th May 1510, she had letters of denization, and on 8th August following had a grant of the manor of Philbertis and Eton in Berks. Two years later, on 13th February, there is a grant to James Strangways, "gentleman usher of the Chamber, and Lady Catherine Gordon his wife," of the manors of Philbertis, Fiffhede, and Eton in Berks (forfeited by the attainder of John, Earl of Lincoln), on surrender of the patent of 8th August (noted above), granting said manors to Catherine Gordon, with the proviso that she should not go from England to Scotland or other foreign country without license.† She is again a widow by 1515; and on 23rd June 1517, she had a grant under Privy Seal from Henry VIII. of the manors of Frylsham and Garford in Berks, forfeited by John, Earl of Lincoln, provided she does not quit England for Scotland. Exactly a month later she appears as wife of Sir Mathew Cradock, and had a license to dwell in Wales, notwithstanding of the above patents.‡

Lady Catherine, who died childless, founded a chantry in the Church of St. Mary Overy, Southwark, with a priest therein daily to sing mass for the souls of her second husband James Strangways, and of the Earl and Countess of Huntly. The maternity of Catherine is uncertain. Her effigy is on the beautiful tomb, in Swansea Church, which has the Gordon and Hay arms impaled with those of Cradock, and this leads to a presumption that she must have been the eldest daughter of Huntly by Elizabeth Hay, and this is supported by a comparison of dates; the

* *Bain's Calendar of Documents*, vol. iv., pp. 419, 424, &c.

† *Patent Rolls*, 3 *Henry VIII.*, membrane 13. ‡ *Patent Rolls*, 9 *Henry VIII.*, membrane 21.

Princess Annabella being married to Huntly in 1459, and divorced in 1471. The Earl did not marry Elizabeth Hay until 1476.

George, Earl of Huntly, on more than one occasion accompanied the king in his expeditions to the north, and during the last year of his life was employed upon the borders to pacify the country. In March 1499-1500, he held a justice ayre, and fined the Earl of Bothwell in £550 for the lawlessness of his retainers—the Nicsons, Ewalds, Turnbulls and Armstrongs.* According to one of the family historians, Earl George built the priory of Kingussie, and St. Peter's Church in Elgin. He founded the Castle of Bog of Gight, otherwise known as the "Palace of Newark upon Spey"; repaired Strathbogie and Aboyne; † and died at Stirling in the year 1500, ‡ being buried at Cambuskenneth.

The Earl married first, as already noted, the Countess of Moray, by whom he had no issue. He divorced her, and she afterwards married Sir John Colquhoun of Luss. Huntly's second wife was the Princess Annabella, whom he also divorced on 24th July 1471. By the Princess, whose subsequent career is involved in mystery, he had:—

- I. Alexander, Lord Gordon, Master of Huntly.
 - II. Adam, Lord of Aboyne. He had first a charter of the lands of Schivas from his father on 8th October 1479, § which lands he exchanged with his brother William for the Lordship of Aboyne on 2nd October 1490. || He married Elizabeth, the heir of Sutherland, and was by courtesy styled Earl of Sutherland. ¶
 - III. Sir William Gordon, who exchanged the lands of Aboyne for those of Schivas, as above. He became ancestor of the Gordons of Gight by his marriage with Janet Ogilvy. He was killed at Flodden 1513.
 - IV. James Gordon (afterwards of Letterfourie), styled brother of above William.**
1. Isabel, said to have married William, Earl of Errol, prior to 1478. †† It must be noted that Margaret Kerr, widow of William, Earl of Errol, appears as wife of Sir James Sandilands of Calder in

* *Exchequer Rolls*, vol. xi., p. xlv.

† *Wm. Gordon's History of the Gordons*, vol. i., p. 98; *Sir Robert Gordon*, &c.

‡ *Riddell's Peerage Law*, vol. i., p. 328. ¶ pp. 36-7.

§ *Registrum Magni Sigilli*, ix., 12.

** *Registrum Magni Sigilli*, xiii., 342.

|| *Ibid.*, xii., 238.

†† *Douglas Peerage*, vol. i., p. 458.

1489; and the wife of William, the next Earl of Errol, in 1501, was Elizabeth Leslie.

2. Elizabeth, married William, Earl Marischal, the contract of marriage being dated 11th January, 1481.*
3. Janet, married first Alexander, the "wicked" Master of Crawford, whom she is accused of having smothered in the Castle of Inverqueich, to which he had been carried after his conflict with his brother John.† In 1494 she appears as Lady Lindsay, wife of Patrick, Lord Gray‡; and married for her third husband Halkerstone of Southwood.§
4. Margaret. She was one of the two marriageable daughters of the Earl of Huntly in 1490, between whom and the Earl of Bothwell there is a contract as to the marriage of her or her sister Catherine.|| According to Sir Robert Gordon (*Earldom of Sutherland*, p. 82), Huntly's fourth daughter was Countess of Bothwell, consequently she must have been Bothwell's second wife.

The Earl of Huntly married, thirdly, Elizabeth Hay, sister of Nicolas, Earl of Errol, subsequent to 1476, upon the death of the Princess Annabella, who seems to have lived in obscurity after her divorce. This fact, instructed by deeds in the Errol Charter Chest, enables us to give the maternity of the foregoing children.

Of the marriage with Elizabeth Hay there were, so far as known:—

5. Catherine, the wife of Perkin Warbeck, *circa* 1495. After his execution in 1499 she lived at the English Court, and married 2ndly James Strangways; 3rdly Sir Mathew Cradock; and 4thly Christopher Ashton of Fyfield in Berkshire. She died in 1437, and was buried in Fyfield Church, where her monument still exists.
6. Agnes, married to Gilbert Hay of Kilmalamak.¶ Douglas' "Peerage" gives the lady's name as Sophia.
7. Eleanor, wife of John [?] Crichton of Invernytie. There is an obligation of date 8th April 1504, granted by Andrew, Lord Gray, in favour of Eleanor, daughter of Elizabeth, Countess of Huntly, for the sum of 1000 merks "for the honorable marrying of her with the

* *Antiquities of Aberdeen and Banff*, vol. iv., p. 34. § *Lives of the Lindsays*, vol. i., p. 170.

† *Lives of the Lindsays*, vol. i., p. 170.

|| *Miscellany of Spalding Club*, iv., p. 136.

‡ *Acta Dominorum Auditorum*, p. 191.

¶ *Registrum Magni Sigilli*, xvi., 63.

Laird of Invernyte's son and apparent heir if he may be gudely had."*

According to Douglas' "Peerage," there was another daughter, Mary, married to Sir William Sinclair of Westera; but it appears that Sir William's wife was *Helen* Gordon, and as his relict she became spouse of David Hepburn.† A natural daughter of the Earl is said to have married James Ogilvy of Findlater, and in the Register of Great Seal Agnes Gordon appears as relict of James Ogilvy on 22nd May 1517. The Countess of Huntly, who was rather fond of litigation, survived her husband, and was alive in 1526.

* *MS. Pedigree; Spalding Club Miscellany, vol. v., p. 290.*

† *Registrum Magni Sigilli, xxi., 86.*

ALEXANDER, 3rd EARL OF HUNTLY, Lord Gordon and Badenoch.

Jean Stewart of Athol, first wife ; Elizabeth Gray, Lady
Glammis, second wife.

On the death of the second Earl of Huntly, in 1500, he was succeeded by his son Alexander, Master of Huntly, who in legal documents is styled Lord Gordon until he had sasine of the Earldom in 1502-3.

Soon after the divorce of his mother, the Princess Annabella, Alexander Gordon was contracted to marry Jean Stewart, daughter of the Earl of Athol—by his wife Margaret, the “Fair Maid of Galloway.”* This marriage does not seem to have taken place for some years. In December 1482, George, Earl of Huntly, resigned various lands in the lordship of Badenoch, and these were conferred upon Alexander, Lord Gordon, and Jean his spouse, and their lawful heirs male.† On 4th February of same year the Master of Huntly as Alexander Seton, Lord Gordon, granted a charter to Alexander Ogilvie of the lands of Newton and others, which shews that the paternal surname had not yet been discarded. The Master of Huntly seems to have been a favourite with King James the Third, for he received leases from him of the lands of Mar, Garioch, Petty, Brachlie, Strathdearn, Ardmanoch, with the custody of the Castles of Kildrummy and Inverness.‡

Immediately after the death of James at Sauchieburn, the Master of Huntly was one of those who took up arms to avenge his death. He even went the length of applying to the King of England for assistance to punish the false and treasonable traitors who had risen in rebellion against their sovereign, and he thus addressed “the King’s Grace of England” :—

“ Richt hie, excelland, and mighty Prince I comende my service unto
zour henez in the maist humblie and lowlie vvs I cane, and plessit the
samyn remember of the threasonable and cruel slauthir of my soucrane
lorde ande kyng, falsly slayne be a part of his falz and untrew leiggis,
aye quhilk stud in neyr tendernes of blude and zour hienes togidder.

* pp. 15, 16.

† *Registrum Magni Sigilli*, x., 43.

‡ *Exchequer Rolls*, vol. x., 7.

And becaus of my lailtay and allegiance I haif put me in doeing, wicht my said souerane lordes friendis and kynnysmen, to caus the comittars of the saide murthir to be punyst acording to justic, and the hono^r of our realme For the quhilk I ande the laif of my lordes and fallowis maist humblie beseke zo^r grace to put to zo^r hande for the tendyrnes of blude that bes betuixt my souerane lord, quhom god azzole, and zo^r grace, and for the hono^r that ony anoynted princ and kynge saulde kepe till uthir in the punyssyng of fals and treasonable trattours. And w^t goddes grace, ande zour help, the matter salbe reullit to zo^r greit honor and our lausais (sic) And forthir in other mattors my lord of Inchquhame is informyt at lenthe of al our ententts, and quhat he promitts in my name I sall sykkirly abyde therat to quhom zo^r grace wil gyf ferme credens The quhilk the trinitie preserve, and kepe in honour and p^rspitie euerlesting At Edinbrugcht the viii day of Januai subscribit with my hande."*

The English king does not appear to have given much countenance to the party of the Master of Huntly. The latter, however, seems to have acted in high-handed fashion; and, to shew his contempt for King James, he carried off the horse of one of his servants, and the goods of another." †

In the following February the Master of Huntly had some transactions with James Turing, burgess of Edinburgh, for Patrick Barclay of Gartly is ordered by the Lords Auditors to pay James Turing as assignee of the Master of Huntly a "last of salmon full red and swet of the bynd of Banff gude merchand ware saltit with gret salt." Thomas Baird of Ardinhuiff was also pursued by Turing to fulfil the terms of his obligation for the Master of Huntly in regard to above. ‡

As son and heir apparent of George, Earl of Huntly, he had on 13th June 1490, a charter to him and his heirs male of the lands and lordships of Huntly and Gordon in Berwick, and in the same year he is a party to the contract of marriage of his sister with the Earl of Bothwell. In October 1490, he became involved in some litigation with the Master of Saltoun regarding the teinds of the kirk of Rothiemay, with the result that the Lords of Council charged him not to molest the Master of Saltoun in the enjoyments of his rights, according to his Tack from the Bishop of Moray.§ The Master of Huntly in 1491 received a bond of

* *Caligula MSS., B.iii., fol. 19, in Brit. Mus.* ‡ *Acta Dominorum Auditorum, p. 138.*

† *Treasurer's Accounts, vol. i., pp. 119-173.* § *Antiquities of Aberdeen and Banff, ii., p. 226.*

manrent from Alexander Innes of Aberchirder, who became his "trew man and servant"; and in the following year he had a dispute with the laird of Freuchie in regard to the lands of Urquhart and Glenmoriston. Another subject of dispute between him and Grant was about the lands of Inverury and Inverlochty, which had been granted to Huntly in 1491, in exchange for Tullochgorm. As John Grant did not infest the Master of Huntly in the foregoing lands, according to agreement, the Master claimed six hundred merks damages, and pursued him before the Lords of Council, who decided that Grant must pay the money.*

In 1494 the Master seems to have accompanied King James in his expedition to the Isles, and to have been entrusted with the destruction of certain houses belonging to John MacIan of Islay.† Three years later he received a bond of manrent from William Mackintosh of Gellovy, who among other things became bound to give the best counsel he could; as also did Robert Stewart of Clava in the following year, when he became bound to serve the Master "by night or by day, on horse or on foot."‡

The Master of Huntly, shortly before he succeeded to the Earldom, was Sheriff of Elgin and Forres, and Crown tenant in the lands of Brachlie, Balnacrief, Calloquhy and Culmore. In March 1500, he was a party along with his father to the interesting agreement between him and Athol relative to the passage of tenants through the lands of the Earldom of Athol; the tenants of Badenoch being allowed free passage. On 2nd December 1500, for the good services he rendered to the king, he had a grant of extensive lands in Lochaber,§ which had pertained to the king since the forfeiture of the late Earl of Ross, Lord of the Isles. Two years later he is empowered to proceed to Lochaber to let the king's lands to true men, and to expel broken men from the district. The Earl of Argyll was made Lieutenant-General of the Isles, with extensive powers, which were to be used for the same end. It was probably the expulsion of some of the lawless men who then held lands in the district, and had always been in a state of chronic revolt, which led to the rebellion of the Islesmen in the following year.

John, the last Lord of the Isles, died in 1498, without leaving lawful male issue. His eldest natural son Angus, who predeceased him, had a son

* *Acta Dominorum Concilii*, p. 398. † *Miscellany of the Spalding Club*, vol. iv., pp. 190, 191.

† *Treasurer's Accounts*, p. 239.

§ *Registrum Magni Sigilli*, xiii., 422.

known as Donald Dubh, but his legitimacy was called in question by the Crown and Parliament. This Donald had been carried off by the Earl of Athol, and was given for safe custody to the Earl of Argyll, from whom he escaped by the aid of the MacIans of Glencoe in 1501, and two years later he was set up as Lord of the Isles. The authorities proclaimed him and his supporters traitors, among the most prominent of whom were Torquil Macleod of Lewis, and the Maclean Chiefs of Duart and Lochbuy. The Islanders were too much inured to rebellion to be daunted by proclamations. They invaded Badenoch, Lochaber, and the Isles of Bute and Arran; burnt and plundered the country, and acted, as the records of the time describe, in a manner "altogether savage." The Earls of Huntly, Argyll, and Crawford—all more or less personally interested—were commanded to lead an army against them, and the Parliament of 11th March 1503, passed various resolutions for the better government of the Highlands and Islands. A naval demonstration was also made, and soon after, owing to dissension among the leaders of the Islesmen, their confederacy was broken up.

On the Earl of Huntly's return from this expedition, the king, on account of special favour, and for the faithful service rendered, granted to him and his heirs the lands of Mamore in the lordship of Lochaber.*

Two years later the Islesmen were again in rebellion. The Earl of Huntly was summoned to march against them from the north, while the king in person, at the head of a large force, entered the country from the south. James, who was an accomplished linguist, talked to the natives in their own language, and most of chiefs—such as the Macleans, Mackinnons, and others—submitted, but Torquil Macleod of the Lewis still held out, and the Earl of Huntly besieged and stormed his Castle of Stornoway. In this expedition Donald Dubh was taken prisoner and confined in Edinburgh Castle.

In 1504 the Earl of Huntly was pursued by his stepmother—the Dowager Countess of Huntly—for the sum of £50, and she comprised the lands of Smithton of Noth. The following year he resigned the lands of the Earldom, and the king for his faithful services regranted them to him and his heirs, "creating, uniting, annexing and incorporating the foresaid lands into one free Barony and Earldom, to be named the

* *Registrum Magni Sigilli, xiii., 602.*

Barony and Earldom of Huntly, and the principal message of the same, which was formerly called Strathbogie, to be in all future time named the Castle of Huntly.* He had also charters of the barony of Fothergill and others in Perthshire on the resignation of Nicol Stewart of Fothergill; also of the Castle of Inverlochy—with the “stank greens,” in Inverness, with power to him to fortify the same.†

Many of the Earl of Huntly's writs appear to have been burnt about this time in his chamber in the Abbey of Holyrood-house, and proceeding on the narrative that these deeds were seen and understood by the king, the latter granted a charter declaring that the land and forest of Enzie and Boyne—to which the burnt deeds appear to have specially related—shall be a free forest, with power to the Earl to sow and manure them.

On 26th January 1506, the Earl of Huntly alienated the lands of the lordship of Gordon in Berwick, to Alexander, Lord Home; but on account of special favour the king granted to him the lands of Cullarlies in Aberdeenshire; also the forest of Cabrach for his good and faithful service. On 10th May 1508, the Earl of Huntly and Jean Stewart his spouse, got a charter to them and their heirs male, of the lands of Aboyne, Glentanner, Glenmuick, and Cluny, except the tenandries of the said lands on the Earl's resignation; and because it is the king's will not to divide the Earldom of Huntly and the barony anyway, but that the union thereof should stand undissolved, therefore the king ordained that during the time of this conjunct infestment these lands shall pay no other service than what is due for the Earldom of Huntly, and after that the lands shall come to their own nature as a part of the barony of Huntly, notwithstanding of this resignation and infestment.‡

In December of same year the Earl sold the forest of Cabrach to James Gordon of Auchmully, and the charter dated from Jedburgh gives an interesting description of the bounds of the forest; permission being also given to bring portions of it into cultivation.§ On 16th January following Huntly was made hereditary sheriff of Inverness, and custodier of the castle, with the power of building fortalices and appointing captains. He became bound to build a hall upon the moat, or castlehill, of Inverness, one hundred feet long and

* *Registrum Magni Sigilli*, *xiv.*, 163.

‡ *Registrum Magni Sigilli*, *xv.*, 110.

† *Ibid.*, *xiv.*, 205.

§ *Antiquities of Aberdeen and Banff*, *vol. iv.*, p. 465.

thirty wide, with a kitchen and adjacent chapel. He had to appoint deputies at Tain and Dingwall to administer justice in Ross, and at Wick for Caithness; at Inverlochry and Kingussie for Lochaber and Badenoch.*

As sheriff of Inverness the Earl became involved in the dispute as to the Sutherland succession. It was before him that his brother Adam, who had married Elizabeth Sutherland (ultimately heiress of the Sutherland Earldom), tried to get his wife served as heir to her father. This could not be done, for her brother John, albeit an idiot, was then living; and although it has been said that the great influence of the Earl of Huntly was exerted, both in the north and south, to get the Sutherland Earldom transferred to the Gordons, it cannot be held that the Earl's influence was used to defeat the ends of justice. Whatever steps he took to secure the Sutherland possessions and title to his sister-in-law Elizabeth, he merely upheld the just rights of the heir of line as against the pretensions of the heir male.

In 1509 the Earl of Huntly, his Countess, and son John, for some unexplained reason, renounced the lands of the lordship of Balvenie in favour of John, Master of Athol. According to the deed whereby this was done, they were moved thereto "because we have nor had nae rycht nor entre to persew nor follow the samyn." Further, they were moved by their conscience for being so long in doing so "for the rumour of the cuntre and skaith of the parte."† As these lands formed the sole inheritance of Margaret the "Fair Maid of Galloway," the mother of Jean, Countess of Huntly, it is difficult to account for the above statement.

Jean, Countess of Huntly, seems to have died in the following year, evidently soon after the marriage of her son John, Lord Gordon, with Margaret Stewart, the king's illegitimate daughter by the ill-fated Margaret Drummond. On 26th April 1510, the Earl of Huntly resigned various lands in the lordship of Badenoch, and a grant of these lands was made in favour of John, Lord Gordon, and Margaret Stewart his spouse, who also had the lands of Fothergill in Perth.‡

In 1511 Huntly married Elizabeth Gray, Lady Glamis, and granted her in life-rent the lands and lordship of Strathaven, with the Castle of Drummin; as also the lands of Aboyne, Glenmuick, and Glentanner, with the Castle of Loch Kinnord, and various lands in the

* *Registrum Magni Sigilli*, xv., 63. † *Antiquities of Aberdeen and Banff*, vol. ii., p. 265.

‡ *Registrum Magni Sigilli*, xv., 103.

barony of Strathbogie,—a grant which in after years led to litigation between the Countess and the fourth Earl of Huntly.

Scotland at this period enjoyed peace, and James IV. (upon whose family death had made such ravages) tried to “propitiate an offended heaven” by frequent pilgrimages to St. Duthac’s at Tain. Upon some of these occasions he was accompanied by the Earl of Huntly, with whom he stayed on his journey several times at the Castle of Kinnord. Trouble with England after a time again arose. The Scottish Navy had become powerful, and the nation could ill brook the defeat of Barton, their great sea captain, in 1512. Disputes began between the two countries upon trivial matters, and the men of the Borders by their forays added fuel to the flames. The Scots denied that they were responsible for the aggressions of the moss-troopers, who lived principally upon the English border, and plundered both countries. Another element of ill-feeling was the non-payment of certain monies due to the Scottish Queen by the will of her father, Henry VII. Henry VIII. was not destitute of political sagacity. He was at war with France, and his emissaries in Scotland reported that the Scots King was arming to assist the French on account of the ancient alliance between the kingdoms. He saw that these funds might be used to his disadvantage; nor could he mistake the meaning of the plain, straightforward letter which James sent to him, wherein was recounted the various grievances to which he and his country was subjected at the hands of Henry, and his determination to take up arms on behalf of the French King. Henry’s answer, had it been received in time, would not have tended to heal the breach between the brothers-in-law. In passionate language he accused James of breaking the peace, desiring to “do that in our absence which you would not have been well advised to attempt, we being within our realm and present. . . .”*

James, superstitious to the last degree, made a pilgrimage to the shrine of St. Duthac, “the demi-god of Ross,” to propitiate the Saint, in August 1513,† and issued orders for the muster of his army. From far Caithness, Sutherland and the Isles, the Highlanders quickly rallied to his standard. A great army collected at the summons of the sovereign; yet the invasion of England was not popular, and it seems that the

* *Halliwel's Letters of the Kings of England, vol. i., p. 216.*

† *Treasurer's Accounts, 8th August, 1513.*

Queen and those nobles adverse to the policy adopted by James attempted to dissuade him from his intentions by working upon his superstitious feelings. But in this they were unsuccessful, for James was not to be deterred by the apparitions, and the evil croakings of the ghostly visitants sent to frighten him. The Earl of Home and his men were defeated at Broomhouse Pass after a successful raid into England. James, highly incensed at this defeat, determined on the immediate invasion of England; he lacked the essentials which went to make a good general, and, although he captured the important castles of Norham and Werk, these successes were not followed up with the vigour and promptitude characteristic of the invasions of Brus, Ranulph, and Douglas. In short, the high and strict notions of chivalry which distinguished him ruined the enterprise. Against the remonstrances of Huntly, Angus, and other nobles, he allowed the English leader fatal advantages against which no valour could prevail; hence at Flodden the English wiped out the stain of Bannockburn.

The northern clans and the borderers, under the Earls of Huntly and Home, to the number of 6000, formed the rearguard, and these made such a furious onset that the division of 10,000 commanded by Lord Thomas Howard was driven back in confusion. Unfortunately the violence of the charge broke the Scots array, and ere the Highlanders and Borderers could close up their ranks, they were attacked and driven back by the cavalry of Lord Dacre, whose charge was checked by the levelled spears of the men under Crawford and Montrose. Away on the right the Westland clans and Islesmen, under the Earls of Lennox and Argyll, were thrown into disorder through their own impetuosity, and totally routed. The centre of the Scots army, where fought the king and chivalry of Scotland, alone resisted the converged attacks of the English. What James lacked in generalship he possessed in courage; ever foremost in the fight, his men, animated by his undaunted behaviour, presented a solid front to the enemy, and around him fell the best and noblest of Scotland's sons—prelate and peer, chief and vassal. It was a black day for Scotland; the king was killed, his body being sent to England; and it is said that scarcely a gentle family but "did own a grave on Brankston Moor."* The Earl of Huntly and his brother, Adam Gordon of Aboyne, escaped from the fatal field, where perished the Laird of Gight, and many of the Gordon clan.

* *Burton's History of Scotland, vol. iii., p. 79.*

One of the immediate consequences of the defeat at Flodden was an insurrection in the Highlands. The Islesmen invaded Ross, and Andrew Bishop of Caithness, who acted as chamberlain of the earldom, fortified and garrisoned the castles of Dingwall and Redcastle. Sir Donald of Lochalsh did not confine his attentions to Ross. Lochaber and Glenmoriston were invaded and spoiled; and the Earl of Huntly as Lieutenant in the north, and Colin, Earl of Argyll, as Lieutenant of the Isles, seem to have proceeded against the rebels. Argyll adopted the usual method of dealing with the Islesmen, and took eight of the principal men as hostages.*

The Earl of Huntly at this period was Chamberlain of Moray, Ross, and Ardmnoch; Lessee of the lordships of Brechin and Navar; and Receiver of the lordships of Strathdee and Cromar. In 1514 he entered into a contract with his neighbour, John Grant of Freuchie, in regard to the non-entry of the lands of "Auchynisse," which he made over to Grant in liquidation of some money owing to him.†

In January of the year 1515, Huntly was at Court, and it was on his advice that the Queen summoned the Parliament to meet on 12th March of that year.‡ He resigned the lands of Glenmuick, Aboyne, Glentanner, Tullich, and Cluny, and they were granted to him and his spouse, Elizabeth.§ On 6th February of the following year he resigned the superiority of the lands and lordship of Boyne in favour of William Ogilvy of Strathern,|| and on 26th October he received a grant from the king of the lands in the lordship of Gordon, which he had previously granted to Lord Home, who was now forfeited.¶ Alexander, Earl of Huntly, was, on 15th November 1516, one of the witnesses to the deed empowering Patrick Puniter, Abbot of Cambuskenneth, to alter the old foundation of St. Mary, Montrose, and remodel it in favour of the Friars Preachers.

As might be expected, the death of James IV., and the minority of his son, led to much intrigue and dissension. By Act of Parliament the Queen was appointed Regent, and it was resolved that she should be guided by the counsels of the Earls of Huntly and Angus and the

* *Exchequer Rolls*, vol. xiv., p. 419.

§ *Registrum Magni Sigilli*, xix., 59.

† *Chiefs of Grant*, vol. iii., p. 59.

|| *Ibid.*, xix., 78.

‡ *Brewer's State Papers*, vol. ii., p. 12.

¶ *Ibid.*, 128.

Archbishop of Glasgow Henry VIII. did not act the part of a generous uncle towards the young King of Scots ; neither did the King of France. Both these monarchs tried to induce John, Duke of Albany, to return to Scotland, he being the heir-presumptive to the Scottish Crown. In an interesting letter from Charles Brandon, Duke of Suffolk, relative to an interview with Albany, the reason why Francis I. desired Albany to go to Scotland appears to be "that he might do good, for he intended to reduce them of Scotland to be contented to take such a peace as should be for the king my master's honour [*i.e.*, Henry VIII.] and for the surety of the children."* Albany landed in Scotland in the following year, and was appointed Regent in place of the Queen, who forfeited that position on account of her unfortunate marriage with the Earl of Angus in August 1514. The new Regent acted with vigour, and not at all after the manner expected by Henry VIII. He acquired possession of the young king by force, and compelled the Queen-mother and the Earl of Angus to seek refuge in England. Angus soon quarrelled with his spouse, returned to Scotland, and made peace with Albany. Ere long the tactics of Henry produced the result he desired, but the Regent defeated the schemes of the powerful nobles leagued against him ; he caused Lord Home and his brother to be executed for treason, and bestowed their estates in the lordship of Gordon, as we have seen, upon the Earl of Huntly. Having thus secured the peace of the kingdom, Albany returned to France in 1517, after binding all the great men of the country to him, and as further security taking with him the heirs or brothers of the principal men.†

The Earl of Huntly was one of those left to govern the country in the absence of Albany. He was appointed Lieutenant of Scotland, with the exception of the West Highlands, over which Argyll held commission. He was thus predominant in the north, and although about this time Sir Donald of Lochalsh once more rose into rebellion, the northern district enjoyed comparative quiet ; for the power of the Earl of Argyll was sufficient to bring the turbulent Islesmen under control. In 1519 the Earl of Athol granted a bond of manrent in favour of Huntly, and apparently surrendered to him the administration of the lordships of Ross and Ardmnoch, which he in turn relinquished in favour of Athol's widow.‡ The time

* *Ellis's Original Letters, 2nd Series, vol. i., p. 256.*

† *Brewer's State Papers, vol. ii., p. 1075.*

‡ *Exchequer Rolls, vol. xiv., 384.*

was one of difficulty and trouble, for the departure of Albany was the signal for the breaking out of smouldering intrigues and factions. Indeed into such disorder had the kingdom fallen, that Queen Margaret was anxious for Albany's return, and it is therefore not surprising that the leading families in the north entered into such confederacies as did Huntly with the Earl of Athol, Lord Forbes, Duncan Thomson of Auchinhamperis and Alexander Cheyne of Straloch. In 1520 Lord Forbes renounced in favour of Huntly the reversion of the lands of Tullich and others.*

The Earl of Huntly in October 1519, was one of those who met Queen Margaret near Edinburgh on her return from England, and conveyed her to the town in "great triumph with shooting of guns and great melody of instruments playing."† In 1521 he went to Ross, attended by many Aberdeenshire lairds, for the purpose of settling his affairs in that country, and by his presence prevented the emissaries of the Isles from fomenting discontent. He took up his residence in the Castle of Dingwall, where he resided for some time, as evidenced by the charters he granted to his adherents.‡

The Duke of Albany having returned from France, Angus and his partisans once more sought refuge in England. With the assistance of Huntly and other nobles Angus's castle of Tantallon was captured. In January 1522, the negotiations between England and Scotland were broken off owing to the "much double-dealing of Albany and Queen Margaret after the accumable Scottish manner." The warm friendship between Queen Margaret and Albany displeased Henry VIII., and his Warden, Thomas, Lord Dacre, remonstrated with the Queen in terms more candid than polite, and did all that he possibly could, by intrigue and espionage, to thwart the measures of the Regent. Nor was he unsuccessful, for Margaret was soon brought to break with Albany, and betray his secrets to the English. The outrages which the latter committed on the borders could no longer be endured; their fleet also appeared in the Forth, and ravaged the coast without opposition. These things determined Albany to muster his forces and seek some reparation. The invasion of England was determined upon, and on 2nd September the whole power of Scotland was mustered. Albany advanced

* *P. 48 of this Volume.*

† *Brewer's State Papers, vol. iii., p. 168.*

‡ *Innes Charters. &c.*

into England at the head of a splendid army, he proceeded as far as Carlisle, which, on the admission of Wolsey, could not have withstood him. From the letter of Wolsey to Henry VIII. we learn in what light the English regarded this expedition and its issue. The truce, concluded between Dacre and Albany, which was the outcome of the advice tendered by the Earls of Huntly, Argyll, and Arran, was not properly respected, and Wolsey thought it was "great folly in the Duke of Albany in dissolving so great an army so sumptuously set forth without doing any manner of act or exploit, upon a bare abstinence of war concluded without any commission or authority." * This invasion, which might have gone badly for England, was carried out in a half-hearted manner. Albany and his nobles—chief among whom was Huntly—content with the assurances of Lord Dacre, disbanded the army, and returned to Scotland. In December of same year the Earl of Huntly was one of those deputed by Albany to negotiate a treaty of peace between the two countries. One of the first acts of the Parliament which assembled soon after was the appointment of a Council of Regency, including Huntly, Argyll, and Arran, for Albany had again determined to return to his dearly-loved France. Before leaving he bound these nobles by oath to do nothing contrary to his interests, but immediately he left disorder became rife. Dacre, the English Warden, resumed his depredations on the Scottish border; Jedburgh was attacked by an English force and destroyed. This alarming condition of things hurried the return of Albany. A large force was again collected to invade England in October 1523. The northern clans were summoned to meet Huntly in Stirling, and the other Highlanders to meet Argyll in Glasgow. These were the arrangements made by the Regent, and they were duly reported to the English. With this expedition and its disasters we have no concern, as the Earl of Huntly did not attend, for, according to Lord Dacre, "he had a sore leg, and was not minded to come forth." † A later letter, dated 20th October, assigns another reason, which was, that "it being winter, he could not get his men to come forward." This intelligence greatly exasperated Albany, who, as usual when thwarted, "took off his bonnet and threw it into the fire, and no man dare take it out, but let it be brent." A curious trait, for he destroyed a dozen bonnets in similar fashion.

Huntly's illness proved fatal within three months, for he died at Perth

* *Brewer's State Papers*, vol. iii., p. 1077.

† *Ibid.*, p. 1431.

on 16th January 1523-4. Elizabeth Gray, his widow, on 24th June 1525, made a grant to the Dominicans of her half lands of Littleton for the weal of her soul and that of her late husband—an interesting donation because of the conditions upon which it was made. The Friars “were poor, promoters of religion, conforming to the rules of their spiritual fathers, so that in life and doctrine they were a becoming pattern to the people;” thus they were chosen. They were obliged to chant daily, between the hours of seven and nine, a mass of repose for the granter and her husband except on festival days, when a mass should be celebrated with a collect and memoriam for their souls; and every year, on the anniversary of her husband’s death, they were to celebrate “exequies or an anniversary of nine lessons.” Should they fail to do so, they had to resign the lands. And, further, “the said Countess Elizabeth having contributed a sum of 300 merks for repairing the dormitory of the said monks when it was ruinous, they and their successors should be bound to say every night, after complines and matins, the psalm De Profundis with the prayer Melina, at the sepulchre of the said Alexander, Earl of Huntly, her husband, who lay buried in the choir of the said church, reciting the names Alexander and Elizabeth, and that for the weal of their souls. Also every week in their chapterly meetings they were to commend their souls in their suffrages, as well of their masses as of their prayers, and they were in the then present year to make special mention of her state and of the soul of her said husband.”*

The Earl of Huntly, who, according to a writer of the period, “was held in the highest reputation of all the Scottish nobility for his valour, joined with wisdom and policy,” married, first, Jean Stewart, and had:—

I. George, who died young.

II. John, Lord Gordon. (See next memoir.)

III. Alexander, ancestor of the Gordons of Cluny, whose genealogy is given pp. 230-3.

IV. William, Bishop of Aberdeen.

1. Jean, wife of Colin, third Earl of Argyll.†

2. Christian, married to Sir Robert Menzies of that Ilk.‡

The Earl married, secondly, Elizabeth Gray, Lady Glammiss, without issue, and upon his death she married the Earl of Rothes.

* *Historical MSS. Commission Report*, vi., p. 714. † *Registrum Magni Sigilli*, xiv., 384.

‡ *Ibid.*, xviii., 128.

John, Lord Gordon, the second son of the third Earl of Huntly, in 1510 married Margaret Stuart, the illegitimate daughter of King James IV. by the Lady Margaret Drummond.* The Lord Gordon was, in 1509, a party to the renunciation made by his father and mother of various lands in the lordship of Balvenie in favour of the Master of Athol. On his marriage with Margaret Stuart he received a charter, under the Great Seal, of the lands and lordship of Badenoch, the lands of Fothergill, and others, upon his father's resignation.†

He seems to have had a quarrel with the Abbot of Kinloss, probably about the lands of Strathisla, for upon 27th December 1515, he, "by the impulse of certain rascals," forced the church of the monastery under silence of night. He entered the vestibule and broke the shrine of an honourable matron, Lady Margaret Mowat, in which were preserved some writings and money, and these were taken away. The Lord Gordon was excommunicated, and soon after departed for France with the Duke of Albany, but he was so "stung with remorse" for the wicked deed he had done, that he could not live in France. Returning to Scotland in 1517, he craved the benefit of absolution from excommunication, which was granted by the Bishop of St. Andrews, and as he could not rest anywhere in Scotland save at Kinloss, he went there, praying that he might be absolved according to the letters he brought from the legate *a latere*. His request was granted, but, seized with illness, he died at Kinloss on the 5th December 1517.‡ According to the family historian (who makes no mention of the above incident), the Lord Gordon was free from ambition, and endowed with wisdom, liberality, and all other virtues which were fitting for a man of his birth and quality.§ He was buried before the high altar of the Abbey, thus strangely enough finding a last resting-place in the church which he had desecrated but two years before. His widow married Sir John Drummond, yet for many years retained the style of "Lady Gordon and Badenoch." By her the Lord Gordon had two sons:—

- I. George, fourth Earl of Huntly.
- II. Alexander, Bishop of the Isles and Galloway.

* P. 56.

‡ Records of Kinloss, pp. 8, 46.

† Registrum Magni Sigilli, xv., 193. § History of the Gordons, 1726, vol. i., p. 123.

GEORGE, 4TH EARL OF HUNTLY, Lord Gordon and Badenoch.

ELIZABETH KEITH.

On the death of the third Earl of Huntly in 1524, he was succeeded by his grandson, the elder son of John, Lord Gordon, a boy in his tenth year. The family honours devolved on the fourth Earl of Huntly, at a critical time. Albany's expedition into England had ended without advantage, the Queen-mother having thwarted his designs. She and the Regent were still at cross purposes, so that, in order to conciliate his double-dealing and fickle opponent, he was willing that she should have the ward of the young Earl of Huntly. Margaret was constantly in pecuniary difficulties, and Lord Dacre, who well knew her necessities, severely took her to task for accepting the ward as a bribe. This she indignantly denied: bitterly reproached Dacre for the readiness he evinced to credit anything to her disadvantage: conduct she described as unbecoming in a subject of her august brother.

In 1526 the Earl of Huntly had to pursue Margaret Stuart, his mother, Elizabeth Hay, the widow of the second Earl, and Elizabeth Gray, the widow of the third Earl, before the Lords of Council; and in this process stated that his "haile leving is in the hands of the saidis ladyis be resone of terce," and that he has nothing, and therefore "prays for a competent leving for his sustentation."*

The young Earl during his minority seems to have resided chiefly at Court, and thus was cognizant of the bitter struggle between the Queen and her husband, the Earl of Angus. In 1524 the wife of Albany died, and Queen Margaret fondly hoped that, could she secure a divorce from the Earl of Angus, she might find a more congenial partner in Albany, who, however, fought shy of her advances—an unexpected change of conduct which deeply mortified her. Henry VIII. strongly opposed the divorce, and the abrupt departure of Albany to his French home was regarded by Henry as a favourable opportunity to frustrate the designs of his sister. He therefore prevailed upon Angus to return to Scotland, and would listen to

* *Acta Dominorum Concilii*, xxviii., p. 402.

neither the objections nor threats of the Scots Queen, who, every whit as wilful and capricious as her brother, determined upon her course of action. Her proceedings for divorce from Angus involved considerable difficulty, being founded upon the allegation that James IV. really survived Flodden's fatal defeat for three years, so that her marriage with Angus was illegal; there was also the plea that Angus was previously affianced to another lady. Deserted by Albany, Margaret became violently enamoured of her gallant guardsman, the handsome Harry Stuart of Avondale, whose elevation to high office shortly followed. Her next step was fraught with grave consequences; she caused her son to assume the kingly functions, set aside the engagements entered into with Albany, and when the Bishops of St. Andrews and Aberdeen remonstrated, promptly cast them into prison. An embassy from her brother having arrived at Edinburgh, matters were brought to a climax. Magnus, the English envoy, failed to bring about a reconciliation between the Queen and Angus, and there is reason to believe that to his intrigues was due the dismal picture which Scottish history at this period presents of designing factions and divided councils. The Queen found a new and strong supporter in the Earl of Arran, while Albany's party leagued with Angus; and each fought for their own selfish interests, without a care or a thought for the welfare of their young sovereign. Queen and peer, bishop and baron, did not scruple to act as spies upon each other and to receive English gold.

Angus, since his return to Scotland, behaved with suspicious humility. He did not trouble his spouse (who firmly declined to receive him), and seemingly desired to live quietly upon his estates. But his plans were at length matured, and, under cover of the darkness of a November night, he scaled the walls of Edinburgh at the head of four hundred men. His advance towards Holyrood was checked by so resolute a cannonade that, when he received the king's mandate to quit Edinburgh, he hastily retired to Dalkeith. Next ensued a coalition between Chancellor Betoun and Angus, which was strengthened by the adherence of the Earls of Lennox, Errol, and Argyll. Angus and Betoun—than whom none could better play the rôle of patriots or traitors—now acquired greater power than the Queen; they were not long either in exercising it, for a convention of the three estates was summoned to meet them at Stirling on 6th February 1525. The Queen strained every nerve to circumvent them; a

proclamation was issued in the king's name,* prohibiting them from entering Edinburgh, as we learn from a letter by Betoun to the Abbot of Cambuskenneth, who therein is requested to bring "twa fyne bonnetts syde nekit for our luggs—that the castle has done na guid to."† Queen Margaret meditated going to Stirling with a large force, but was persuaded that such a design would bring about disaster, for none would fight against the Lords, and notwithstanding every effort she was once more baffled, and had to yield to force of circumstances.

Angus now acquired ruling power, and after the manner of the Douglas family used it so unscrupulously that his friends Lennox and Betoun had to break off from him. The king was little better than a prisoner, and Margaret having secured her divorce from Angus, married Harry Stuart of Avondale, which forced her to retire from the political arena. The Douglas was supreme; he had worsted his former spouse and all his opponents, and now acted so harshly towards his sovereign that James managed to convey an appealing message to Walter Scott of Buccleuch during the expedition conducted by Angus against the Armstrongs of the borders. On the return of this expedition the bold Buccleuch made a futile attempt to rescue the king. Another effort on a greater scale resulted in the death of the Earl of Lennox on the 4th September 1526, and again the Douglas triumphed. The Queen had disappeared; Stirling Castle was deserted; and Betoun was a fugitive.

King James found the restraint imposed upon him by Angus intolerable, and by stratagem escaped from Falkland and rode to Stirling. Now a free monarch, he determined to take vengeance upon the house of Douglas, and Angus, well knowing what fate awaited him, retired to his estates. He did not remain long in suspense as to the king's intentions, for James, not content with attainting him and his relatives, raised an army of 8000 men, besieged the Douglas' strongholds, and eventually drove Angus into England. Such was the train of events which led Angus to seduce the Earl of Huntly from his allegiance, for we find that Huntly accompanied him in his flight. This is shewn by the letter dated 8th September 1528, addressed to the Steward of the Earl of Northumberland, who was desired by Angus to have a chamber ready "for his daughter and the young Earl of Huntly, and the wife of Archibald Douglas to wait upon them."‡

* *Brewer's State Papers, vol. iv., p. 452.*

† *Ibid., p. 453.*

‡ *Ibid., p. 2043.*

Huntly fortunately escaped from the evil tutelage of the rebel Douglas, and made homage to his sovereign, who readily received him, for they had grown up together as playmates. In the following year he had a charter from the king of the lordship of Braemar, Strathdee, and Cromar, with the forest of Cluny and the pertinents, excepting Migvy, paying therefor £180, twenty and a quarter marts, and 6 bolls of oats.* Soon after, with consent of Alexander, Bishop of Moray, his curator, he renounced all action of warrandice which he or his heirs could claim against Walter Innes of Touch regarding the lands of Migvy, which Innes had resigned in his favour. In case these lands were recovered from him, he was not to pursue the laird of Touch in terms of his warrandice. †

In 1530 the Earl contracted to marry Elizabeth Keith, daughter of William, Earl Marischal. There is provision in this contract for obtaining a dispensation in case of any impediment arising; and the deed is very interesting as throwing some light upon the customs which obtained at the period in regard to matrimonial contracts. Marischal became bound to give as tocher the sum of five thousand merks, and he was to be infeft in forty pounds' worth of land in the barony of Huntly. ‡

Huntly in 1532 received a bond of manrent from a Highlander who achieved great notoriety in his day. On the 26th June of that year, Hector Mackintosh, captain of Clan Chattan, granted him a deed of manrent. Hector's exploits in ravaging the lands of the Earl of Moray and the Ogilvies of Strathnairn had led to the issue of a royal commission for the utter destruction of the Clan Chattan. The Earls of Sutherland and Caithness, who were to carry out the king's intentions, were required to "leif na creatur levand of that clann except priestis wemen and barnis," and even these last were to be shipped to Norway.§ But this terrible commission was not acted upon, and for several years the doings of Hector and his band of rebels filled the men of Moray with consternation. The castles of Darnaway and Halhill fell into their possession, and they acted with a ferocity even exceeding that characteristic of Highland warfare. Two years later Huntly, as Lieutenant-General, was required to proceed against his old friend Hector; and another neighbour, the laird of Freuchie, was desired to

* *Gordon Charter Chest.*

‡ *Miscellany of Spalding Club, vol. iv., p. 139.*

† *Innes Charter Chest at Floors.*

§ *Ibid., vol. ii., pp. 83-4.*

assist the Earl in the execution of a commission of fire and sword, he having as a reward the goods of the rebels.*

It would appear that the third Earl of Huntly did not fulfil the conditions of the charter of 1508, whereby he had to build a hall of stone upon the Castlehill of Inverness. On 16th February 1532, the fourth Earl was permitted to delay the said building for five years because of his minority, and also on account of having to pay large sums for his ward and marriage. Another reason was, that he had not grown in substance to make the said buildings.†

In September of the same year, owing to the machinations of Henry VIII., war between England and Scotland had become imminent. Henry, with his usual duplicity, began by telling his warden, Dacre, to tamper with the men of Liddesdale, so that they might annoy the King of Scots.‡ The consequence was that James issued letters to the northern sheriffs and noblemen—including the Earls of Moray and Huntly—charging all men between sixteen and sixty to be ready upon 24 hours' warning to pass, fully armed, with the king's grace or his lieutenant, with eight days' victual, under pain of forfeiture of their lives, lands, and goods. Huntly, Moray, and other nobles were requested to come with diligence to advise for defence of the realm against the English.§ Doubtless this apprehension of invasion was also due to the fact that James V. inclined to treat his nobles with the same stern justice as characterised the conduct of James I. He had alienated the powerful Earls of Argyll, Angus, Bothwell, and Crawford, and they had thrown themselves into the arms of Henry. The dreaded invasion came at last, but it developed into a mere border raid, the record of which, as preserved by the Earl of Northumberland—under whose command it was executed—shews the wanton destruction of grain and property, and the seizure of a great booty, consisting of cattle and sheep. King James, accompanied by the Earls of Huntly, Moray, Marischal, and others, went to the borders at the head of a few thousand men to resist the advances of the English, and they remained at Jedburgh until the month of April 1533. The result of the English foray was a conference for a perpetual peace between the two countries.

* *Chiefs of Grant, vol. ii., p. 1.*

‡ *Hamilton Papers, 1890, vol. i., p. 6.*

† *Miscellany of Spalding Club, vol. iv., p.*

§ *Treasurer's Accounts, 18th September, 1532.*

In 1533 the amicable relations between the Forbeses and the Gordons were broken. During the absence of Lord Forbes, his tenants, after the manner of Highlanders, made great depredations on Huntly's forest of Corryne [Corrennie]. The Earl demanded reparation, and summoned the culprits to underly the law. In his father's absence, John, Master of Forbes, endeavoured to bring the dispute to a favourable issue; he wrote the letter which we now give as a specimen of the style of the period, for few indeed are the letters which have survived the stirring scenes enacted in Aberdeenshire during the next two hundred years. John, Master of Forbes, who thus tried to act as a mediator, was executed at Edinburgh in 1536 for the treasonable design of shooting King James while he was at Aberdeen. The plot is said to have been discovered by the Earl of Huntly. Such is the story as it has been handed down, but the truth is that Huntly had no concern in the death of Forbes, who suffered for the murder of Seton of Meldrum, and the very common offence, at that time, of being a traitor to his country. He was the brother-in-law of the rebel Earl of Angus. His letter runs:—

“My Lord I commend my service to zoure lordschip in the maist hartly maner I cane ples zoure lordschip to writ. I haf hard of ane sumonds raisit as I am informit on my lord my fader, me and our servandis and frends for the displesur dune in zoure lordschips forest of Corryne. I hef callit my lordis tenantis and servandis inquiring gif ony of thame var guilty thairof, quhilkis ar content, al with anc assent, to enter and thoil ane assiss in zoure lordschips awin court of Cluny, say that zoure lordschip ma knaw thar partis in that, or ony other thingis, that is allegit to zoure lordschip upon thame. Zoure lordschip knaws my fader is out of the cuntre. It was in the time of that allegit displesur. And as to me as sal do fulily in that behaf as my friendis to this effec. I and my frends requires zour lordschip hertly tak that mater before zour lordschip as said is, and forder please zour lordschipful to gif credence to my cusin and zoure servand Thomas Duncanson [of Auchinhamperis] and zoure lordschips answer heirapon. The glorious virgin conserv zour lordschip eternally. From Alford XIII. day of July.”

The Earl of Huntly, who was in his nineteenth year, had as curators John, Lord Erskine, and Sir John Campbell of Lundy; with their consent a process was instituted before the Lords of Council for the reduction of the titles by which Huntly's mother held the lordship of

Badenoch. In accordance with the decret of the Lords, Margaret Stuart, Lady Gordon, renounced the lordship, and to compensate her she had a life-rent charter on 30th July 1533, of the lands and forest of Enzie and Boyne, with the tower of Bog of Gight.* It is said that about this time there was a "feud between the Earls of Moray and Argyll and the Earl of Huntly for the murder of the laird of Lynsay," and that the king in vain tried to reconcile them.† Of this feud neither the histories of the Gordons or Lindsays make any mention.

On 20th February 1535, Huntly, who had married Elizabeth Keith, resigned various lands in the earldom, and thereupon the king granted them to him and his spouse and their heirs male. Sasine followed on 6th April same year.‡ In 1536 the Earl had bonds of manrent from James Garioch of Kinstair, John, his son and heir, and Robert Duguid of Auchinhuive. The Gariochs became bound to serve Huntly as "afaldy as ony sek men sell serve thair lord within the realm of Scotland," while Duguid was to serve him in all his actions and quarrels against every person (save the king) of whatsoever state or degree, except in hosting and hunting.§ It was not Aberdeenshire lairds alone who sought the protection of the Earl. The possession of the lordship of Lochaber brought the Gordons into contact with the Macleans of Duart. In December of 1536 Hector Maclean of Duart and Mackinnon of Strathardale came upon a visit to Strathbogie to arrange about the wadset which Earl Alexander had from Maclean's father many years before. Owing to the minority of the Earl of Huntly, the matter had remained in abeyance, but he now being major the parties settled things to their mutual satisfaction, and the westland lairds, who could not sign their names, granted him bond of manrent.||

James V. had hitherto followed the evil example of the Stuarts in the formation of discreditable *liaisons*, but, perhaps shocked at the conduct of his uncle, Henry VIII., he decided to amend his mode of life and to marry honourably. It would indeed seem that for a time it was his serious intention to make Lady Margaret Erskine—the mother of the future Regent Moray—his queen. But other counsels prevailed, and he was betrothed to Marie de Bourbon, daughter of the Duke of Vendôme. The marriage,

* *Registrum Magni Sigilli*, xxv., 31.

§ *Miscellany of Spalding Club*, iv., p. 199.

† *Gairdner's State Papers*, vol. vi., p. 492.

|| *Ibid.*, iv., pp. 200-1.

‡ *P.* 57.

however, did not take place, for James, after a visit to the lady in disguise, preferred the Princess Magdalene of France, whom he married. Upon his departure for France he appointed the Earl of Huntly one of the regents of the kingdom during his absence, and constituted him Warden of the Marches in place of the Earl of Moray. How Huntly discharged the duties of this onerous office in the king's absence we have no record. He did not sign the letters sent by the Regents of Scotland to Henry VIII. as to border affairs, but on King James's return he was constituted Lieutenant of the north, and accompanied the king in his expedition to the Western Isles.* During the period between 1537 to 1541 he made politic alliances with his neighbours both in the north and south,† and on 3rd March 1540, he had a charter of the office of Sheriff of Aberdeen upon the resignation of David Lindsay, Earl of Crawford.

James and his uncle, the King of England, were not upon friendly terms. Queen Magdalene died a few months after her marriage, and in 1538 James had espoused Mary of Guise, the widowed Duchesse de Longueville. Henry was an aspirant for the hand of this fair widow, and sought to secure her by fair means or foul, and even tried to rob his nephew of his bride-elect. The uxorious King of England—who so outraged the feelings of Francis I. by requesting that a bevy of the fairest daughters of France should be sent to Boulogne for his inspection and selection—was not one to be balked with impunity. Henceforth he evinced the greatest hatred towards his royal nephew, and the most trivial border affairs were magnified and given undue importance, so as to afford a pretext for endangering the peace of the two kingdoms. The perfidious conduct of the English King—who seriously suggested that James of Scotland should be kidnapped while on the borders‡—in endeavouring to make the Scots break the truce, was thwarted by the moderation and good temper of James, and the latter's honourable dealing presents a contrast to that of Henry. Bent upon provoking a quarrel, Henry sent secret instructions to the Earl of Rutland, his Lieutenant of the Marches; and shortly after, in August 1542, Sir Robert Bowes, with the Earl of Angus, led three thousand men to raid Teviotdale. Fortunately the Earl of Huntly, who had been sent by the Scots King to guard the borders, heard that the English were plundering the country, and marched from

* *History of the Gordons*, 1726, i., p. 146. † *Miscellany of Spalding Club*, iv., pp. 202-3, 205.

‡ *Burton's History of Scotland*, 2nd edition, vol. iii., p. 180.

Kelso to attack them. The raiders were overtaken at Haddonrig, where their retreat was cut off by the flank attack of Huntly, and in the fight which ensued the English were completely beaten. The Scots borderers, who had assisted in the foray, after their manner, tried to decamp with the booty; but so furiously did the Earl attack that he secured the sheep and cattle and a great many prisoners. As usual, mutual recriminations took place between Henry and James; the former would not admit that the raid had been arranged by his own officials, while James, anxious for peace, sent him a document under the hand and seal of Sir Robert Bowes, clearly proving who had been the aggressors. Yet, notwithstanding, he insisted upon the release of the Haddonrig prisoners, that James should make no encroachments on the borders, should conclude an offensive and defensive alliance, send hostages of high rank for the fulfilment of these conditions, and pay a personal visit to Henry. In the negotiations which ensued the Earl of Huntly took a prominent part, and wrote to the Earl of Rutland, the English Warden, a letter in these terms:—

“My lord efter dew comendatioun. I suppose ze have knowlege of sik ordoure as is divisit be the kingis grace my souerant and his derrest uncle zour souerane for ceissing and stanchinge of sik unkyndlie truble and besynes as is begun betuix thair realmes and liegis, unto the reparing of my said soueranis ambassadouris towart his derrest uncle for reformatioun and ordoureinge of all debatis and difference betuixt thame. And for repressing of sik evill myndit personis as wald perturb the peax, procur and forthir sik breke and difference of his grace's realme, I am sende heir to the bordouris of the samyn, to gif attendance and se that the wardanis do that effeiris to thair offices, thinking wele ze ar direct to zoure soueranis bordouris for the samyn effect.

“Quharfor understanding sik kyndlie and gude writingis that ar cumin laitlie fra zoure souerane to his derrest nepho my souerane, concernyng the continuance of amyte, hartlie lufe and kyndnes betuix thame, peax and rest betuix thair realmes and liegis, I have thot necessar to pray and desyre zow my lord to gif attendance and care, for the parte of Ingland like as I sall for the parte of Scotland, that the lieges of nothir of the realmes invoid utheris, for sen baith the princes ar of verray gude mynde to perseveir constantlie in gude amyte and hartlie lufe and favor according to thair propinite of blude. I think wele we suld schaw us gude officars

and instrumentis to fortify the samyn, and at our utir power to inress and nuress the samyn. Praying zow of zoure gentilnes that I may know be this berar how ze are myndit anent the premises, and God haif zow euir in his blissit tuitioun. Off Kelsoth the secund day of September.*

This letter of the victor of Haddonrig shews how honourably he and his sovereign were acting. He had not followed up his victory, as the English supposed he meant to do, and his letter possesses the greater interest on account of the reply which it called forth; but he was not to be trifled with, for a great body of Highlanders were marching to join him, and James, surprised and highly displeased at the double-dealing of his uncle, made preparations to resist invasion. The English Warden therefore sought to appease the Earl with fair words; endeavoured to throw the entire blame upon the wild and unruly Scots borderers, yet he lost not a day in writing his brother Warden by the Scots Herald "Snowdown":—

"My lord aftir due recomendacons. This shal bee to signifie unto you that by Snowdown this berer I have received your lettres of the seconde of Septembre instante, and have at length wele conceived youre good mynde; and also the comandment of the kingis grace your souerayne gevene unto you for keping of good rule and staving of the wild and unruly inhabitantis on your borders, sua that contynuaunce of peace and amyte nought be prejudiced bitwene my souerayne lorde and youre.

"My lorde before the receipte of youre said lettre I have not onlie gevine streight and dreade comandement in the king my souerane lordes name, unto all his officers, seruantis and subjectis in his majesties counties of Northumberlande, Cumbrelande, and Westmoreland, chargeing theyme nor none of theyme shall by no meanes presume to envade or to doo anye annoyance in anye parte of the realme of Scotland. But alsua I have gevene like comandement unto all and everie my said souerayne lordes garrisons lying at this presente on his said borderis unfaynedlie to doo and observe the same. Trusting verylie, as ye do write, that ye for your parte woll sua circumspectlie take unto youre souerayne lordes subjectis that they shall not do anye displeasure or attemptate unto the realme and subjectis of my souerayne lorde, like as I for my parte shall not faille to caus to be done with all good effecte on all my souerayne lordes borders, until such tyme as bothe our souerayne lordes may reduce

* *Original, Additional MSS., 32647, fol. 106, British Museum.*

the same unto some good stay and ordre. Speciallie for reformation and sharpe ponyshmente of all offendours on both realmes withoute anye favour as oftene as anye of theyme offend. Whereunto of your gentilness I require you to put your good advise and counsaill for contynuanee of good love and amytye bitwene both our soueraynes and thair realmes as propyntyie of blude dothe require. And Almyghtie God have you in his blissed gouernaunce. Written at Alnewicke the third daye of Septembre."*

Rutland's plausible letter did not allay suspicion as to the intentions of the English. The peremptory demands made by Henry's representatives were calculated to rouse the wrath of James, for not only did the English King insist upon terms incompatible with the independence of Scotland, requiring James—whose queen was approaching her confinement—to come to London without any "iffes or andes of his wief," but also demanded that his three ambassadors should remain as hostages for his presence in London before Christmas. At the same time secret instructions were sent to the borders; and orders were issued for the assembling of a large army to invade Scotland should the Scots envoys seek new delays. The English were instructed to destroy the Merse and the borders and to make an attempt upon far-away Orkney and Shetland. It was with the full knowledge of these things that the Earl of Rutland replied to Huntly in terms so friendly. The projected border raid took place, utterly disgusting James, and he lost all faith in his uncle, who neither respected the ties of blood nor the obligations of honour. Huntly wrote to Rutland, on 22nd September, in terms of firm remonstrance:—

"According to our mutual promise for keeping good rule I caused our Wardens of Middle Marches to meet your deputies on Monday 18th, but nothing was done on the part of England. Our Wardens of the East March also kept the day and place appointed according to your desire and the writing of Sir William Eure of the East Marches. No man, however, compeared on the part of England. On that day certain gentlemen and other commons, 'wying and labouring their own cornes,' were taken prisoners by the subjects of England. They were trusting to receive no damage by reason of the truce. It appears to me either your Wardens are disobedient or some other charge is given to them besides

* *Additional MSS.*, 326.17, fol. 108 (*British Museum*).

our mutual promise. I would know whether this proceeds of your mind or not."*

The Scots King, although sincerely anxious for peace, resented such treatment, and firmly declined the personal interview until he had redress. Henry, eager for a quarrel, ordered the Duke of Norfolk to invade Scotland. Norfolk crossed the borders with a great army, but his men were in a half-starved condition, so that during his six days' foray he had to content himself with burning and destroying a few villages, and killing women and children. The Earl of Hertford also made an inroad about the middle of November, and bitterly complained that his men did not destroy much corn, because it "remained in schocks and onshorn in the fields," and was so wet with the snow, which was a foot deep, that it would not burn. The Scottish army, under command of Huntly, harassed the English, but he declined to follow them across the border, thereby giving cause to his enemies to reproach him as a "cowarde captayne."† King James is said to have been so greatly displeased at the Earl that he was removed from office, Moray being appointed in his stead. There is indeed every reason to believe that the Earls of Huntly and Moray had "gret wordes" about commanding the vanguard, as reported by English spies; though, probably, considering the season of the year, and the state of the country, Huntly's decision against the invasion of England was politic. He had less than ten thousand men, while his opponents had five times this number. These were the reasons which also led others of the Scots nobility to resist their king in his resolve to retaliate on the English. It is said that so determined was James upon the invasion that he sent pursuivants to the north, and caused gibbets to be erected for the execution of those who refused to attend his summons. The refusal of his nobles to obey him was more than the proud-spirited king could endure; deeply disappointed, he was forced to disband his army. After a time a second army was mustered, under command of Lord Maxwell, consisting of from seventeen to eighteen hundred men.‡ All would have gone well, for the English force upon the borders was already discouraged, and a temporary success would at least have been assured, had not the king in a fatal moment appointed his favourite Oliver Sinclair to the chief command.

* *Rutland Papers at Belvoir.*

† *Hamilton Papers, vol. i., p. lxxi.*

‡ *Ibid., p. 307.*

When the king's decision was made known, on the arrival of the army at Solway, the nobles and a great body of the soldiers objected to be led by the royal minion, and although some of the former alighted from their horses to lead their men against the English (who appeared under Dacre and Musgrave), most of the Scots retired at a "soft pace." The English leaders seized the opportunity and attacked, when a disgraceful panic ensued as with three hundred men they charged the retreating Scots, who scarcely made any resistance. The rout of Solway was complete; the royal standard and a great many prisoners fell into the hands of the English. This new blow proved fatal to James; he retired to Falkland and "sunk into a state of hopeless and silent melancholy."* Even the news of the birth of his daughter, the unfortunate Mary—whose name curiously first appears as the Princess Elizabeth†—did not rouse him from the broken-hearted condition into which he lapsed, and in a few days Scotland's king passed away—a victim to the disgrace which had fallen upon his country.

Steps were at once taken for the government of the realm, and in December 1542, the Earls of Argyll, Arran, Huntly, and Moray were nominated as a Council during the minority of the young Princess. Huntly's coadjutors, who were all closely allied by marriage, thought they could have the Earl do as they pleased, but soon found out their mistake. Towards the close of December he retired to the north, for the Gordons and Forbeses were at issue—the former being defeated in an encounter between the two clans.‡ There is no trace, among the local records, of the combat thus alluded to in the Hamilton Papers.

Early in January 1543, Huntly returned to Edinburgh, which at the time was a hotbed of intrigue. Cardinal Betoun was in high favour with the widow-queen of Scotland. His uncle had tasted of the sweets of power during the minority of the late king, and this encouraged him to aspire to the chief direction of affairs. To accomplish his purpose he designed to seize the person of the infant sovereign, whose custody he claimed under the will of King James—the genuineness of this testament was, however, called in question. The Earl of Arran, as next heir to the Scots Crown, assumed the functions of Regent, and ere many days he and Betoun had a tussle over the return of the Douglases to Scotland. Betoun was strongly

* *Tytler's History of Scotland*, vol. ii., p. 213. † *Hamilton Papers*, vol. i., p. 346.

‡ *Ibid.*, p. 349.

opposed to the return of the Earl of Angus, giving patriotic sentiments as his reasons; while the Earls of Moray, Huntly, and Argyll sided with Arran in favour of Angus and his brother being allowed to settle on their estates. Henry VIII., who had some experience of crafty churchmen, endeavoured to get the Cardinal into his power, and Arran, to do Henry and the Douglasses a pleasure, suddenly caused Betoun to be arrested and imprisoned for treason. It is clear that the incident arose from Betoun's opposition to the Douglasses,* for Arran had promised the brother of Angus that so soon as the latter came to Scotland he would lay hands on the Cardinal and pluck him from his pomp.† This conduct of Arran incensed the Earl of Huntly, who was head of the Roman Catholic party in the north, as also the Earls of Argyll, Bothwell, and Moray; they demanded that Betoun should have immediate liberty. Arran and the Douglas faction, confident in their strength, resisted the demand and broke up the Council held at Perth by the Church party. A struggle between the two factions became inevitable, but Huntly, seeing how futile would be a contest with Arran at this time, prudently held aloof. He did not attend the Parliament at which the marriage of Queen Mary was discussed. He approved of the alliance with Prince Edward of England, although he liked not the manner of wooing, and was opposed to the young Queen being sent out of the country.

In January the Earl entered into a bond for mutual protection with David, Earl of Crawford, and on 27th March with the Lord Saltoun.‡ A few days later he was constituted Lieutenant of the north, and his authority under this commission extended from the Mearns to Orkney and Shetland.§ At this time he endeavoured to bring about the matrimonial alliance—which afterwards took place—between his son and a daughter of Arran, “so that he might know the counsels of the governor.” Such was the insinuation of the English spies; the truth being that Huntly acquired considerable influence over Arran, and successfully secured the liberation of Betoun for the purpose of overthrowing the English party. Actuated by patriotic motives and singular devotion to the Romish Church, to such an extent did he baffle the intrigues of Sir George Douglas—who conspired against the life of Betoun and the independence of Scotland—that a quarrel took place

* *Diurnal of Occurrents*, p. 26.

‡ *Miscellany of Spalding Club*, vol. iv., pp. 205-6.

† *Hamilton Papers*, vol. i., p. 389.

§ *Ibid.*, vol. iv., p. 142.

between them. Douglas and his brother the Earl of Angus were the most active of Henry's agents, and received large sums of money from England to assist them in their treasonable designs, and of late Henry proved rather imperious in his demands for proofs that his gold had been well spent. The Douglasses, baffled in their schemes by Huntly—to excuse their own failure—described him as the “wyldest lad that lyved,”* and right glad they were when he retired to the north. His services in effecting the release of Betoun were not long without reward, for on 7th April 1543, he received from the latter sundry lands in the baronies of Keig and Monymusk in feu-farm,† and he quietly prepared for the bold enterprise designed by the cunning churchman for the overthrow of Arran and the Douglasses. While in the north Huntly received bonds of manrent from a number of the Clan Chattan—who bound themselves to him under pain of cursing; from Lord Lovat and the Captain of Clan Cameron at Inverness on 2nd May, and a few days later the lairds of Allardyce and Mackintosh, became bound “in straitest style” to serve him.‡ With a goodly following of Highland chiefs and vassals he returned to the south. The deep plotting of the Hamiltons and Douglasses little availed them when opposed by the crafty prelate of St. Andrew's. Betoun's plans being matured, the Earls of Huntly, Lennox, Argyll, and other nobles of his party met in July at Stirling with their retainers. They proceeded to Linlithgow with an army of from ten to twenty thousand men, and brought the Queen-dowager and young Mary in triumph to Stirling. Huntly was then desired to persuade Arran to join the victorious party, but the Regent wavered, and on 1st August Huntly and Argyll, realizing their danger, entered into a bond to stand steadfastly by each other at all hazard.§ They then proceeded to the north to muster their followers, so as to be prepared for emergencies. Within the month Huntly returned to Stirling; conferred with Betoun on the 1st of September, and at his request brought about the conference between Betoun and Arran, which three days later, at Falkirk, effected a momentous change, for Arran not only abjured the English faction, but his religion as well. He was probably influenced by a delicate hint that the question of his legitimacy rested with the Holy See, which induced him to coalesce with Betoun. The union of Arran and Betoun led to the defection

* *Hamilton Papers*, vol. i., p. 507. ‡ *Miscellany of Spalding Club*, vol. iv., pp. 207-8-9.

† *Antiquities of Aberdeen and Banff*, vol. iv., p. 480.

§ *Ibid.*, p. 210.

of Mathew, Earl of Lennox, who joined the Earl of Angus, the latter having rejected the overtures made to him by the cardinal.

The Earl of Huntly was named one of the new Council, and the English made great endeavours to win him to their side. They circulated reports of his having joined Angus, and sent a "wise fellow" to tamper with him,* only to find their proposals rejected with scorn. In May 1544, Huntly seems to have taken part with Mathew, Earl of Lennox, against the Regent at Glasgow, for which he had a remission some years later. King Henry's intrigues led to disturbances in the Highlands, and Argyll was compelled to remain at home to protect the north, while the Earls of Huntly and Arran resisted the Earl of Hertford's invasion of Scotland. Hertford endeavoured, by laying waste the country, to force the Scots to give up their Queen, but Henry's rash and unjust proceedings were a gain to the Scots, as the destruction of the lands of the Douglasses disgusted the Earl of Angus and his kindred, and they forthwith joined Arran.

The rising in the north having acquired formidable dimensions, Huntly proceeded against the Camerons, Macdonalds, and Mackenzies. They retreated before his advance; followed in his rear, when he began the homeward march, and attacked Lord Lovat (who had accompanied the Earl with his clan) at Loch Lochy. Huntly returned to the south, and in October projected the invasion of England, but events in the Highlands again claimed his attention. Donald Dubh, after being imprisoned for forty years, once more escaped and set up as Lord of the Isles. In October he and the Islesmen plundered the lands of Urquhart, Glenmoriston, and Lochaber. They over-ran the country with fire and sword, and declared their intention to keep Yule at Inverness. Huntly gave up all idea of invading England, and returning home in haste, on 8th December, met the noblemen and barons of the north at Elgin, where they entered into a bond to assist him in the execution of his office of Lieutenant.† Notwithstanding the season of the year, he led his troops against the Islesmen, and laid waste the lands of the Camerons. Argyll, who also suffered from the depredations of the Highlanders, assisted in restoring order, so that in March 1545, Donald Dubh was compelled to come to terms; he obliged himself to visit the Queen

* *Hamilton Papers*, vol. ii., p. 243. † *Miscellany of Spalding Club*, vol. iv., p. 212.

at Stirling,* but was not sincere in his professions, for at same time he had correspondence with Henry VIII. of England seeking a personal interview. His fidelity was suspected by the English, and they in consequence delayed payment of his pension of eight hundred crowns. It was while lying at Inverness with his army that the Earl of Huntly, on 25th March, entered into a remarkable contract with the lairds of Grant, Mackintosh, Mackenzie, Ross of Balnagown, and Munro of Foulis as to the recovery of the tacks and earldom of Ross, whereby, if he "gettis nocht haistelie just richt and titil thairto," they became bound that none of them would serve, maintain, defend, or obey any person of whatsoever degree in the said tacks and earldom save Huntly. They were at the uttermost of their power to prevent all others having entry; and notwithstanding any rewards made to them or their kin, they were only to defend and maintain the said Earl in the possession of the said tacks and earldom, and were not to accept bailiaries or other offices from any but the Earl. For their services Huntly became bound to defend and suitably reward them; the parties further binding themselves that they would enter into no agreement with the Islesmen, Camerons, or Clanranald without mutual advice under the pains of infamy, perjury, and open shame. †

Huntly's presence at Inverness did not restrain Donald Dubh; for to give the English proof of his sincerity he again ravaged the lands of Urquhart and Glenmoriston, and by carrying away a great booty took vengeance on the Grants for the assistance they rendered to the Earl. On 11th June the Lords of Council issued a proclamation against Donald and his followers for burning and slaying the lieges, and threatened to send the whole forces of the realm against them to effect their utter ruin and destruction. ‡ These threats were treated with scorn: Donald and his council, on 28th July, entered into a treaty with England through the Earl of Lennox, an interesting contract which shews that none of the great chiefs of the Island Clans—who described themselves as the "auld enemies of Scotland"—could sign their names. In September they renewed negotiations with England, binding themselves not to enter into any agreement with Huntly or Argyll. Donald assumed the title of Earl of Ross, and raised 8000 men to assist Henry, who allowed

* *Hamilton Papers*, vol. ii., p. 583.

† *Chiefs of Grant*, vol. iii., p. 93.

‡ *Register of Privy Council*, vol. i., p. 4.

him a pension of two thousand crowns. Dying soon afterwards, his kinsman and successor, James Macdonald of Islay and Dunivaig, inherited his treason, so that Huntly was prevented from taking any part in repelling the English invasions, through the forays of Clanranald, the Camerons, and others, instigated by the chief of Islay, who assumed as his birthright the proud title of Lord of the Isles. Ewen Cameron of Lochiel was particularly active in his raids upon the lands of Argyll and Huntly,* and was a firm ally of England—receiving money and munitions from Henry VIII. Into the intrigues which agitated the south of Scotland, and culminated in the assassination of the able and unscrupulous Cardinal Betoun, it is unnecessary to enter. Huntly was in the north trying to bring to justice the Highland chiefs who were responsible for the disordered state of the Isles and district of Lochaber. In May he received a bond of manrent from the laird of Grant, and in the following month at Perth—after attending the Privy Council at Stirling, where he was created Lord Chancellor on 2nd June—he entered into an agreement with George, Earl of Errol, for maintaining themselves against all persons. It was also agreed that John Gordon (third son of Huntly), better known as fiar of Findlater, should marry Margaret Hay, daughter of Errol, and they were to be infeft in the barony of Auchindoun.†

On his return home the Earl convened the whole power of Inverness, Nairn and Cromarty, and once more entered Lochaber. Aided by the Earl of Sutherland, and the Mackintoshes, he captured Ewen of Lochiel and Ranald Glas of Keppoch, two of the principal leaders in the late disorders. They were tried for treason and executed. Huntly entered into a contract with the grandson and heir of Ewen, whereby he engaged to secure a remission for him and his kinsman. Another condition was that John Dow MacEwen was not to be executed. The men of the north, in consideration of their services in restoring order, were exempted from attending the army assembled in July to besiege the murderers of Betoun in the castle of St. Andrews.‡

At this time the unfortunate quarrel between the Gordons and Forbeses being renewed, William, Master of Forbes, was imprisoned at Edinburgh until he found security to keep the peace.§ On 24th August

* *Irish State Papers*, vol. xii., 29.

‡ *Chiefs of Grant*, vol. iii., p. 95.

† *Miscellany of Spalding Club*, vol. iv., pp. 215-6.

§ *Register of Privy Council*, i., p. 32.

he was released, and obliged himself under pain of £1000 that he would not harm the Earl and would ward himself wherever desired.*

The assumption of the Protectorate of England by the Duke of Somerset on the death of Henry VIII. led to energetic measures for the immediate invasion of Scotland. Nor were the Scots behind in their preparations; the Earls of Huntly and Argyll sent the fiery cross through their wide domains, a summons which brought a body of eight thousand men to the standard of the former. These marched to Roslin, where they were expected on the 8th July.† On the 10th of September the English and Scots met at Pinkie. Huntly's challenge to Somerset (to decide the issue in combat: twenty Scots against twenty English, or in a personal encounter) was a ruse to spy the enemy's position, and the battle of Pinkie was fought, ending in another calamity to Scotland, for, by a defeat even more disastrous than that of Flodden, the country was laid at the mercy of the victor. The Earl of Huntly, who fought on foot, clad in gilt and enamelled armour, was taken prisoner by Andrew Rympey, and his kinsman the Earl of Argyll was the only prominent Scots noble left, who was able to oppose the advance of the English to Aberdeen. Fortunately the invasion of Scotland on a grand scale was prevented by the lack of brewhouses, for it is a curious historical fact that the English soldiery—according to the testimony of their commanders—could never undertake any important expedition without a goodly supply of beer; and so Argyll for a time confined the operations of the troops under Sir Andrew Dudley and Sir John Luttrell to the towns of Aberdeen and Dundee. Yet Scotland soon fell into a deplorable condition, and it was only the arrival of French troops which enabled the Scots leaders to take the offensive and besiege the English garrisons in Scotland. For safety the young Queen was sent to France, while Scot and Saxon struggled for supremacy.

Meanwhile the Earl of Huntly, although a prisoner, was still considered a formidable opponent by his captors. From his known hostility to the English he was nicknamed the "Terror of England," and he was jealously guarded, for a rumour obtained circulation that a plot had been formed to kidnap him to France or Flanders.‡ Protector Somerset saw how advantageous it would be could he but win the

* *Miscellany of Spalding Club*, iv., p. 216. † *Scottish State Papers (Edward VI.)*, i., No. 28.

‡ *Ibid.* (*Edw. VI.*), vol. ii., No. 25.

Earl to his party. It was a delicate affair to even hint of treason to the representative of a family ever loyal to their sovereigns, and discretion had to be used. In March 1548, Huntly was therefore tempted with promises of release, and the government of his country, if he would support the English interest. His reply was that he "would do all he could for furthering of the king's purpose," and after this reply permission was granted him to send for his hawks and greyhounds. A few days later the Earl requested a safe conduct for the Bishop of Dunkeld, who was to have a conference with him, which, he naïvely adds, will much further the king's affairs. In April 1549, he was sent, along with his keeper, Sir Ralph Fane, to Penshurst, in Kent, and while there received presents of Gascon wine and pears from the City of Canterbury. On hearing that Lord Clinton was sent to the north of Scotland to command the English troops, he wrote, on 6th August, to Somerset from Penshurst requesting that none of his friends be troubled.*

The captive was earnestly desirous of returning to Scotland, and pleaded with the Protector for permission to do so, but as he declined to become a traitor to his country, his request was not granted. To render him the more ready to embrace their proposals, the English intrigued in the north, fomenting disturbance in his domains. Consequently he again pleaded for liberty, agreeing that his Countess and sons should remain as hostages for his return. A license was granted on 5th December 1548, with conditions which must have proved distasteful, and on the following day a second indenture was drawn up between him and Somerset, from which remarkable document it is apparent that the license was devised by the captive so that he might be the better able to forward the English interest, and procure a passport from Arran to enable him to return to England—a necessary precaution, for many Scots who obtained their freedom never returned to such undesirable captivity. Huntly became bound that while in Scotland he would endeavour by all means in his power to secure the union of the two kingdoms, and, in the event of encountering difficulty, he and all others whom he could persuade were to take open part with the English for the prosecution of King Edward's title to Scotland.† The signing of these questionable documents was the price paid for his liberty, and on same day Somerset wrote to Lord Grey that the Earl had permission

* *Scottish State Papers (Edw. VI.)*, iv., 91. † *Miscellany of Spalding Club*, iv., pp. 145-6.

to enter Scotland on certain conditions, and was to be allowed ten weeks' absence—leaving his wife and others as pledges. As he would have occasion to send frequent messages to Somerset his servants were not only to be permitted to pass freely, but were to be provided with post horses.*

Huntly, under the alternative of prolonged imprisonment, had signed Somerset's documents with such reluctance that suspicion was aroused as to his sincerity, and while permitted to journey, under escort to Berwick, secret instructions were sent to detain him at Newcastle. The Earl was too important a personage to be released even for the offered ransom or accomplished treason; and he, distrusting the good faith of Somerset, effected his escape. The circumstances leading thereto, as related in Sir Ralph Fane's official report to Somerset, clearly show the base and treacherous dealing of the English:—

“My dutie unto yor grace most humbly remembered. May it please the same to understand that albeit the entent of my jorney northward failed of the success which I most desired; yet, forasmuch, as much against my wille, savinge by perswasion of yor grace I tok the jorney in hand, I am in some hope this will obtaine that the same will as favorably heere the circumstances of the case (wherby may appere in whom the fau[lt] was) as others have been redy by prevencion in the taletelling to shift away their most defined blame. And when perchance the tothers reporte may serve to sound the better because so younge a man, as is my soune-in-law, can seldom be so circumspect as a beaten head; yet for that I have certainly learned, as well by reporte of the L. Warden of that marches, Mr. Manners, as by other credible pruf, that my soune sought all the waies he possibly might to staie Therle at Newcastell, and to do the same according as I forewarned him, without appearance of any suspicion. I trust yor grace will license me to open the whole discours of the matter, and will after vouchsafe to judge of his proceedings as the circumstances thereof shall lead you.

“The truth is, howsoever yor grace be enformed, that when my soune after his cuming to Newcastell, by diverse conjectures had gathered a likelihood of some deecatful purpose in therle (for he had hastely dispeched away all his owne men save two, all his stuffe and all the prisoners for whom he undertook) My soune, I say, debating these

* *Hamilton Papers, vol. ii., p. 622.*

doutes with hymself, thought better to cut of, or at least deffer therle's further cours northward, than, by passing a jeopardous waie as he toke to Barwick, to hazard the same, or the lik thing—which indeed afterwards ensued. Wherefore knowing therle's appoyntment to goe towards Barwick, on Friday then next, sent before a servant of myne by poste to Mr. Stirley of Berwick requiring him to staie the Captane of Dunbar there to th'entent that a soden rumour myght come therof abrod, and he therefore myght pick a juste occasioun to do the lik by therle at Newcastle. Mr. Stirley upon thys mocon caused the gates of the towne to be shut and the bridge kept til the Captane had shewed his passpote, and that shewed suffered hym to departe and after gave answer to my servant that the Captane's Commission was so large that he could not in any wise stay him and for that caus, said he, 'I only tok of him a copy of his passport' which then he delivered to my servant and I have sent unto yor grace hereinclosed. But if therle himself shuld come thither with the lik, he, said he, would rather adventure a great displeasure than suffer him to depart so. In the mean season my sounc having noon advertisement of those things from Berwick, and seing the time of therle's departing from Newcastle at hand, had then none other shift but to use my L. Greys assistance. And to give therle no caus of suspicion he kept within dores himself, and secretly sent forth to my L. Grey, on Friday early in the morning a servant of mine to open the ground of his suspicion, and withal making request that his L. would, as of his own devise and power (and not at my sounes sut) staie therle there unto my cuming thither, both becaus that I had straitly given him comandment not to depart out of Newcastle til I came myself, and that he durst not pass with him in so dangerous a way without convoy of men of warre. Adding also thereto that if my L. Grey wold needes suffer therle forthwith to pass to Berwick that yet then he might have aide saufly to convey him thither. My L. Grey answered that he wold be content to break the matter to therle, and persuade him to tarrif he could. But how my L. Grey moved the matter to therle, though no man know but himself, yet this is certain that therle immediately challenged my sounc, as well as my servant, for it, declaring that my L. Grey told him how they had him in a great suspicion, and therefore noted them of a presumption, threatening to lay to their charges the hindrance of the kings maties purposes comitted to his cumpassing. And my L. Grey

himself after that also opening unto my soun what comunicacion he had with therle, for his longer abode at Newcastle, told him that when he moved therle to tary for a time therle among other thingis answered 'I am easy to entreat if it be yor pleasure, howbeit forasmuch as you see the force of my comission to pass this country, and the haste required by these lettres which I lately received from my L. Protector (and withal drew them out of his pocket) if my taring here be any hindrance, to the thing I goe about for this realme, let the blame rest where the staie is and not on [me]' For which caus, quoth my L. Grey, I told therle plainly I would not stop him, and that indeed I durst not doe it but ye Mr. Clerk may doo as ye think best. Nay my L., quoth he, if yor L. being Lieutenant cannot staie him, it shall not become me to do it, but I trust this be a sufficient discharge for me that I have made you privie to all my knowledge, and if you think good to leave the thing then I am well content, and so for that time departed.

"Within two howers after, which was about noon, my L. Grey sent for him agayne, and in presence of my L. Warden (Mr. Manners) said, 'Mr. Clerk forasmuch as ye dout in yonder man, meaning therle, and have desired aide to convey him to Barwick I hav spoken to my L. Warden here for xx of his men to goe with you.' Which offer whiles he did gladly embrace and was devising, with them two, how those men might goe, therle not suspecting their entent. My L. Grey said 'I durst warrant you there shal be no need of them saving for satisfing of yor mind. For ye shal be sauf betwene this and Alnwick as betweene Ware and London, and I am sure there cannot a Scotte stir hens to Barwick but all the country will rise.'

"Whereupon my soun, by those and other words tending to lik effect, beinge throughly persuaded by my L. Grey not to fear any danger, and withal receiving of him a great charge not to give any semblance of suspicion in therle, least it might be a meane to alienate his minde when he should perceave that we had no great trust in him, said, 'If yor L. be of that opinion that I need to fear no false measures hence to Berwick I am content to go forward with him,' and so took his leave, my L. Grey taking noon order nether for therle staie nor his conducte, and therle making great haste away. And this was the caus that anon (wch was aboute oon of the clock), they took horse and were benighted at Morpeth; and there as customably all the journey before suffered therle to have his

chamber alone and to use all thingis at his libertie, remembering the charge given by my L. Grey in any wise to avoide all occasion of suspicon. Also his assurance that it shulde not need to watch him, which being true (as true it is) yor grace may easily perceave that the burden of therle's escape ought of right to rest on my L. Grey's shulders, and if my L. Grey should denie it my L. Warden can witness it against him. And I have also put up unto yor grace both my soun, and my servant that first sued unto my L. Grey for staie of therle to declare themselves in this matter. And thus not yet utterlie in despair of therle's service, if all be true that I have harde of him, which yor grace shall perceave so sene as I have any certainty, and fearing that yor grace shall shortly heare of as great oversight in my L. Grey, in as great matters as this, I will trouble yor grace no longer but mak an end."*

Huntly escaped from Morpeth aided by George Kerr of Heton, who provided relays of horses, and had as a reward for his good services to the Earl a charter from the Queen of the lands of Westerbyres and others upon 20th September 1549.† The flight of Huntly roused the indignation of Somerset, and Sir Ralph Fane, deeply mortified at the loss of his prisoner, wrote to sundry parties to try and appease the Protector. Fane had frequently been offered substantial ransom by the Earl, but acting under the instructions of the English Ministers he declined to accept it. He was now alarmed at this loss, and to compensate him he had a gift on 1st July 1550, of the Manor of Penshurst for his good service as Huntly's keeper, besides receiving £1000 to make up for lost ransom of the Earl.‡ The case occupied the authorities for more than two years; on 4th October 1552, instructions were sent to Lord Wharton to apprehend all those who assisted the Earl, and some of them were afterwards put to death: Robert Fenwick of Lightstone Green being only pardoned in 1564 for his share in the escape.

The Earl of Huntly on his arrival in Scotland was warmly welcomed; he received the Earldom of Moray from the Queen-dowager in 1549, and was made a knight of St. Michael in France. As Chancellor of Scotland, in the following March he was a party to the contract between Mary of Guise, Arran, and George, Lord Home, whereby the latter, owing to the ravages of war, being unable properly to garrison his castle of Home,

* Cecil MSS. at Hatfield.

† *Registrum Magni Sigilli*, xxx., 341.

‡ *Acts of English Privy Council*.

ceded it to the Queen that it might be garrisoned so as to resist invasion. On the 26th of same month Huntly was constituted heritable bailie of the bishopric of Aberdeen by his uncle, Bishop William Gordon, and became bound to protect the bishops and chapter; to fortify and maintain the Christian faith, within the diocese, as became a noble Christian man. The most ample powers were bestowed upon him—a true sign of the expected storm which ere long burst over Scotland, and led to the Reformation being an accomplished fact.

About this time Huntly was at variance with William the Mackintosh chief: the ill-feeling between them bringing about a tragedy which has been seized upon to cast a slur on the fair fame of the Earl. The cause of quarrel is involved in some obscurity, but there is reason to believe that during Huntly's imprisonment the captain of Clan Chattan (influenced by Huntly's bitter enemy the Earl of Moray) was one of those tampered with by the English—who sought to break the peace of the north to induce Huntly the more readily to come to terms with Somerset. The letter sent by Huntly, to his kinsman the baron of Kiltravock, relative to the Clan Chattan, unfortunately throws no light on the conspiracy in which Mackintosh engaged against his superior, although it shews that Huntly had been given a free hand by the Regent Arran.* It is absurd partisanship to declare that the Earl—the most potent noble in the land—was jealous of the popularity enjoyed by his vassal. He had had abundant experience of the double-dealing of Highland chiefs, and well knew of how little value were their parchment professions. Mackintosh granted him manrent but a few years before; so, to nip his designs in the bud, he was deprived of his office of deputy-lieutenant, apprehended and imprisoned. He was tried by jury at Aberdeen and sentenced to death, but his execution was delayed for a time, although there is no reason to suppose that Huntly deputed the disagreeable task of effecting it to his Countess, as insinuated by some writers.

The great friend of Mackintosh was Gilbert, Earl of Cassillis, and the enmity between him and Huntly was so notorious that the Queen interfered and compelled them to give mutual assurance that each, with their friends, would be "unhurt, unpersewit and untroublit" in their persons, goods, and possessions.†

The sentence of death and forfeiture pronounced upon Mackintosh

* *Rose of Kiltravock*, p. 217.

† *Register of Privy Council*, vol. i., p. 107.

seems unnecessarily harsh, but it must be remembered that the law, without its strict and impartial administration, was impotent in the Highlands, and it was only by summary and drastic measures that the people were made to respect authority.

Huntly accompanied the Queen-dowager in her journey to France in the autumn of 1550, and was received with distinction. He did not return with her through England, not caring to trust himself on English soil again, for the passport which he endeavoured to secure had not been granted. When the Queen and the Regent Arran made a progress to Inverness, Huntly entertained them at Strathbogie, upon which occasion the Frenchmen of the Court, astonished at their magnificent reception, insinuated that so powerful a noble should not be tolerated in so small a kingdom as Scotland, and suggested to the Queen that the "wings of the 'Cock of the North' should be clipped." Nor was it long ere opportunity occurred to carry these suggestions into effect. Huntly was directed to put an end to the lawless conduct of the Camerons, and of John of Moidart*—who, although illegitimate, was chosen by the Clanranald as their chief, to the exclusion of the rightful heir. John had taken a prominent part in the disturbances of 1544-6, and still continued to plunder the lands of his neighbours, particularly the country of the Frasers, who endeavoured to get him ousted and their kinsman Ranald Galda established as chief of Clanranald. In September 1553, John met Huntly (who was sent north to settle the country) at Ruthven, in Badenoch, when the latter took him and his son Allan "as his men and servandis remytting thame and hartlie forgiffing all offensis, wrangis and disobediens done in tymes bypast to the said erll, and speciall the last offens and brak maid be thame, their friends and allies upon his gud friend the Lord Lovatt." They became bound to maintain good rule in future, to obey authority as they were charged, and to remain leal and true servants to the Earl. They were also to do their utter diligence and labour to bring Donald Gormson and all other captains and chieftains of the Isles to pass to the Queen's grace "thar to do as it becumyt trew subjectis."† Notwithstanding these solemn engagements—ratified by "holie evangelist tuichit"—the bastard of Moidart continued his career of violence; and the Queen, who had forced Arran, under promise of the dukedom of Chatelherault, to cede the Regency to her,

* *Register of Privy Council*, i., p. 126.

† *Miscellany of Spalding Club*, vol. iv., p. 223.

determined to suppress the turbulent Highlander, she commissioned Huntly to bring him to justice. The Earl with a force, composed for the most part of the Clan Chattan and his own vassals, conducted an expedition to the country of Clanranald. The Mackintoshes, thinking to revenge the execution of their chief in 1550, declined to follow the rebels into their fastnesses; and raising a tumult in the camp, forced the Earl to retire with ill success. The opportunity was seized upon to misrepresent the cause of his failure; acting upon the advice of the Earl of Casillis and others of Huntly's enemies, the Queen Regent caused him to be imprisoned at Edinburgh, deprived of the Chancellorship, and forced to resign his tacks of the earldoms of Ross, Moray, and Mar. Thus did Mary of Guise requite the faithful devotion of Huntly, through whose instrumentality in a great measure she acquired and maintained her power; and although the fines she inflicted, as the price of his liberty, might have helped to fill her exchequer, yet her conduct greatly weakened her interest with the Roman Catholic party in Scotland, of which Huntly was the acknowledged head. Her conduct is the more inexplicable, for only a few months previously she declared her intention of creating a dukedom for Huntly. After his imprisonment the Earl resided for the most part upon his estates. In 1555 he had a dispute with John Grant of Freuchie as to the latter's service as heir to his father in the lands of Tullochgorm. It appears that Huntly, as Sheriff of Inverness, refused to grant service, and Freuchie then applied to the Lords of Council, who directed that everything necessary should be done to complete Grant's title to the lands in question.* In 1557 the Earl was once more restored to favour, and on 5th August created Lieutenant-General of the kingdom, with the most ample powers.† War between England and Scotland became imminent, for the Scots borderers, knowing the Queen Regent's sympathies were with France, proceeded to raid the English march. Huntly was sent to take charge of the borders until the Scots army assembled, but the invasion of England was strenuously opposed by him and the Duke of Chatelherault (which led the Queen to dismiss her army, much to her mortification), and she then entered into a coalition with Lord James Stuart against them.

The harsh and cruel persecutions by dissolute Romish prelates hastened the Reformation, and the Bishop of Aberdeen, alarmed at the

* *Chiefs of Grant, vol. i., p. 131.*

† *Gordon Charters.*

dangerous symptoms manifest among the people, conveyed various lands in the barony of Rayne to his kinsman and chief for the defence of the liberties of the Christian Church and orthodox faith; and in 1558 the bishop issued a pastoral requiring the attendance of Huntly to maintain the Kirk and uphold its discipline.* In the struggle between the Queen Regent and the Reformers she was supported by the Earl, who advanced to her assistance at Perth in May 1559. He repeatedly interposed between her and the Lords of the Congregation for the prevention of hostilities, and on her behalf, on 23rd July 1559, signed the agreement which brought about the evacuation of Edinburgh. Huntly became bound that he would join the Congregation if the Regent broke any of the conditions of this treaty.† A breach of faith on the part of the Regent soon occurred, for writing to her "traist friend," Hugh Rose, tenth baron of Kilravock, she declared the treaty was made without her advice, and as she heard the Lords of Congregation were intending some secret purpose against her, she desired her friends to be in readiness to come to her assistance.‡ By September Huntly's ardour in the service of the Regent had cooled; he regarded the presence of the French troops in Scotland a disturbing element, for they were used to overawe the people. Therefore, in accordance with his bond, he joined the Duke of Chatelherault, the Earl of Arran, and others, for the expulsion of the French, and in January 1560, suggested that the English troops advancing to assist the Scots should be accompanied by 1000 or 2000 bowmen. He also recommended that the Earl of Arran be not allowed to adventure himself in skirmishes.§ In the following February, he is said to have begun a reformation of religion in his country, the Earls of Athol, Montrose, and Errol promising to do as he advised. He advanced towards Perth, whence, on 7th March, he addressed a letter to Queen Elizabeth, thanking her for the good mind she bore to the liberty of Scotland and for the good opinion she had of him. "God has stirred her up to the support of this realm, by whose providence in like manner at this present is put in her hands and power the perpetual concord and union of this Isle"—concluding that he "will not fasche her with a long letter."|| At same time he replied to a letter sent to

* *Aberdeen Magazine*, 1796, p. 270.

§ *Scottish State Papers (Elizabeth)*, vol. ii., No. 9.

† *Foreign State Papers (Elizabeth)*, P.R.O. || *Ibid.*, vol. ii., No. 74.

‡ *Rose of Kilravock*, p. 228.

him by Sir William Cecil, in which he declared that, having remembrance of the latter's ardent desire for the union of the isle, he thanks God that presently he is in such a place, and credit, that he may be a great instrument to this end. On the following day Lord James Stuart—the bastard son of James V.—and the most treacherous and unscrupulous of men, wrote to the Duke of Norfolk that Huntly's letters to the Queen and Cecil should be preserved for all adventures—a significant incident, seeing that these letters were afterwards the weapons by which Lord James caused Queen Mary to distrust the Gordon chief.

Cecil was not slow to follow up his correspondence with the Earl. On 18th March he wrote to him that “the queen meaneth princely and like a good neighbour to relieve the declination of the kingdom of Scotland, and prays the Earl (since the time has come, the power ready, nothing is wanting, the enemy at the worst, themselves honourably accorded and provided with such a patron and friend as the Queen of England) to proceed to the safety of his country and preserve his ancient house, and is glad to perceive that the Earl will accept the remedy which God has offered.”*

Huntly was, however, slow to take the field in person, for the Queen Regent, during her sojourn in the north, had created a party, and he well knew that immediately he left home the Westland and Catholic clans would be encouraged to devastate his possessions. The Earl of Argyll was already crippled by James Macdonald of Dunivaig laying waste his domains, and Huntly, suspicious of the good faith of the Congregation, required them to promise that they would maintain him and his friends in their lives and possessions, to which they answered that they were bound to defend each other in case of attack, and will defend him if he joins them.† This assurance was so far satisfactory that, on 25th April, Huntly rode into the camp. The Regent and the Lords endeavoured to come to terms, but the mediation of the Bishop of Vallence proved futile, and the Lords proceeded with the siege of Leith. The temporary success of the French troops afforded an opportunity for a renewal of the negotiations; the Regent desired that the Earls of Huntly and Glencairn should have an interview with her, but instead of these Lord James Stuart, Lord Ruthven, and the Master

* Cecil MSS. at Hatfield.

† *Scottish State Papers (Elizabeth)*, vol. ii., No. 39.

of Maxwell were sent to wait upon her, when they agreed to return to their allegiance provided the French troops were sent home—a singular demand on the part of Lord James, who but two years before leagued with the Regent, against Huntly, and then advised that French troops be brought to Scotland. This condition was refused, and in the interview which the leaders of the Congregation had with her, while on her death-bed, the Queen declared she had acted according to the advice of the French. She bitterly reproached the Earl of Huntly for deserting her, and declared that it was his crafty and interested advice which had interrupted the conference at Preston—an unjust accusation, considering she first broke the conditions.

The death of the Regent on 10th June 1560, led to a lull in the bitter strife. Huntly returned homeward, and on the 30th June there is a letter, in the handwriting of John Knox, sent by the Earl from Strathbogie to Sir William Cecil, thanking the latter for his labours in setting the realm at liberty, and declaring that he (the Earl) would be happy to do anything in his power for the queen's service in this realm. Although the Dowager is dead, the intrigues she had fostered "are still alive in these parts."* So far as Cecil was concerned, there was no danger of Huntly becoming lukewarm, for on 16th July he wrote begging him to bestow his wisdom and authority to preserve his country and join fast with the rest of the nobility in the just defence of their liberties, and to beware how, under pretence of fair offers by the French, to the persons next the Crown, he permits that their estate be undermined and overthrown.† The Earl did not attend the Parliament which overthrew Roman Catholicism in Scotland, for he was ill. The secret meetings of Lord James Stuart, Argyll, and Athol roused a suspicion in his mind that they had designs against him. These nobles entered into a secret league to "bridle the Earl of Huntly if he intend any mischief," their excuse being that they viewed with distrust his conduct in sending Captain Cullen to France.

Mary, Queen of Scots, after the death of her husband—the king of France—resolved to return to her own country, and already signs of the coming struggle for place were evident. Lord James Stuart was deputed by the Estates on a mission to Queen Mary, while at same time a secret convention of the catholic nobles, headed by the Earl of Huntly, sent an

* *Scottish State Papers (Elizabeth)*, vol. iv., No. 33.

† *Ibid.*, No. 84.

envoy to assure her of their fidelity. They entreated her to land at Aberdeen, where she would find a numerous force ready to protect, and convey her in triumph to Edinburgh. Before embarking, however, the young Queen addressed letters to the leading men in Scotland, urging upon them the duty of mutual forbearance and forgiveness. These letters possess a pathetic interest; they shew the good sense and moderation of the Queen, but they had little effect in allaying the evil passions aroused by the preaching of Knox and others.

Mary landed in her divided kingdom on the 20th August 1561; there were none of her nobles to receive her, for her arrival was unexpected. The Earl of Huntly came post with sixteen horses. For a few days all went well; there were public rejoicings at the return of the beautiful young Queen, who declared that her subjects had liberty of conscience, and that she would not interfere with the religion she found established in her country; she only claimed to exercise that liberty which she had so frankly conceded to them. The intolerance and bigotry created and fostered by the vehement tirades of Knox—a man whose character lacked the very elements of christianity—rendered the liberal intentions of the Queen of no avail. She was denied the freedom enjoyed by her people, and it was only the interference of Lord James Stuart which prevented the slaughter, before her eyes, of the priest who celebrated mass in her chapel. Huntly, too, on the occasion of her public entry into Edinburgh, prevented an indecent parody of the mass, in which the effigy of a priest was to have been burnt as he elevated the host.* As chancellor he was present at meetings of council, and while for politic reasons Mary did her utmost to restrain her co-religionists, so as not to give offence, he attended her loyally, and, when the edict against papists was issued by the magistrates of Edinburgh, declared that if she would sanction him in it, he would set up the mass again in three counties.† On the 22nd of December he was present at the convention at which was discussed questions affecting the ecclesiastical revenues; and a few days later was ordered by the Queen to put an end to the tumult which arose in Edinburgh between the friends of the Duke of Chatelherault and the Earl of Bothwell.‡ Lord James Stuart was created Earl of Mar by the Queen on 7th February, and Huntly

* *Tytler's History of Scotland*, vol. ii., p. 341. † *Caligula MSS. B 177 (British Museum)*.

‡ *Diurnal of Occurrents*, p. 70.

witnessed his contract of marriage with Lady Anne Keith, daughter of Earl Marischal.*

Queen Mary, early in 1562, expressed a wish to visit the north, and at Aberdeen the magistrates in January discussed the question of raising funds for the decoration of the town. Her visit, however, was postponed from time to time, in view of the negotiations for a meeting between her and Queen Elizabeth. This meeting was objected to by Huntly and others of his party, who were conversant with the intrigues of Lord James Stuart. The Earl at this time was treated coolly by the Queen, and, offended at this indifference, he retired to the north: pleading illness as an excuse for not attending the Court at the summons of his sovereign. It is not likely Mary would have treated the greatest noble in her realm in the manner she did were it not for her anxiety to conciliate the Protestant lords. Her chief adviser was her illegitimate brother, Lord James, whose importunities at length became so intolerable that, to be rid of him, she sent him to suppress the turbulent borderers, but not before he extracted a promise of the rich Earldom of Moray,† which was still held by Huntly. Lord James's conduct on the borders was characterised by strict justice; and, when he had fulfilled his task in this quarter, he, in return for the lavish kindness of his sister, countenanced Knox's bitter railings against her, spent his time in treasonable correspondence with Elizabeth of England, and, sad to relate, in traducing the fair fame of the Scots Queen. Having secretly acquired the grant of the Earldom of Moray, he regarded Huntly as his bitter enemy, and sought by every means to bring about his downfall. The opportunity was not long in coming.

In July of 1562 the quarrel between the Ogilvies of Findlater and the Gordons for the inheritance of Alexander Ogilvy of that Ilk reached a climax. John Gordon, third son of the Earl of Huntly, succeeded to the Ogilvy estates, through Ogilvy's own son being disinherited. There were two reasons for Ogilvy's action; they involve a dark story, which one may well hesitate to relate, and thus revive a long forgotten stain upon the fair name of the gallant race of Ogilvy. But the following was sufficient reason for disinheriting a scapegrace son, who:—"took purpos with certayn as ill conditioned as hymself to wayke his father and to put hym in a dark howse and ther to kepe hym wakyng untyl suche tyme as

* *Historical MSS. Commission Report, vi., p. 647.* † *Privy Seal Register, xxxi., 45.*

he became starke madde, and that beinge done thought to enter hymself into possession of the howse and lands. Thys beinge discovered and revealed and sure token given unto his father that thys wes trewe, he thought just caus to be given unto hym why hys son sholde not succeed, and having no other issue, by the perswasion of his wyfe (who was a Gordon) gave the whole lands unto John Gordon who after the decease of the said Finletter married her and so had right to the whole levying."*

Alexander Ogilvy of that Ilk and Findlater married Elizabeth Gordon, daughter of Adam Gordon, Dean of Caithness, third son of Alexander, first Earl of Huntly, and, on account of the conduct of his son, James of Cardell, he granted to John Gordon, third son of the Earl of Huntly, the barony of Ogilvy and Findlater, with the pertinents, reserving his own and wife's liferent. Gordon was to assume the name and arms of Ogilvy, and, failing his male issue, the succession was to devolve successively to his brothers, William, James, and Adam, with remainder to Sir Walter Ogilvy of Boyne, Sir Walter Ogilvy of Dunlugus, and James, Lord Ogilvy.† James Ogilvy of Cardell was in high favour with the late Queen Regent, who had tried in vain to arrange matters, believing that he was unjustly disinherited. In July 1562, the case was to come before the Courts, and Gordon being in Edinburgh met Lord Ogilvy in the street. A scuffle ensued, in which Lord Ogilvy was wounded, and Gordon was imprisoned by the Earl of Mar, he being requested by the Queen to take order in the matter. On the 25th July Gordon broke prison, and escaped‡—this incident bringing about the downfall of the family. Queen Mary having determined to make a journey to the north, reached Old Aberdeen on the 27th of August, as shown by an interesting letter from the English Ambassador who accompanied her:—

“The Quene in her progress is now come as farre as oolde aberdine the byschops seat, and whear also the universitie is, or at least one colledge wth xv or xvi scollers. It standeth w^hin one mile of the other w^{ch} men reporte to be more beautifull and much richer. The Quene's gr/ on her return maketh her enterie ther, and tarrieth xx days to stablysh good order in the countrie, and to punysh offenders as there are dyvers. The most parte of her noble men ar presently wth her, the Duke excepted with whome nowe she is well pleased, and the earle of marre

* *Scottish State Papers (Elizabeth)*, vii., No. 79. † *Registrum Magni Sigilli*, xxix., 265.

‡ *Scottish State Papers (Elizabeth)*, vol. vii., No. 67.

and he reconciled. The earle of Huntley is here not well in his princesse favo^r and how well that man doeth deserve your hon. knoweth by his upright dealings with all men that he hath to doe. The Quene wyll not yet graunt that she wyll go unto his howse though yt be w^hin 111 miles of her waye, and the fayrest in the countrie. That purpos of hers I knowe wyll be broken, for so her counsell fyndeth yt expedient. Her gr/ journey is cumbersome paynful and mervilous longe, the weather extreame fowle and colde, all victuall mervilous dere, and the corne that never lyke to come to rypeness. The state of religion remayneth as in my former lres I have wrytten. I never harde more earnest and vchement preachynge. Mr. Knox with the superintendent of Lodiay is gydden towards the west, and Mr. Goodman with the superintendent of Anguis towards the northe to visit the churches and to reforme the abuses wher they fyndeth caus.”*

The Countess of Huntly interceded at Aberdeen for her son, and was informed by the Queen that no favour would be shown to him unless he surrendered, and entered into ward at Stirling. This the Countess engaged he would do, and Sir John accordingly submitted, but only to find that his keeper was to be Lord Erskine, the uncle of Lord James Stuart, the false enemy of his family. Apprehending danger, he refused to entrust himself in the custody of Erskine, and sought refuge in one of his own castles. Queen Mary was perhaps inclined to treat Sir John with rigour on account of his conduct to his spouse, for within a month after his marriage he treated Elizabeth Gordon with neglect, and, because she would not resign her liferent, he locked her up in a close chamber, and “for the deliverance of her and the unjust dealings of John Gordon towards her mych controversie is rysen in thys countrie. One of the chief cawsis why he enterprised such things as he hath done, thinking that he shal be forced to put her to libertie and forego the lands as long as she liveth. This is one of the greatest controversies that is in these parts.”†

The Earl and Countess of Huntly invited Mary to visit them at Strathbogie, where they made great preparations for her reception. Through the evil reports of his enemies, she, believing that he was responsible for the misdeeds of his son, refused to honour him. The greatest favour she would grant was permission to Randolph to visit

* *Scottish State Papers (Elizabeth)*, vol. vii., No. 74.

† *Ibid.*, vol. vii., No. 79.

Strathbogie with the Earl of Argyll, of which visit the Ambassador wrote :—" His house is fayer best furnysched of anye house I have seen in this countrie, his cheer is mervilous greate, his mynde, then such as it appeared to us as ought to be in anye subject to his sovereign." At Rothiemay Mary was again pressed by Huntly to visit Strathbogie, but resolutely refused unless Sir John Gordon returned to his obedience. On arrival at Darnaway the Queen held a council, and summoned Sir John Gordon to render up his castles of Findlater and Auchindoun. She also formally invested her bastard brother—the author of all her troubles—in the Earldom of Moray; and on the following day proceeded to Inverness, but found the gates of the castle locked against her. Lord Gordon, its hereditary keeper, was with his father-in-law, the Duke of Chatelherault, and probably relying upon her paying a prolonged visit to his father at Strathbogie, had neglected to order her admission to the castle, thinking no doubt that she would be accompanied by the Earl. The place was held by Captain Alexander Gordon, who refused to open the gates until he received authority from his master. It is clear that the incident arose from the strict notions of duty entertained by Gordon, for it is absurd to suppose that treason was intended with a garrison of only twelve men! Early next morning the necessary authority being received, Captain Gordon instantly opened the gates, but suffered death with five others of the garrison for the insult given to his sovereign. The whole country was summoned to assist the Queen on the plea that she was in imminent danger from the Gordons, although the facts shew how grossly Mary was deceived. Her animosity to the Gordon chief was fostered by baseless stories of his intention to dispute her passage of the Spey, and the spies of Moray alarmed her with reports of the massing at dangerous points of great bodies of men, with the intention of attacking her. When, however, trustworthy scouts were sent out, they returned with intelligence that neither man nor horse was to be seen. On her way to Aberdeen she was refused admittance to Findlater Castle, which is not surprising, considering the arbitrary manner in which she dealt with the Castellan of Inverness. On her arrival at Aberdeen "she was honorabliye receaved and inaynie greate tokens of her welcome, and good mynde of her subjects—shewed as well in spectacles, plays interludes, and others as there coulde before devise. Thys whole Thursday she repose the

herself; her determination is to remayne here xl dayes at the least wthin what tyme she trustethe to put thys countrie in good quietnes. Her noble men remayne with her and mor daylie com. They presented her wth a cuppe of silver duble gylt, well wraught wth v^e crownes in yt, wyne roles and waxe as myght as wyll serve her for her beinge here.*

The citizens were not apparently unanimous in their tokens of goodwill; some of them did not contribute their share of the stent and taxation raised for the entertainment and the decoration of the town, and these "tint their freedom and were publicly denounced." The "arteilzarie" of the worthy Thomas Nicolson was borrowed to do her honour, and, while shot with "pudere in volie," several chambers burst, so that he had to be recompensed. Mary may have been gratified with her reception; she had, however, serious work in hand, as she was now determined on the subversion of the House of Gordon. Huntly had a cannon, at Strathbogie, "which stood alwayes in the middle of the courte a terrible syght to as many as entered the house or had at any time offended the Earl." She demanded the surrender of the cannon, and Huntly returned for answer that not only the cannon, which was her own, but also his body and goods were at her disposal. He considered it strange that he should be so hardly dealt with because he was not a party to the offence of his son, and offered to hazard his life in the capture of the castles of Findlater and Auchindoun did she only give him command to this effect. He desired these things to be reported to his "deere mistress and sovereign from her most humble and obedient subject as none more, nor never wolde be than he." The royal messenger, Captain Hay, was treated with every respect, and was desired by the Countess to inform Mary that Huntly was ever her obedient subject; but these declarations were treated with derision, and when the Earl sent the keys of the castles of Findlater and Auchindoun they would not be received, and the bearer was imprisoned. The Earl was commanded to present himself and his son before the Queen and Council at Aberdeen, but, while he refused to put himself in the power of his implacable enemies, he offered to surrender for trial by his peers in parliament. He sent his Countess to intercede with Mary, but she was not permitted to approach the sovereign. Maitland of Lethington—an avowed enemy of Huntly—writes thus about him:—"How it will fall out is yet uncertain and her

* *Scottish State Papers (Elizabeth), vol. vii., p. 77.*

majesty doth not intend to burden any innocent if the falt be his. It maye be thought to have proceeded from too greate simplicity, rather than any craft, or malice, specially by so many as have had experience how playnely, sincerely and uprightly he has always been accustomed to deal."*

Mary levied troops for the purpose of attacking Huntly in his stronghold of Strathbogie; and the Earl, although he made not the slightest preparation to resist, took every precaution to prevent capture by surprise, for, as the English ambassador records:—

"It was knowne for certayne to the Quene he never lay in his own house in the nyght, nor never two nyghts in one place, but always in the day he returned to hys own home. It was thocht easie enoughe then to tayke hym in the day, or at the least to fynd the meanes to keep hym in, if entrie sholde bee denied unto those that were fyrst sent thither wth comandment from the Quene unto himselfe to make patent his howse to those persones (the larde of Graynge and Tutor of Pitcur, and a dozen wth them,) to serche whether that John Gordon his sonne wer received ther or not. Thys beinge the coullor the chaarge was then to enter the house, or to have kept it that none sholde go forth. The L. of Cowdingham sholde follow with . . . horses, and after hym the footmen; either to have the house rendered and those that were within, or ther to have remayned untyl it myght have been taken by force. To the performance hereof such men were chosen as were thought most fitted. The L. of Graynge, the Tutor and his compaynie upon ffriday last the ix of this instant raise in the mornyng, tayke their horse in thys towne and intended to be at Strathboggie by xii of the clock beinge from here xxiiii myles. The L. John of Cowdinghame within ane hower after followethe with his x^l, and not long after him the M^r. of Lidesay wth the gentlemen of ffyfe to accompany the footmen.

"Bythe hower appointed Graynge and the Tutor arrive at Strathboggie, at what tyme the Earl hymself was in the house, and beinge fewe insyght was nothinge suspected nor knowne. Whyle he questioneth with the Porter and servants the Tutor rideth about the howse and garden which is a great space to keep that no man sholde escape at the back doore. In thys meantyme the Lord John sheweth hymself almost a myle from the howse wth his compaynie, who being discovered by one that watcheth

* *Scottish State Papers (Elizabeth)*, vol. vii., No. 80.

in the Tower gave the Earle such alarm that without boot or froorde (*sic*) with all speede conveyeth himselfe oute at a back gatt over a low wall from whear he took his horse before that the Tutor could get unto hym, and so rideth away in dyspyght of as many as followed, he being well horsed, the others having many of their horses tyred with the long journaye they had rydden the mornyng before. The way also was better knowne unto the Earle and these that were wth hym, beinge vii or ix in companyne thereunto. Yet thither were thei chased, as these men now report, above two myles, and had bene further if the horses had been good. Some were taken and brought back unto Strathboggie. The Ladie in this meantyme keepeth the howse, and at the return of those that followed the chace, setteth open the gates and doores, and maketh them such chere as she coulde. Some serche the howse but find no suspected person in it, nor any kinde of stuffe saving a fewe beddes and these of the worst sort that belong unto the howse. Her chappell remayneth alwayes garnished in such sorte as I did last wryte unto yo^r L. and beinge demanded why that place was not as well dysfurnyshed as the other she sayeth she was sure the Quene wolde not be offended wth that. Thys then havinge well refreshed themselves retorne home to the Quene with suche reporte as I have wryte unto yo^r h. the effect.*

Huntly's escape proved mortifying to his foes, and as he sought refuge in the fastnesses of Badenoch there was no chance of his speedy capture, unless betrayed by those in whom he trusted, "for there want in the hylands no good fellows to be instrumentes to any such purposes." Mary resolved upon rigorous measures, and was "utterlie determined to bring him to utter confusion." A body of troops, under Captain Stewart, sent to take possession of Findlater, were attacked and defeated on 21st October by Sir John Gordon, which so enraged the Queen that two days later the Gordons were put to the horn; the immediate surrender of Strathbogie was demanded—and refused. As a consequence all those who were at feud with the Earl—such as the Forbeses Mackintoshes and others, were set at liberty on condition that they attacked him. For his own protection Huntly assembled a considerable force, and rapidly advanced towards Aberdeen. He was met at Corrichie by the Earls of Moray and Athol at the head of two thousand men, and, notwithstanding their superiority in numbers, he assumed the

* *Scottish State Papers (Elizabeth)*, vol. vii., No. 82.

offensive, and put the vanguard to flight. This advantage proved of little avail, for his small force was surrounded; resistance was hopeless, and he, with his sons, John and Adam, surrendered. There is no evidence to shew that Huntly was choked in the crowd, as Buchanan states, or strangled by Moray's orders, as asserted by the Gordon historians; he died of apoplexy immediately after his capture, for Randolph, the English representative, states that "the Earl suddenly fell from his horse stark ded"; while another account is that he died from the effects of this fall.* Huntly's second surviving son, Sir John Gordon, was executed at Aberdeen under revolting circumstances, and buried in the chapel of St. Mary (where his remains were recently discovered), while Adam, the younger son, was spared, and a few years later became Mary's staunchest supporter.

The fall of the Gordons, though followed by the confiscation of their property, evidently deeply affected Mary, for Knox describes how for days she would not give a good word, or a blithe countenance, to any earnest favourers of the Earl of Moray.† Strathbogie was, however, plundered, and the beds of rich velvets, with ornaments and fringes of gold, and silver work, tapestry, and the vessels of gilded and coloured glass, were divided between her and Moray; it is said that the tapestry of Strathbogie was employed to deck the house of Kirk o' Field, where Darnley in later times met his fate. The lands of Findlater were granted to James Ogilvy,‡ and those who assisted Huntly were fined to the extent of £3542 6s. 8d.§

Huntly's body, which lay for some time in Aberdeen Tolbooth, was embalmed by Robert Henderson, a surgeon, who received £28 3s. 4d. for his labours.|| It was carried to Edinburgh in Patrick Hume's boat, the freight and carriage amounting to £10 14s.¶ The body lay unburied in Holyrood, and was brought on 28th May 1563, in a chest to the Tolbooth, and from thence into the Council Chamber, when sentence of forfeiture was passed by Parliament. The scene is thus described by an eye-witness:—"The coffin was sette upright, as if the Earle stode upon his feet, and upon it a pece of good black cloth with his armes fast pyuned. His accusation beinge redde his proctor answeringe for him, as if himself

* *Spanish State Papers (Elizabeth), 1558-1567, p. 270.*

† *Knox's History of the Reformation, vol. ii., p. 358.*

‡ *Registrum Magui Sigilli, xxx., 388.*

§ *Treasurer's Accounts.*

|| *Ibid.*

¶ *Ibid.*

had been alyve, the inquest was impanellede. The verdict was given that he was found giltie and judgment given thereupon as by the law is accustomed. Immediatlie hereupon the good cloth that honged over the coffin was taken away, and in its place a worce hanged on, the armes torn in peces in sight of the people, and likewise stroken oute of the herauldes booke."* Against the sentence the Countess of Huntly protested, and desired the assistance of a man of law. The Earl's remains lay in Holyrood until 21st April 1566, when they were brought to Strathbogie, and interred at Elgin.

By Elizabeth Keith the Earl of Huntly had nine sons and three daughters :—

- I. Alexander, Lord Gordon. On 8th August 1552, he had a charter under the Great Seal of the lands forfeited by William Mackintosh of that ilk ; and on 18th September same year had a grant of the lands of Petty, Brachlie, and others, which belonged to James, Earl of Moray.† He married Lady Barbara Hamilton, daughter of the Regent Arran (afterwards Duke of Chatelherault), in February 1550, and died in 1552, without issue. His relict, who life-rented the lordship of Badenoch, married James, Lord Fleming, and in 1553 she conveyed the profits and rents of the lordship to her sister Jane, who was to marry George, Lord Gordon.‡
- II. George, afterwards 5th Earl of Huntly.
- III. John Gordon of Findlater and Auchindoun. He assumed the name of Ogilvy on his adoption as successor to Alexander Ogilvy of Findlater, and was one of those knighted on the occasion of the marriage of Lord James Stuart with the daughter of Earl Marischal. He married Elizabeth Gordon,§ relict of Alexander Ogilvy of Findlater, and was executed at Aberdeen in November 1562.
- IV. William, who died at Paris.
- V. James, a celebrated Jesuit, who was educated at Rome, and for fifty years was Professor of Hebrew and Divinity at Paris, Bordeaux, Rome, and other continental centres of learning. He

* *Rutland MSS. at Belvoir.*

‡ *Hamilton Papers.*

† *Registrum Magni Sigilli, xxx., 752, 763.*

§ *Register of Privy Council, vol. i., p. 219.*

acquired a great reputation, and was twice imprisoned for his zeal in making converts while a missionary in Scotland. He died at Paris in 1620, aged 77.

VI. Sir Adam Gordon of Auchindoun and Gartly. He died at Perth 2nd December 1580, and was buried there near the grave of the third Earl of Huntly.

VII. Sir Patrick succeeded his brother Adam in Auchindoun and Gartly. He married Agnes Beton, and was killed at Glenlivat 3rd October 1594*.

VIII. Robert of Creichie, killed accidentally 25th April 1572.†

IX. Thomas. He married Margaret (daughter of John, Earl of Sutherland), the relict of the laird of Innes.

1. Elizabeth married John, Earl of Athol, and had a charter of Balvenie on 26th May 1547.‡
2. Margaret married John, Lord Forbes, while her father was in captivity in England.§ She was the only Gordon to whom Knox ever referred in flattering terms, and her repudiation by Forbes (who then married Janet, daughter of James Seton of Touch,) was one of the causes which embittered the feud between the Gordons and Forbesees.
3. Jean married 1st, James, Earl of Bothwell; 2ndly, Alexander, Earl of Sutherland; 3rdly, Alexander Ogilvy of Boyne.

* *P.* 123.

‡ *Registrum Magni Sigilli*, xxx., 240.

† *Douglas Peerage*, i., 647; *Bannatyne's Journal*, &c. § *Miscellany of Spalding Club*, iv., p. 150.

GEORGE, 5th EARL OF HUNTLY. LADY ANNA HAMILTON.

George, 4th Earl of Huntly, on 13th July 1549, granted the lands of Strathaven and others to his second son George, who had also papal confirmation of a charter by James Betoun, abbot of Arbroath, of the lands of Monkshill and others. Alexander, Lord Gordon, having died in 1552, George, his younger brother, succeeded to the title, and had a charter of the lands of Glenloy (forfeited by the laird of Mackintosh in 1550) on 11th August 1553. Three years later he was appointed Sheriff of Inverness, and keeper of its castle. He married his sister-in-law Anna Hamilton, third daughter of the Duke of Chatelherault, and on 24th March 1558, he and his spouse had a charter of the lands and lordship of Badenoch.*

When his father and brothers, for their own protection, took up arms in 1562, he was living quietly among his wife's kinsfolk the Hamiltons, but was included in the doom of forfeiture pronounced against the family. The Duke of Chatelherault was charged to deliver him up, and at two o'clock in the afternoon of 28th November he was seized in the Duke's lodging, in the Kirk o' field wynd, and imprisoned in Edinburgh castle.† On the 8th of February 1563, he was tried and convicted of treason, and three days later was sent in "free ward" to the castle of Dunbar, a circumstance which throws suspicion upon the story told by Sir Robert Gordon as to an attempt made by the Earl of Moray to secure his execution. He was ordered to attend the Parliament in the following May, to hear sentence of forfeiture passed upon his father's body, and was again sent to Dunbar, where he remained until Queen Mary's marriage with Darnley. On the 3rd of August 1565, proclamation was made at the Market Cross of Edinburgh that the horning against him was relaxed; he had liberty to go where he pleased. Two days later he presented himself before the King and Queen, and "wes gentilly intertenyt be thame."‡

* *Registrum Magni Sigilli*, xxxii., 316.

† *Diurnal of Occurrents*, p. 75.

‡ *Ibid.*, p. 80.

The marriage of Queen Mary had been a subject of discussion ever since her return to her own country. Considering that she was nearest heir to the English throne, she consented to be advised by Queen Elizabeth in her selection of a husband, and was apparently unconscious of the secret intrigues between her ministers and those of the English Queen. Maitland of Lethington had an interview with the latter in London in 1564, but "her words were so obscure or his wit was so dull that he could not fully conceive her intent." Elizabeth and her ministers eagerly desired the return of the Earl of Lennox to Scotland (for reasons which will appear later), though wishing that overtures to this effect should proceed from Scotland. The willingness of the Scots Queen to receive her banished kinsman was unexpected by Elizabeth, who to serve her own purposes made a show of retaining the Earl. He returned however to Scotland in 1564, and, being graciously received by the Queen, rumours immediately began to circulate of an intended marriage between Mary and his son Lord Darnley—a consummation devoutly wished for by the latter's mother. Elizabeth's rapacious ministers made a futile attempt to extract bribes from the Countess of Lennox as the price of granting permission to Darnley to return to Scotland, although his presence there was essential to the success of their plot. They calculated that if they pressed the high-spirited Scots Queen with the insulting offer of Elizabeth's dissolute lover Lord Dudley—of "spotted blood"—she, out of sheer pique, would throw herself into the arms of Darnley—the "light, inconsiderate, lady-faced youth," who was sent into Scotland to bring about her ruin. Even Moray and Lethington hesitated before embarking in the cruel and dangerous scheme, and protested that unless they had definite assurance of English assistance, "Cecil must not find it strange if they change their deliberations and seek to save themselves as best they can."*

Queen Mary fell into the trap prepared for her; Dudley was pressed upon her with such persistency that she declared she would marry none other than Darnley. Moray, Lethington and Queen Elizabeth affected opposition to the Darnley marriage, and gave Mary mortal offence; Moray then sided with those who were against the marriage on religious grounds, and was denounced a rebel by proclamation on the 6th of August 1565; his defection being counter-

* *Scottish State Papers (Elizabeth)*, vol. ix., No. 73.

balanced by the opportune restoration of the Earl of Huntly to his titles and dignities and to the lordship of Gordon on 28th of same month. On the 8th October following Huntly was by proclamation restored to all the lands held by his father, and at same time to the full enjoyment of the family titles ;*—facts of the utmost importance, considering the groundless insinuations of Hill Burton and Froude regarding the Earl's subsequent conduct.

Moray's rebellion was a farce, but it being inconvenient that he should longer possess the royal castle of Inverness, which he held since 1562, Mary and Darnley wrote to Hugh Rose of Kilravock to take and hold it, and by the end of October Kilravock was ordered to deliver it to the Earl of Huntly. The latter's restitution was exceedingly popular in the north, and when he sent the fiery cross to summon his vassals to the Queen's assistance, upwards of 6000 men obeyed his call. He commanded the rearguard of the army which advanced against Moray and the confederate lords, who never made a stand, and were forced to seek protection with Elizabeth of England.

In February 1566, Huntly refused to attend mass, and on 24th of same month his sister Jean was married to the Earl of Bothwell in the "abbey of Holyrood, with great nobilitie and magnificense."† The contract of marriage between the parties, dated at Edinburgh 9th February, shews that it proceeded with consent of Huntly and his mother, as also of Queen Mary. Bothwell became bound to marry Lady Jean before the first of March, and to infest her in various lands of his Earldom ; her tocher, amounting to twelve thousand marks, was to be devoted to paying off the creditors, who held the lands which were to be her jointure.‡ As she and Bothwell were within the forbidden degrees—Margaret, daughter of the second Earl of Huntly, having been Countess of Bothwell—a dispensation became necessary ; it was duly procured from John Hamilton, Archbishop of St. Andrews, on 17th February 1566, at the Monastery of Paisley.§ Queen Mary took great interest in the marriage ; she signed the contract, and gave the bride a wedding dress of cloth of silver.

* *Diurnal of Occurrents*, pp. 81-4, and *Registrum Magni Sigilli*, xxxvii., 133.

† *Diurnal of Occurrents*, p. 88.

‡ *Register of Deeds (General Register House)*, vol. viii., fol. 532.

§ "*The Lennox*," vol. i., p. xxxix.

Darnley after his marriage became so arrogant and licentious that frequent quarrels arose between him and the Queen. He had already alienated the bulk of the nobility, including his own father; and, with his suspicious nature, conceived the greatest hatred of Rizzio—the Queen's Italian Secretary. The confederate lords were well aware that unless Rizzio was "removed," their doom was sealed; they would inevitably be forfeited in the ensuing Parliament, and in desperation therefore they determined that the poor Italian, for whose blood even Knox thirsted, should be murdered, and the principal conspirator should be Darnley. Their emissaries kindled and fomented the latter's fierce jealousy, and he applied to his kinsmen Lord Ruthven and George Douglas, who undertook to carry out his designs, provided he agreed to the restoration of the banished lords. Negotiations were entered into with Moray and Morton; Darnley granted a bond of security, and the confederate lords crossed the borders; everything was in readiness for the foul deed.

Knox preached a sermon which roused expectation, and on the evening of Saturday, 9th March, while Huntly and Bothwell were in their chambers in Holyrood, they were startled by the Douglas war cry. The dread slogan rang through the courtyard of the palace, as Ruthven and his associates dragged their victim from the presence of their sovereign, and ruthlessly dispatched him on the staircase. The Earls of Huntly, Athol and Bothwell, who in alarm broke through the windows of their rooms at the head of a few followers, engaged in a sharp conflict with the party of Morton. When Ruthven acquainted them with the success of the enterprise they seemed satisfied, but fled from the palace when informed of the return of Moray. A few days later Huntly was made chancellor in place of Morton* (who was forced to fly for his part in the vile act which Knox deemed worthy of all praise), and a strenuous attempt was made to reconcile him with Moray—the latter being restored to favour, as the Queen was kept in ignorance of his complicity in the plot. Darnley next betrayed his fellow conspirators, and fled with the Queen to Dunbar, where they were joined by Huntly, who was reconciled to Moray during the festivities which attended the birth of Prince James. Huntly accompanied the Queen on her visit to Jedburgh, and was present with the lords of the party at the conference at Craigmillar in December,

* *Diurnal of Occurrents*, p. 96.

when they pressed her to divorce her husband—to which she would not consent.* He attended the banquet on the occasion of the baptism of Prince James, although, strange to say, he and Bothwell considered it against the points of their religion to enter the chapel.†

Darnley soon realized the bitter consequences of having betrayed his unscrupulous associates, and, apprehensive of danger, he lived in sullen retirement. The mystery surrounding his tragic death in February 1567, was never clearly solved—for the confessions of some of the conspirators shew that he fell a victim to the resentment of three separate cliques,—but there were few who mourned his fate. Suspicion implicated Bothwell, the “mischievous volter,” who was destined to breed great trouble in Scotland, and his acquittal of the murder did not meet with popular approval, though none dared openly oppose the powerful border chief.

Queen Mary, a few days after the death of her husband, left Huntly and Bothwell in charge of Prince James at Holyrood, while she paid a brief visit to Seton. On the 19th March she desired Huntly to escort the young Prince to Stirling. The Earl was present in the Parliament which assembled in April, when the forfeiture of his titles, which had been withdrawn by proclamation in October of 1565, was formally reduced by the estates. The fact is worthy of attention, for historians, who ought to have known better, have not hesitated to perpetuate the groundless insinuation that the reduction of the forfeiture was the bribe for consenting to his sister's divorce. As already shewn, Huntly was restored to his lands and titles by proclamation in October 1565—several months *before his sister married!*

Early in February 1567, the Countess of Bothwell was seized with illness, which towards the close of the month led her friends to despair of her life.‡ Her husband's profligate conduct rendered her so unhappy that on her recovery she determined to divorce him, and, although her intentions were rumoured early in March, it was only on the 29th of that month that Huntly consented to her proceedings.§ Bothwell's divorce (on the ground of infidelity with Janet Betoun, wife of Walter Scott of Buccleuch the divorced wife of Simon Prestoun of Craigmillar, and the heroine of the “Lay of the Last Minstrel”), had thus been current gossip for a considerable time, and on the 19th

* *Caligula MSS., C i., fol. 287.*

‡ *Border MSS., 1567, Bundle 12, P.R.O.*

† *Diurnal of Occurrents, p. 104.*

§ *Ibid.*

April it is alleged that a party of nobles, including Moray, Morton, Argyll, Huntly, and Lethington, signed a bond recommending him as a husband for the Queen—a position to which his overweening vanity led him to aspire. From the attendant circumstances there is no reason to believe that Huntly was a party to this discreditable intrigue; it is obvious his name was used to influence the others. Lady Bothwell determined, on the 24th April, to proceed immediately with the divorce, and certain it is her process was formally lodged two days later, and on the following day—forty-eight hours after his abduction of the Queen—Bothwell also entered a process for divorce, founding on relationship within the forbidden degrees; Lady Jean, heartily disgusted with his vagaries, and desirous of being rid of as “naughty a man as liveth, and much given to the most detestable vices,” suppressed the dispensation of 17th February 1566, because its production would have bound her to him for life. The knowledge of Lady Jean’s proceedings no doubt emboldened Bothwell to carry out his *coup d’état*, and it is equally certain that his and Mary’s enemies lured him on to crime and ruin; the English agents being in a state of expectation, as the intended abduction was reported to them ere it was carried out.* Queen Mary, Huntly, Lethington, and Melville, were intercepted by Bothwell on 24th April when returning from Stirling, and brought by force to Dunbar Castle. An attempt was made to bring the citizens of Edinburgh to the rescue, but they dared not attack the troops of Bothwell, and, in Mary’s own pathetic words, “she never saw any hope of being rid of him, never man in Scotland making any mean to procure our deliverance.”

Lady Jean Gordon’s divorce from Bothwell because of his infidelity with Bessie Crawford was pronounced on 3rd May,† and on the 6th he brought the Queen and her friends under guard to Edinburgh, where six days later proclamation was made of the fatal marriage into which she was coerced by the action of the rebel clique who afterwards so bitterly persecuted her. The ceremony was attended by none of the nobility, save those who were Bothwell’s prisoners; there was neither pastime nor pleasure; the Queen, most unhappy at her hopeless and helpless condition, bore palpable evidence of the terrible strain she had undergone, for people declared she was the “most changed woman of

* *Border MSS.*, 1567, Bundle 13.

† *Diurnal of Occurrents*, p. 110.

face that in so little time, without extremity of sickness, they had seen."* Huntly, after the Queen's marriage, secretly joined the ranks of her opponents: he pleaded so persistently for permission to retire to the north that he was jealously guarded, although taking part in her councils; and when his suit for liberty was renewed, Mary, realising her isolation, bitterly reproached him, declaring he had designs to act after the manner of his father. The Lords at length decided upon action: they unfurled their banners when too late, for by their apathy the Queen had become resigned to her fate. They issued proclamation after proclamation about the ravishment of the Queen's most noble person; they charged Bothwell with putting violent hands upon the sovereign; abducting her by force and retaining her a prisoner, surrounded by men of war; forcing her when defenceless—destitute of council and servants—by unlawful means into an dishonest marriage with himself.† For months in these terms public notices were issued by Morton, Mar, Glencairn, Home, and Ruthven.

On 11th June, Kirkaldy of Grange, Morton, and Lindsay, under pretence of relieving the Queen, made a night march to Borthwick Castle, surrounded the place, demanding the surrender of Bothwell,‡ and he who professed to be ever chivalrous and by her side in hour of need, escaped to Dunbar. He left the Queen to whatever fate befell, and she, terrified at the execrations hurled against her, two days later, by sliding down a wall thirty feet high, endeavoured in male attire to reach Edinburgh, but floundered throughout the night in the morrasses surrounding Borthwick, to find herself at break of day once more in the power of Bothwell. Meantime the Earl of Huntly and some of the Hamiltons, hearing of Bothwell's flight and the investment of the Queen, endeavoured to raise a force for her rescue. They were compelled to seek refuge in Edinburgh Castle, whence they escaped to Linlithgow, where the Hamiltons gathered on 17th June to find their Queen a prisoner.

Bothwell raised his vassals, and with the Queen confronted the confederates at Carberry Hill. Du Croc, the French Ambassador, vainly attempted a mediation, and Mary desired the presence of the knight of Grange—then her bitter foe. Stern and unflinching in what he conceived his duty, Kirkaldy reasoned with Mary, ultimately inducing her to place

* *Border MSS., Bundle 14.*

† *Register of Privy Council, vol. i., pp. 519-520-2.*

‡ *Birre's Diary, p. 9.*

herself in the hands of the Lords, who would from that moment obey her as their sovereign; but they deceived both him and her.

Mary's surrender on Carberry Hill placed her in the power of the most unscrupulous of her nobles. Dead to every sense of honour and chivalry, they led their luckless sovereign a prisoner through the narrow streets of Edinburgh, exposed to the coarse invectives and railings of the scum of the city. She suffered humiliation at every hand; the insults of the rabble were intolerable; she could only protest her innocence of the vile charges levelled against her. No one dared to defend her; she was doomed to imprisonment in the island fortress of Lochleven, of which the chatelaine was Lady Margaret Erskine (mother of the Earl of Moray), whose conduct even exceeded the ruffianly treatment of the fierce Lords Lindsay and Ruthven. On 29th June, the Earls of Huntly and Argyll, with many others, entered into a bond at Dumbarton to use all reasonable means to secure her liberty, the honour and commonweal of the realm, at same time providing for the safety of the noblemen who had her in keeping.* Nothing came of these resolutions; the Hamiltons cared but little for the release of Mary; Argyll and Huntly soon retired to their own countries.

Moray's return from France in August led to a definite policy; passing through England, he had an interview with Elizabeth, who deceitfully strove to convince poor Mary that she had no more faithful or honourable servant in Scotland than her brother;—an unpleasant record of history, for Moray got his Queen into the toils, and then left her to her fate. A fortnight before Moray's return, Prince James of Scotland was crowned at Stirling, and on following day the Earl of Huntly was discharged of the Lieutenantcy of the North.†

Although right glad to accept the regency, Moray made a shew of refusing it, and his first interview with Mary was such as might be expected of one fresh from the influence of Elizabeth. He overwhelmed his unfortunate victim with reproaches for the marriage—to which he is said to have previously given his consent,—and he used language “which was lyk to brck her hart.”‡ Mary in her acute distress implored him to accept the regency. She was forced to abdicate, and one of the Regent's first acts was to order the seals used by her to be broken. Huntly was in

* *Scottish State Papers*, vol. xiii., No. 79. † *Register of Privy Council*, vol. i., p. 543.

‡ *Melville Memoirs*, p. 194.

possession of two of them—one of silver, the other of tin—these the Lords charged him to deliver up, a summons which he obeyed, and on 16th December was present in Parliament, when he bore the sceptre, and a few days later delivered up the seals.* He was pardoned by the Regent for all offences committed since 10th June, and in the following February was ordered, as Sheriff of Aberdeen, to prevent the theft of lead from the Cathedrals of Elgin and Aberdeen.

What part, if any, Huntly took at this time in schemes for the liberation of his sovereign is unknown. He rejected the matrimonial alliance which Moray proposed between his daughter and Lord Gordon, and remained in the north until the news arrived of Mary's escape from Lochleven, when, hastily assembling his vassals, he marched to her assistance, for which he was bitterly reproached by the Countess of Moray, evidently at the instigation of her husband.

Moray had always declared that he was powerless to relieve his sister from the confinement inflicted by the Lords. Her romantic escape from Lochleven on 2nd May 1568, was, considering his professions, an opportunity to shew his good faith and gratitude for the lavish kindness she had bestowed on him. He knew full well that her abdication was the result of compulsion, and, had he possessed a jot of honour, he would have hastened to befriend her. But neither gratitude nor honour ever found place in his bosom. He had played a deep and subtle game, and was not now to lose his advantage by nicety of feelings. The mask which had hitherto concealed his designs was thrown aside, and, working upon the Queen's well known horror of bloodshed, he dallied with her until his forces assembled, and then, ere the loyalists of the north could render aid, he attacked and defeated her troops at Langside.

Mary, lured by the false promises of Elizabeth, formed the fatal resolution of seeking safety in the country of her deadliest foe, thus rendering fruitless the efforts of her friends. Huntly and Argyll held out, and the former wrote the following letter to Argyll:—

"My Lord efter maist hartlie comendations hes ressauit zo^r /L/ writtinge and thankis you maist hartlie of zo^r /L/ advertisement, als zo sall understand that this cuntry men maks greit deficultie be resone thai se bot ane authoritie standand, (in respect of the quhilk) I intend to pas to abardene god willinge, schortlie, and ther to p'clame the quenis gr/ authoritie and

* *Register of Privy Council, vol. i., p. 598.*

sall set the samyn fordwart sa far as I may prayinge zo^r /L/ maist earnestlie to address the haill westland seik as Cassils, Lochinvar, and the rest of the nobillmen ther, that giff the Earle of Murray haif ony follis in that pttis in inwaid this cuntray men, that thai wald be reddie to persew tham sway that ilk cuntray may haif mistar and continew to hald and stay ther follis fra coming fordwart for ther owin relieff, for aif we hald tham walkand on erilk syd thai wil no^t wit q^t art to turne tham into, and for my owin pt I sal doe q^t lyis in me to ther tottirine. Prayand zo^r L/ to mak erilk nobill man on thir quhesxion pttey of the samyn as I trest ye will. My Lord giff wher ani is inwaidit the rest behaldis the maittar thais no^t weill and giff we all serff at ains trewlie the Erle of Murray will fynd his handis full, therfor I wald all o^r pttis war ane and quhen ani is p[']sewit latt the rest p[']sew in thair rearis qlk I sall do for my pt. Mo^r o^r ressarvinge the rest to farder advertisment as occasioun sarffis, and sway committis zo^r L/ to god. Att huntlie the xxi day of Jully."*

Although Mary was closely guarded, the news of the struggle reached her. On 10th August she wrote to Huntly encouraging him to persevere in her cause. Towards the close of the month her partisans met with a repulse, and she again wrote to Huntly evincing great anxiety at the news, and tried to stimulate him and her friends with hope of French aid. †

The Earl for several months "played the king, holding Justice Courts; heading and hanging who will not obey him as Lieutenant under the Queen's authority, and raising taxations in the country." ‡ An interesting letter from him to Mary was intercepted, and is now among the Morton Papers—wherein he informs the Queen of all that he had done on her behalf. Aberdeen and the north was at her devotion; he tells of the capture and siege of the bishop of Ross's house by Moray's partisans, and its recovery within twenty-four hours by the Tutor of Lovat, and would have informed her sooner of his proceedings but for the evil weather. §

It would be foreign to these memoirs to enter in detail into the cruel farce, enacted at York Westminster and Hampton, designated

* Original, *Caligula MSS.*, B viii., fol. 263, in *Brit. Mus.* ‡ *Cecil Papers at Hatfield.*

† *Miscellany of Spalding Club*, vol. iii., pp. 211-2. § *Registrum Honoris de Morton*, p. 39.

the trial of Queen Mary, although insinuations were made against the Earl of Huntly. Around Mary's career and fascinating personality there has for centuries raged keen and passionate controversy. Little wonder, indeed, when it is considered that she was born amid the clang of battle, and reared in an atmosphere of strife: two kingdoms contending for her custody and disposal in marriage. As legitimate heir to the English Crown she was, during her sojourn in France, subjected to a despicable espionage, and when she courageously returned to her own country she found it distracted by English intrigues, and torn by religious dissension. She stood alone with a romantic trust in the people; her nearest kin and servants were but spies in the pay of England, yet by moderation and good sense she baffled the schemes of her enemies, and restored her country to quietness in spite of the virulent bigotry and vehement preaching of the Reformers, whose hatred she incurred because of her toleration and lack of hypocrisy. Her unfortunate alliance with Darnley and his tragic death, were but incidents in the deep laid plots, culminating in her compulsory marriage with Bothwell; while her dethronement and defamation were indeed a fitting climax to that long course of base conspiracy in which her cousin of England and the Earl of Moray and his partisans engaged. She was surrounded by men whose deeds have writ the blackest page in Scottish history—men without a redeeming feature in characters permeated by vilest treachery—who scrupled not at murder to achieve their purposes. To justify the proceedings against the Queen of Scots, a fugitive from her country, and an English prisoner, they, after the lapse of many months, made insinuations against her which were in direct contradiction to the tenor of all their previous enactments. It is a tremendous strain on human credulity to believe that men like Moray and Morton were all along possessed, as they alleged, of such damning evidence of Mary's guilt as they now exhibited. It was only when their insinuations failed to impress the Convention at York that they brought forward to support their assertions the crowning effort of their infamy—the casket letters. The lying of Morton in regard to them, the secret and hap-hazard manner of their production, after the judicial murder of Darglish, together with Moray's urgent demand whether judgment would be pronounced—all tend to throw suspicion upon the authenticity of those incoherent, interpolated documents, which were deemed sufficient to defame the fairest of Scotland's

Queens, and brand her as an adulteress and murderess. Hitherto, as a sovereign, Mary felt she would demean herself by pleading against the charges of her subjects, unless they stood in manacles. "I am no equal of theirs," she wrote, "and I would sooner die than so, by act of mine, declare myself." From beginning to the end of the investigation Mary was deceived—misled into a belief that it was the traitors who deposed her who were to be tried for their rebellion, whereas she herself was arraigned. Against such insidious methods, in her anxiety to preserve her fair fame, she not only protested, but took her stand as would a high-spirited traduced woman, and desired to defend herself in person face to face with her accusers. Her request was not granted; neither was she, or her commissioners, permitted to see the letters, or copies thereof, upon which the charges were founded.

It was never part of Elizabeth's intention that Mary of Scotland should get liberty or justice, and the latter's blind faith in her cousin is as remarkable as it is pathetic. She was soon to be undeceived, for Elizabeth, not content with her imprisonment, desired possession of the young Prince of Scotland.* The fact came to Mary's knowledge, and, realising the gross deception of the woman in whose power she had placed herself, she informed her friends of the circumstances. A damaging rumour rose up in Scotland; the position of the absent Regent became seriously affected, so Elizabeth issued a proclamation on the borders, declaring the whole story a malicious slander.† Had not Mary's letters been intercepted the consequences might have been startling, for she addressed her powerful adherents, laying bare the whole intrigue, and desired them to muster their forces to prevent the return of Moray and his associates to Scotland.‡ The intercepted letters enabled Moray to thwart his sister's intentions; Mary's friends on his representation were not permitted to return to Scotland until he had made himself secure.

The bad faith of Elizabeth became too obvious, and after protesting that all that had been done to the prejudice of the honour of their sovereign was null and void, the Scots Commissioners withdrew from the convention. The accusation against Mary of complicity in the murder of her husband was to a certain extent founded upon what passed at the meeting between her and the nobles at Craigmillar

* *Cecil Papers at Hatfield.* † *Haynes' State Papers, p. 500.* ‡ *Ibid., p. 503.*

in 1566, when they desired her to divorce Darnley—which she would not hear of. The Earls of Huntly and Argyll, who were then present, made a declaration as to what passed. Mary now desired to accuse Moray and Lethington of the murder, and anxious to have the deed duly sealed and signed by the Earls in legal form, she wrote to Huntly in these terms:—

“Richt traist counsigne and counsalor we greit zow weill. We haif ressavit zour letter be the berar herof daitit the 3 of this last moneth, and hes considerit the samen. No^whstanding that we haif writene to zow laitlie anent the estait of o^r affairis sa amplie as we war informit thair of, yitt this pñt is to schaw zow that my lord boyd, o^r traist counsigne and counsalor (quha arrivit heir from the court the xxvii the said moneth) hes declarit to us how o^r rebellis hes done the most thai could to haif dishonerit us, qlk (thankis to god) this no^t in thair power, bot be thair expectation found thameselffis disappoynted of that they lookit for. Thai procurir now to seik appoyntment bot, albeit we be no^t of sic nato^r as thais that forgevis never, no^t the less we sal caus thame acknowlege thair foolishness, and the said Quene o^r gud sister and hir counsell know thair fals inventions and offensis, practisit agains us, to cullo^r thair trahisouns and wicket usurpation. Swa that it shall be manifest to all the world quhat men thai ar to o^r hono^r, and contentment of o^r fay⁴ful subjectis. For (praysit be god) oure friendis increis and thairis decresis daylie.

“Ze sal ressaif ane lettre be this beirar to be subscrivrit be zow and o^r counsigne the erle of Argyll qlk is maid be my Lord boydis adwyse conforme to the Declaratioun zow maid to o^r traist counsellor the bischop of Ross, hie knowing your deliberatioun and will thairintill. And albeit we know there is na neid to use ony persuasion toward zow q^rthrow ze maye be drevin to that q^rintill ze can haif nathing bot reputatioun and hono^r, and seing it is for your just defence calominat be the unfay⁴fulnes and trahisoun of o^r rebellis, yitt we thought gud to write unto zow this pñt. Praying yow to schaw that the vertew qlk is in zow, and equitie of o^r caus maye no^t induce o^r adversares and zo^rs to use sic braging (qlk be the fay⁴ful report of o^r commissiouners and utheris that ar in the court of Inglande) ze maye understand thai mak aganis us and zow twa amangis the rest of o^r fay⁴ful subiectis. As to o^r pairt we are resalut no^t to spair thame in setting the veritie to their levis. And hoipis (w^h the grace of

god) and equitie of o^r caus that all qlk thai haif allegit aganis us, shal fynd the samen to thair awin schame and confusioun. We refer to zour discretioun to eik and pair the said lre as z^e sall think best and extendit in sic forme as ze sall think maist necessar. Praying zow to send us the samen agane subscreant and seillit the soonest ye maye, to the effect it maye be productit togidder w^h the rest of the accusatiouns qlk we intend to gif in aganis o^r trators. Ze sal als ressaif ane copie of the Quene o^r sesteris ans^r to o^r commissioners proclamatioun qlk ze maye consider.

"Mairator we haif understand that ze ar to change the provost of elgin qlk we wish and press zow no^t to do bot reteine him quha is in the samen office alreaddie sa lang as he remains faytful and constant to us, swa that ther be na other putt in place as ze will do us plesour and report o^r thankis thairanent. Referring the rest to the beirar, quha ye will credit, remittis zow to the protectioun of god almichtie Off Bowtun the 6 of Januar 156[9].

"Zour richt gud cusigne and assured friend

"Maria R."*

Mary's letter possesses a touching interest ; it shews that readiness to forgive which was one of the most remarkable traits in the Stuart race, and it proves that Moray, when his vile insinuations failed, actually had the audacity to propose terms to the sister he had so effectually ruined. It was also characteristic of Mary, whose constancy in friendship was proverbial, that even amid her great troubles and distress she could remember and plead for the provost of her petty burgh of Elgin.

Neither letter nor deed reached their destination. The watchful Lord Hunsdon noticed that Huntly's servant, Thomas Kerr (son of George Kerr, the hero of the escape from Morpeth), and Robson, the guide, were strangers to the Berwick route, and on their return from Bolton acted so suspiciously, by trying to get to Scotland by another road, that he caused them to be arrested. On Kerr were found the Queen of Scots letter to Huntly, as well as the unsigned declaration wherein the Earls were to maintain by combat that Moray and Lethington were the contrivers of the king's murder. These deeds were triumphantly sent on to Cecil on 10th January, and Moray, who had not yet left England, was confronted with the declaration. He subscribed, on 19th January, a deed for exhibition at the conference refuting the charge, declaring on his conscience that he

* *Original, Caligula MSS., C i., fol. 285, in British Museum.*

never signed any bonds for the king's murder as alleged; it was customary, he said, for his enemies to backbite.*

Towards the close of January the Earls of Huntly and Argyll went to Glasgow and made proclamation that all men between 16 and 60 should be ready, at an hour's warning, with 20 days' victual, to resist the Earl of Moray and their ancient enemies the English.† The arrest of Kerr without doubt averted a crisis which would have changed the history of Scotland. Moray and Elizabeth recognised the danger: the former by his hasty departure and his profuse gratitude for the border proclamation, which was as "medicine timeously ministered," as well as through his urgent requests that Lords Herries, Boyd, and the Bishop of Ross should be detained, as it would do great good. Elizabeth shewed her fear by the frantic excitement with which she commanded the immediate removal of Mary from Bolton to Tutbury, and her stringent orders that no Scot was, on any pretext, to be allowed to enter or leave her kingdom. Thus were poor Mary's friends deprived of communication with her at a supreme crisis, and through evil destiny her opportunity was lost. The Earl of Huntly was still active in her cause, and managed to inform her that he was getting bonds signed by the northern lairds, who undertook to rise and assist him with their utmost power so soon as he would receive license from the Queen.‡ The exaction of these bonds had been rendered illegal by Act of Parliament, and consequently the captive Queen, for the Earl's protection, granted and signed the following warrant, which was also intercepted:—

"Regina—We understandinge the trew and faithful service done unto us be oʳ cusinge George erle of huntlie lord gordon and badzenot, and that he is villinge in oʳ service, as we have ado, til bestow his bands on dyvers of oʳ subjects, and for the mair securitie resavis and gives bands of manrent and maintenance. And becaus the geving and resaving of sic bands (is of before be ane Act of Parliament dischargit) therefore we permitted and givene license and by thir presents permits and gevis license to oʳ saide cusinge George erle of huntlie to resave band and bandis of manrent or kindness frae whatsumever person or persons or subjects heretable or otherwayes as he and the giver sall appoynte and contennes. And sic lyke, gif his band of maintenance to thame and everilk ane of

* Original, *Caligula MSS.*, C i., fol. 289, in *Brit. Mus.* † *Cecil Papers at Hatfield.*

‡ *Miscellany of Spalding Club*, vol. iv., p. 156.

thame notwithstanding ony act or constitutione maid in the contrar with the quhilk and all the panis containit thereintil quharthru nether the gevar nor resaver sall incur ony dengar in thair bodyis lands guddis or geir in tymes cuming, be thir presents we dispence. Dispensaid also with all bands of manrent or utheris resavit be him and all bands of maintenance gevin be him to quhatsomever person or persons before the date hereof, and siclyke with all bandis of manrent or maintenance resavit or gevin be his umquhile father of guid memory during his lyfetyme. And this license and dispensation to resaif and gif bandis to the effect abonewrittene till have place and stand to the said erle and for his umquhile father for us and or successors in all tymes cuminge. Be thir presents subscrivit be us and gevin under or signet at . . . the . . . day of . . .”*

Huntly, assisted by the Earl of Crawford, Lord Ogilvy, and others, held the north for the Queen, and acted with such vigour that the northern barons, in mortal fear, applied to Moray for protection. By the 15th of April 1569, the Earl seems to have entered into negotiations with Moray, and apparently, along with his supporters, subscribed a bond to the king to give hostages.† Moray, notwithstanding this agreement, marched northwards immediately after Huntly's troops were disbanded, and endeavoured to fill his empty exchequer by levying heavy fines upon the Queen's partisans—fines sufficient to ruin many.‡

Huntly was present at the Convention held at Perth on last of July, and voted for the divorce of Mary from Bothwell—a preparatory step to her projected marriage with the unfortunate Duke of Norfolk. The proposal was rejected, and those who advocated the divorce were threatened with pains and penalties as traitors to the king. On the following day he was charged to answer the complaints against him by the Provost of Aberdeen and others.

Scotland had now become comparatively quiet; Moray had beaten his opponents; the Duke of Chatelherault, Maitland of Lethington, and others being confined in the Castle of Edinburgh. The Regent was thus in a position to render important services to Elizabeth in the suppression of the great rebellion by the Earls of Northumberland and Westmoreland. Elizabeth's rebels found refuge in Scotland, but Moray's designs in regard

* *Original, Caligula MSS., C i., fol. 83.* † *Register of Privy Council, vol. i., p. 654.*

‡ *Diurnal of Occurrents, p. 145.*

to them lost him his popularity. Huntly and Argyll were concerting measures for a revolt; Lethington and Kirkaldy of Grange—the keeper of Edinburgh Castle—were won over to the Queen's party. Such was the position of affairs when Moray, about to add another act of treachery to the foul roll in his career, was sent to his long account by the bullet of Bothwellhaugh. So soon as Mary heard of her brother's death she wrote to the Earl of Huntly desiring him to obtain her jewels from the Countess of Moray. She also wrote a sympathetic letter to the Countess, and requested her to deliver the jewels to Huntly, for her party lacked the necessary funds for the coming struggle, and wished to be prepared. A time of uncertainty followed; there were three powerful parties in the State; the King's, the Queen's, and the followers of Lennox. The Queen's was without doubt the most influential, being composed of the ancient nobility, so that when Elizabeth determined that Lennox should be Regent he had to be escorted to Scotland by an English army. Towards the close of April the first blood in the struggle was drawn in a fight between Huntly, Chatelherault, and others, with the Earls of Glencairn and Mar at Linlithgow. Lennox, assisted by the English, laid waste the country of the Hamiltons, and returned in triumph to Edinburgh. Meantime Huntly, who had been constituted Lieutenant-Governor of the kingdom by Queen Mary, retired to Aberdeenshire to raise his vassals. On 13th June a proclamation was made at Aberdeen commanding all men to hold themselves in readiness, "weilboden in feir of war," to pass forward with the Earl to repress the rebellious faction who conspired for their Sovereign's murder, and brought strangers to lay waste her realm.* Huntly occupied Aberdeen, and scoured the surrounding country for levies; the northern lairds were requested to meet him at Brechin on 8th August, in order to assist in keeping the Parliament at Linlithgow. The Regent, determined to disperse the gathering at Brechin, sent the Earl of Morton at the head of a chosen body of horse to attack them. Success attended Morton, who captured and hung, by "shrewd justice," upwards of forty of his prisoners, ere Huntly could come to the rescue.† Huntly returned to Aberdeen to meet the servants of the Duke of Alva, who were sent to negotiate with the Queen's party. As a result of this conference, Huntly and Argyll sent the Lord Seton with a letter to Alva informing him of Mary's detention in England, and

* *Scottish State Papers (Elizabeth)*, vol. xviii., No. 53. † *Diurnal of Occurrents*, p. 183.

Elizabeth's hostility to her party, shewn by the destructive inroads of the English, and desired assistance. Huntly's proceedings were closely watched by the Lords Saltoun and Pitsligo, who on 23rd August wrote from Rothiemay to Morton declaring their conviction that so "long as Huntly is at liberty there will be no rest for the realm."* The Earl was present at the great meeting of his party at Dunkeld in the month of August, and immediately afterwards at the head of eight hundred men entered Angus, carrying destruction in his train, breaking the grindstones of mills, and burning houses.† He was one of those who, on 3rd September, signed a bond to Queen Elizabeth to abstain from hostilities for two months, so that the treaty between her and the Queen of Scots might proceed without loss of time. Elizabeth had heard of Lord Seton's mission to Alva, and entered into this treaty with Mary to delude the latter's foreign friends, and to give a breathing space to the Earl of Lennox—who protested that any negotiations with Mary would result in disaster and injury to both Elizabeth and King James. Neither party adhered to the agreement; the Regent urged that as Huntly and Chatelherault were the only persons holding out they should be reduced to the king's obedience, and in March 1571, issued a proclamation to assemble the lieges at Perth, as he meant to bear down all opposition.

The loss of Dumbarton Castle soon after was a great blow to Mary's party, and on 5th April the scene shifted to Edinburgh. A crisis was rapidly approaching. The two factions prepared for the struggle; daily skirmishes took place between them in the city of Edinburgh, while the English made depredations on Mary's friends in Teviotdale. Chatelherault and Huntly wrote to Elizabeth protesting that they were not to blame for the disorders and calamities of their country. They held a Parliament on the 12th of June with all the symbols of royalty, the regalia being made over to them by the knight of Grange, commanding the Castle of Edinburgh on behalf of the Queen, and would in no wise acknowledge the regency of Lennox; and the latter held a Parliament at Stirling, being encouraged by the defection of the Earl of Argyll and others of Mary's adherents, so that forfeitures soon became the order of the day in both parliaments. Kirkaldy of Grange

* *Scottish State Papers (Elizabeth)*, vol. xix., No. 17.

† *Caligula MSS.*, C ii., fol. 372, in *British Museum*.

determined at one fell swoop to put an end to the disorders which threatened the kingdom. He organised a midnight raid upon his opponents; Huntly, Buccleuch, and others, with three hundred men, arrived at Stirling between three and four o'clock on the morning of 4th September. The scheme was crowned with success, for, completely taken by surprise, the Regent and ten other nobles were made prisoners, but the plundering tendencies of the borderers ruined all. They dispersed to secure booty; the alarm being given, the garrison and citizens, rushing to the rescue, compelled the scattered troopers to relinquish prisoners and goods. In the scuffle the Regent was shot to prevent his escape, and thus ended, to Kirkaldy's indignation, an enterprise which, had it been successful, might have enabled him to bring about the much-desired peace.

The Earl of Mar was elected Regent, and at once decided to invest Edinburgh. The struggle was not confined to the south, for in Aberdeenshire the feud broke out afresh between the Forbeses and Gordons. Sir Adam Gordon of Auchindoun, whose life had been spared by the Queen in 1562, now became her staunchest supporter. While his brother was fighting for her in the capital, he held the north for Mary. Between the two clans it was war to the knife, and encountering each other at Tulyangus on Wednesday, the 17th of October, the Forbeses were defeated with a loss of 120 men. Sir Adam Gordon over-ran the north, and the Regent determined to daunt him. Huntly, hearing of this, on 29th October sent forty soldiers to Adam's assistance, and caused the Master of Forbes and his associates, on 12th November, to be summoned to Edinburgh to hear sentence of forfeiture passed upon them.* The Regent sent the Master of Forbes north with eight hundred men, under Captains Chisholm and Wedderburn, and issued a proclamation to the effect that Huntly, who had all the summer been occupied in oppressing the lieges, had stirred up his brother Adam to rebellion, which would tend to the conquest of all honest men unless suppressed. The lieges were commanded to meet at the Kirk of Fordun† to attack or resist Sir Adam, who was "playing King Herod in the north upon the king's friends and gude subjects."‡ Forbes and his allies advanced towards Aberdeen, where the Gordons lay, and the latter,

* *Diurnal of Occurrents*, p. 254. † *Register of Privy Council*, vol. ii., p. 92.

‡ *Bannatyne Memorials*, p. 197.

hearing of this, determined to meet the foe at the Crabstane. Again the rival clans engaged in deadly conflict—"cruellie focht in be the space of ane hour ;"* the Forbeses were defeated ; the Master and two hundred of his men being taken prisoners, while Captain Chisholm and three hundred men were slain. Immediately thereafter Sir Adam Gordon held a thanksgiving service in Aberdeen, and sent detachments to occupy and retain the houses of the vanquished Forbeses. Unfortunately the atrocious deed committed by Captain Kerr's troops—the burning of Corgarff—commemorated in the touching ballad "Edom o' Gordon"—tarnished the glory and renown acquired by the knight of Auchindoun, who afterwards released the less important of his prisoners on their undertaking not to bear arms against the Queen. Gordon ruled beyond the Forth. He was not, however, content with suppressing the Forbeses ; he summoned the clergy of Aberdeen and Moray to attend him and answer for their virulent defamation of the Queen. He admonished them in terms "so ferocious" that they were right glad to escape from his presence, after promising to behave more charitably for the future. Henceforth the district enjoyed comparative peace ; yet around the capital there raged the *Douglas Wars*, into the horrors of which it is unnecessary to enter.

On the 10th June 1572, Mar laid siege to the Castle of Niddrie-Seton, near Edinburgh, and to create a diversion the Earl of Huntly led some forces against the Tower of Merchiston. After the place had been battered with cannon for two hours the occupants came to terms, offering to surrender if they were permitted to march out with the honours of war. Huntly assented, but unfortunately the gathering of peasants—attracted by the cannonade—started a panic among his undisciplined followers, and on the arrival of some of Morton's horsemen, produced a stampede, wherein the Earl's horse was shot under him.† A few days later Sir Adam Gordon made an incursion into the Mearns, surprised the Castle of Douglas of Glenbervie, laid waste his lands, and carried away his goods and chattels. These successes coming to the knowledge of the Regent, the Lords of Privy Council granted a commission to David, Earl of Crawford ; Patrick, Lord Lindsay ; Robert, Earl of Buchan, and others, to convene the lieges in warlike manner

* *Diurnal of Occurrents*, p. 255.

† *Ibid.*, p. 300.

to resist the treasonable attempts of the said traitor.* These nobles were collecting their forces at Brechin, where they lay in fancied security, when, between one and two o'clock on the morning of 5th July, at the head of 1600 men, Sir Adam Gordon burst upon them with the "ferocity of a Highland chief," and took the principal nobles and 200 men prisoners. He then went to the Kirk of Brechin, where he spent an hour in devotion, thanking God for his victory. This done, he called his prisoners before him, harangued them about the wrongs sustained by his family through the death of his father and brother, reminded them of the great slaughter committed on the Queen's subjects, the "maist filthie" hanging of his soldiers at Brechin by the Earl of Morton, and the fearful outrages perpetrated during the *Douglas Wars*. After a recital which must have raised expectation of instant doom in every breast, he paused for a moment, and then continued: "My good brethren and countrymen, be not afraid; fear nothing, for you shall be treated as brethren, and I shall do to you after the commandment of God in doing good for evil, forgetting the cruelty done to the Queen and her faithful subjects, and receiving you as her faithful subjects in time coming."† He dismissed them upon their finding security for their loyalty, and then advanced rapidly to Montrose and Arbroath, the former town paying as ransom £2000 and two tuns of wine.‡

The doings of Gordon filled the Regent with anger and dismay. He issued a proclamation declaring that Gordon had come to Angus and was using all kinds of hostility and barbarous cruelty upon honest and peaceable good subjects of the country. He therefore commanded the lieges to convene with all possible diligence at Perth under pain of treason, but so great was the fear inspired by Gordon that "never ane man in thai partis obey the chaarge, be ressoun of the band maid of befor and of the great gentilnes of the said Adame."§

The success which attended the partisans of Queen Mary grievously disappointed Elizabeth. Under pretence of punishing the thieves of Teviotdale, she had sent English troops to plunder the lands of those border lairds who had espoused the cause of her captive, and she now had the mortification to find that Mary's friends were triumphant in the north, the west, and the south. Elizabeth therefore sent Sir

* *Register of Privy Council*, ii., p. 143.

‡ *Scottish State Papers (Elizabeth)*, xxiii., No. 57.

† *Diurnal of Occurrents*, p. 305.

§ *Diurnal of Occurrents*, p. 305.

William Drury to negotiate a truce for two months. This peace was gladly assented to by both parties, for they were heartily sick of the ravages of war, with its attendant miseries, and after publication of the truce the Duke of Chatelherault and the Earl of Huntly, with their followers, departed from Edinburgh on 2nd August.* Edinburgh was immediately occupied by the forces of the Regent, and ere the two months expired the partisans of Queen Mary realised that they had been outwitted. The truce was a great blunder; the astute Lethington was again foiled by the crafty ministers of Elizabeth. The Earls of Huntly and Athol prepared for emergencies; they ordered their followers to put their horses to "hard meat"—a suspicious incident, which, duly reported to Lord Burghley, created great jealousy, and encouraged Sir William Kirkaldy and Lethington to resist the overtures of the Regent for the surrender of Edinburgh Castle.

Henry Killigrew was sent on a mission to Scotland, the great object of which was to induce Huntly to come to terms with the Regent, who, however, died suddenly at Stirling on 18th October 1572, at a time when he was pressing for the secret execution of Queen Mary.† Morton was immediately proclaimed Regent, and Killigrew, in pursuance of his instructions, proceeded northwards to interview Huntly and Athol. Lethington was apprised of his intentions, and desired Athol to get out of the way and induce Huntly to retire to Marr, for a strenuous attempt was to be made by Argyll and others to win Huntly to their side. The Earl, meanwhile, rejected their proposals; he agreed on 18th December to a renewal of the truce, and sent the Laird of Esslemont on a mission to France, desiring aid to pursue the struggle. On the 20th January 1573, he wrote to Argyll to procure a further abstinence with reasonable and favourable conditions to Kirkaldy and Lethington, who still were true to the Queen. The Castles of Edinburgh and Blackness were closely invested by Morton, between whom and Kirkaldy there raged a bitter feud because of the former's cruel treatment of Helen Kirkaldy. Huntly was urgently requested to send succours to Blackness, but by this time he wavered. The intrigues of Killigrew and Argyll were not without effect, and on 8th February he was said to be conformable to reason.‡ He was told that all his lands were to be divided among the friends of

* *Diurnal of Occurrents*, p. 311.

† *Tytler's History of Scotland*, vol. iii., p. 84.

‡ *Scottish State Papers (Elizabeth)*, vol. xxiv., Nos. 23-4.

Morton, that the forfeitures pronounced in the Parliament held at Stirling in the preceding June were to have effect ; the lordship of Badenoch being already secretly granted to the laird of Mackintosh. Five days later he formally deserted the cause of Mary, being influenced to make the best terms he could for himself and his followers. Further resistance they thought useless, and they were lured by the bribe of English gold. The interception of their letters, their inability to communicate with the Scots Queen, the disastrous effect on their means to continue the struggle, may all have weighed with them, but it is grievous to record that they accepted paltry pensions—which were probably never paid—to become the creatures of Elizabeth of England and the Regent Morton. Incredible as it may appear, Killigrew estimated that twelve hundred pounds sterling would purchase the loyalty and patriotism, not only of the great chiefs of Gordon and Campbell, but of Morton and others, although it cannot be supposed that the mere *offer* of less than £200 each made them kneel at the footstool of Elizabeth and become her abject slaves !

On the 18th February Huntly had an interview with Morton at Aberdour, and five days later an agreement was come to whereby Huntly and the Hamiltons were to have a remission for past offences—the murders of the late Regents, a discharge for all damage done by them during the late troubles,—and they were to be secured in their livings, honours and goods. The Master of Forbes and John Glen of Bar, who were taken prisoners by Sir Adam Gordon, were to be instantly liberated ; Huntly's men of war were to be discharged, and the forfeiture pronounced against him was to be reduced, all of which the English ambassador promised on behalf of the Regent.* Such was the discreditable ending of the splendid struggle made by Huntly since May of 1568 ; it was a base betrayal of the gallant Kirkaldy, now rendering such noble service to the Queen, whose ruin he formerly brought about, and who, on more than one occasion, prevented the Earl's destruction during his sojourn in Edinburgh. It is a sorry example of the troublous times !

The news of Huntly's desertion came like a thunderbolt upon the beleaguered garrison, for neither Kirkaldy nor Lethington believed the

* *Scottish State Papers (Elizabeth)*, vol. xxiv., Nos. 30-4, and *Register of Privy Council*, vol. ii., p. 193.

rumours, and wrote to him upon the 23rd February in these terms:—

“My L. wee have heard off your L. being in St. Johnstone but have gotten as yet no advertismment what hath proceeded betuixt your h: and them that met with you, wheroff wee ar most desirous, prayinge yo^r Lo: to write amply to us thereof. Wee doubt not but m^r Killegrewe will use the persuasions he can to your L. and perhaps threatenings in hir Majesties name But we truste all that will not mak you heastely to yeald, ffor wee are assuredlic perswaded that the Q. off Inglande will not send forces nor take the matter playnly on her to medle openly, ffor if she doe she is assured to provoke ffrance to the lyke, and by that meanes bring more numbers to herselff nor is convenient. And for any forces in Scotlande that may be used to anoy your Lo: we truste als there is no great danger, ffor we will geve the earl of mortoun and all his men of warre ynouff to do to wayte on us that they shall not have leasure to take any other thing in hand. Giff forces be used against yo^r L. greater than ye can resist then albeit yow take appointment your hono^r will be saved, and they will be aye content to offer your Lo: measure But to yeald for wordis before you see liklihood of force we trust your L: is wise ynouff and will foresee both what is honorable and expedient. Wee understand by Mr. James Kirkaldyes dispatch that ffrance takes this matter of Scotland too hott, and will not spare expense to preserve us Wee are not a whit discouraged off this fortune happened to them by treason off them in whom we lyppened, giff wee had taken heed to the advertismment your Lo: made us divers times this inconveniencie had not chanced. But it is more honest to be deceived than to deceave, allwaies wee have lost nothing but a little silver w^{ch} wee regret not much, for it maks nothing to the weale or the wrack of the principal caus. The worst is it will mak our debtes to be the longer in paying But that is noe matter he that sent this money hath money ynouff behind to help that, and wee doubt not of his good will. Wee pray you be not suddaine ffor the King of France will not fayle to help with men and money in hast, and England at this time dares do nothing. Wee are able ynouff to hold their soldiars doing, so that Mortoun shall not sparpell (*sic*) his forces. Wee hope after heasty relief for so hath the Bishop of Glascoe assured us Doe that you say to drawe all to assist you that ye beleve hath favour to us Haste answer agayne.”*

* *Copy, Caligula MSS., C iv., fol. 23.*

The vigorous remonstrances of Kirkaldy and Lethington came too late. But they could not be more furious at the turn affairs had taken than the gallant Sir Adam Gordon. The Master of Forbes, who had been confined in Spynie Castle, assisted by the Frasers, and Mackintoshes came to Aberdeen immediately after his liberation. Sir Adam made a night march,* and ere they were aware of his presence rushed in like a mountain torrent, carrying everything before him. Huntly, no doubt glad to escape the reproaches hurled at him from every quarter of having undone the cause, hurried to the north to restrain his impetuous brother, who, thoroughly disgusted, retired to France along with his principal supporters.

Huntly now became as servile a partisan of Elizabeth as the Earl of Morton (before whose eyes was dangled the ribbon of the Garter), and he tried to induce Mary's border friends to seek peace with the Regent. Henceforth he was constantly in correspondence with the English Queen or Lord Burghley, to whom he wrote from Spynie on 23rd March :—

“ My Lord efter maist heartlye comēdaēons I receivit your letter of the xii of this instant quharby I persaiſ your eyrnest and diligent, labor to the pasificatioune of this trubelit realme, contenewand as yow heav begun, qlk I pray god to tak guid success. And for my awyne part of either all thingis be me promisit (vil god) sal be faithfullie performitt and I vil pray yo^r L: continew in yo^r requey sting for the pour men off Edinburg and all by causis of mynd as thai pictur, lyk as my cusinge and servand Alex^r Drumond wilbe put to informe you. I man thank yo^r L: hartlie of yo^r guid will to me, qlk be all honest meanes I sall ga aboutt till acqueit, and hes orderit the saids Alexander to confer therein with yow at lynthe As for thais in the castill I am sory thay suld wiss thame selffis onywayes to bring or interteyn devisions or veyr w^hin this realme, bot for myself I vil mell no farther in ther causis nor my lord Regent thinks expedient. As for your Lo: performandin articles past at the Q's Matie yo^r maisteris comands I dubt not bot yow will perform the samyn trewlie in all sortis according to the place yow bair, and giff any wayis I had dubtit theroff I vold heav bein laithe to heav procedit in the maner I did. As tutcheinge the men of veyr I had thai ar now (au pluce fferautt) swa I sall do all in me to mak them deyt w^h favour out of thair ptis, because I think not to heav the lyke ado with thame agane, and

* *Diurnal of Occurrents*, p. 327.

the soner that wald haif it the gryttar number that vil finde, for (vil god) yow sall not find me change frae the guid intention and mynd you haif me in, lykas mair particularlie the saids Alexander vil schaw yor L: quhom ye sall credit in all behalfis albeit I hear of the reversion of ane James and fortefing of the places of arbroathok and paislay yit I heav layft no thing of my pt unfulfilled hoping my Lord Regent vill tak order therew^h accordinglie, swa comittis your L: to the protection of the eternal godd.”*

The letter sufficiently indicates the Earl's mind. He returned to Edinburgh on 22nd April, and towards the close of the month Parliament reduced the sentence of forfeiture pronounced against him, when he must have been acquainted with the treacherous devices whereby Morton sought to compass the death of his old companions-in-arms. The party of Mary dwindled down until Kirkaldy, Lethington, and Sir Adam Gordon alone remained. The two former stuck to the grim fortress of Edinburgh, while the latter (in his home beyond the sea) was actively engaged in her interest. Edinburgh Castle and its noble defenders for a time resisted attack; it only fell through foul deception, and Lethington, by swallowing poison, escaped the ignominious death intended for him and the brave knight of Grange.

Sir Adam Gordon took a prominent part in the affairs of Mary. Even after the fall of Edinburgh Castle he offered to reduce Scotland to her obedience were he provided with men and money; as his doings cast suspicion upon Huntly's intentions, the Regent wrote to Lord Burghley desiring that Elizabeth should remind the Earl of what she had done for his relief and safety, and the English Ambassador in France was also instructed to narrowly watch the proceedings of Sir Adam so as to warn the Regent of danger.†

Towards the close of 1573 a process was instituted against the Earl of Huntly for the appropriation of the ecclesiastical revenues of the north, but the Lords of Privy Council discharged the matter as it came under the agreement of pacification. In February of 1574 another process was pursued by the Master of Forbes for reduction of the bond of security for £750, granted to Huntly upon his liberation from Spynie Castle. The Earl on 17th April granted a charter of the dominical lands of Bog of Gight to Anna Hamilton, his spouse, and in the following June

* *Original, Caligula MSS., C iv., fol. 43.*

† *Ibid., fol. 310.*

was at Leith, whence he wrote to Queen Elizabeth to assure her that the reports circulated against him were unfounded; but suspicion became so strong that, on 11th July, Alexander Seton, younger of Meldrum, Patrick Chene of Esslemont, and Alexander Drummond of Medhope, became sureties for him that he should enter the bounds of Galloway, before the 22nd of same month, there to remain until released.* Sir Adam Gordon's doings in France had raised doubts as to the honesty of Huntly's professions, so the latter wrote thus to Elizabeth :—

“Pleasit yo^r matie I haif according to my last letter sent unto yo^r hienes in the begining of Junij, efferand enterit to the Regent my awne persone as a plege and hostage of my trew meaninge and intention not onlie to fulfil and observe all thingis by me promisit, for qlk I suitit yo^r hienes to becom obligit for me Bot lykewyis to gyff declaration of my mislyking of sic unlautful practizes as my brother Adam now remaining in France hes hairtofore bene chargit with (quharof I traist he be innocent)

“At hame I think there be no caus of offence in my behaviour The remainyng indeed of my brother where he is cannot I see bot gyff som caus of suspitioun, and ministrat occasioun to caste the suspect of me and my friends in doubt, howbeit, god knawis I think nevir to desire the same. Neyther had my brother past if concientlie he myt haif tarit at hame, or had sum support of reasonable leving otherwayis Being a young gentilman subject to greate inimitie throw matoris happ'int in o^r lait troubles yit to avoid this swpition Jesauit of his dealings throw his pñt remainyng and company The moyane being foreseene quharupon he might leif and sustene the part of a gentilman of his qualitie (to the qlk I am not able throw the lait troubles to advance him, nor is he of himself without the presence or advancement of som prince able to do the same seing the litle rent provydit to him by my lord o^r fader is almaist halelie spent) will travell with him to leaf the partis off ffrance and to repair to sic partis as yo^r hienes sall best allow Therfor I maist humblie beseik yo^r Maties to advyse the best hereintil, that be the same the suspition Jesauit of me maye be tane away.

“And furthermoir that it may please yo^r hienes that as ye haif bene under god the instrument and procurar of my suretie and repose, after my langsyne troubles haifing promisit for my loyaltie That even sa yo^r Matie wilbe a suitar to the Regent be yo^r lettres for my relief that with his

* *Register of Privy Council, vol. ii., p. 381.*

goodwill and favor I may returne to my hous and cuntrie for the comfort of my friendis, in consideratioune of my willinge and reddy obedience schawen, quharin I intend alwayis, god willinge, to continew and nevir forget or be unthankfull of the peace and greit commodetic restorit to this trublit realme be yo^r Maties good meanes, and particular favor schawn unto myselff. Becaus of divers conferrens betuixt yo^r Maties ambassador M^r Killegrewe heir resident and me, quha fullye can instruct yo^r hienes of my honest dealings, ceas to truble yo^r Matie with lang letter remitting the same to his declarayō And sa my maist humble service pñtit to yo^r hienes in lautful maner cōmittis yo^r Matie to the lastinge conservation off almyttie god At Ausco(?) the xxx day of Julij 1574.

“Yo^r Maties maist humbly to comand w^t all lauchful service

“Huntlye.”*

Huntly returned from Galloway to Hamilton in September, having narrowly escaped being murdered by the Laird of Applegarth. In November following he gave surety to the Lords of Privy Council that he would re-enter ward when required; and on 8th March 1575, as Sheriff of Aberdeen and Inverness, he was charged to collect the taxes. Sir Adam Gordon, who eluded the attempt of the Forbese to murder him in Paris, returned to Scotland on 26th July with twenty of his companions.† He was immediately imprisoned in Blackness Castle, from which he was released in January 1576, on the Earl of Huntly becoming surety for the relief of his cautioners (Hugh, Earl of Eglinton, Lord Elphinstone, and others), that he would enter into ward in the burgh of Kirkcudbright.‡

In July the Earl of Huntly was charged to keep the general bond, which shews that he was then alive, and did not die in May as alleged. On Saturday, 20th October following, he died at Strathbogie.§ He was in perfect health and high spirits on the morning of his death, and after seeing the departure of the Earl and Countess of Sutherland, who were his guests of the preceding night, he went to Winton's Wood, where he killed three hares and a fox, returning to dine at twelve o'clock. During the repast he desired that a football should be got ready for a game in the afternoon; and, after dining, tried to bring Murray of Cowbardie and his mother to some agreement. This and the visit of the Laird of

* Original, *Caligula MSS.*, C iv., fol. 256.

‡ Register of Privy Council, vol. ii., p. 480.

† Diurnal of Occurrents, p. 350.

§ *Caligula MSS.*, D i., fol. 154.

Grant delayed the game until between three and four, when after kicking the ball for the second time the Earl fell upon his face. His brother Patrick rushed to his assistance, and as he felt faint and staggered, they conveyed him to his room (in the great chamber of the new portion of the castle), where he died three hours later.* The terrible suddenness of the Earl's death, which was apparently due to internal hemorrhage, caused by the bursting of a blood vessel, gave rise to the most marvellous stories, and was regarded by the superstitious as a divine judgment. Mysterious noises were heard in the Leather Chamber, blood-curdling scenes occurred, and fainting fits seem to have seized a considerable number of the retainers of the dead Lord. The body was embalmed by a surgeon from Aberdeen—William Urquhart—and, after lying a few days in the castle chapel, was buried in Elgin Cathedral.

By his Countess, Lady Anna Hamilton, he had three sons and a daughter:—

- I. George, sixth Earl, created Marquis of Huntly in 1599.
- II. Alexander of Stradoun, who married Agnes Sinclair, Countess of Errol, and had—with three daughters—Alexander Gordon of Dunkinty.
- III. William, priest of the Order of St. Bennet. He died in France.
 - i. Jean, married George, fifth Earl of Caithness.†

* *Bannatyne's Journal*, pp. 481-491.

† *Registrum Magni Sigilli*, xxxviii., 322.

GEORGE, FIRST MARQUIS OF HUNTLY.
LADY HENRIETTA STEWART.

During the minority of the sixth Earl of Huntly, his uncle, Sir Adam Gordon of Auchindoun, acted on his behalf, and sent him to be educated in France. Robert Douglas, Earl of Buchan, was donator of Huntly's ward, and engaged in various transactions relative to his property in the north, while the Cranstons of Mureton held the ward of the Gordon estates in Berwick.

The quarrel between the Gordons and Forbeses, which was repressed by the daring and masterful policy of Sir Adam Gordon, burst out anew in 1579, because of some contentious words between George Gordon of Gight and Alexander Forbes, younger of Towie, in the presence of the king. Another reason was the possession of the lands in the barony of Keig and Monymusk granted to the fourth Earl by Cardinal Betoun. The Forbeses complained that these lands were granted to the Gordons over their heads, that they were "the auld kindly possessors," and now the Earl of Huntly and his tutors sought to have them removed, which they resisted. The interference of the authorities had little effect for a time; the hot-tempered Laird of Gight was killed, and a section of the Gordon clan flew to arms to avenge his death, so that from Deeside to Strathbogie there were forays, dire bloodshed, and tumult. Each Gordon and Forbes laird mustered his retainers, and the desultory struggle would soon have developed into a civil war of formidable dimensions but for the prompt action of the Lairds of Auchindoun and Lochinvar, the curators of the young chief of the clan. They represented Lord Forbes that his clansmen were the aggressors, and that they must be restrained. The Privy Council also called upon the principals of both parties to subscribe such assurance as will be presented to them within twenty-four hours under pain of rebellion.* In accordance with this order they were to assemble in Edinburgh, accompanied with forty of their retainers, to negotiate the terms of a perpetual agreement, and

* *Register of Privy Council, vol. iii., p. 261.*

on 23rd April 1580, a submission was entered into between them, whereby they became bound to abide by the finding of the Privy Council, to whom the pacification was remitted.* In the following year the Earl of Huntly and his friends complained of the murder of Thomas Yule, while the Forbese charged the Gordons with the death of James Forbes; but these incidents did not to any great extent disturb the relations between the families.

On 24th October of same year Huntly gave a bond to the Laird of Grant, whereby he became bound that the remission which he was to obtain from the king for Lachlan Mackintosh of Dunachton, should not take effect until Lachlan ceased from disturbing Grant in the possession of Rothiemurchus, Laggan, and Dalfour in Badenoch. A month later the Earl attended the Parliament and carried the sword and crown.†

One by one the nobles who had influenced the career of Queen Mary disappeared from the scene; Bothwell died in his Danish prison after completely exonerating her from any share in the crimes with which she was charged; violent deaths had been the lot of not a few of the rebel clique, and the Earl of Morton, who for many years, as Regent, held the country in an iron grip, and had taken so terrible a part in the tragedies which determined Mary's fate, lost his head in 1581 for his share in Darnley's murder, and the severity with which he treated his sovereign. He died bearing witness, as his friends had done, to the innocence of the unfortunate Queen. Those who had assisted in his overthrow were liberally rewarded: the Earl of Lennox was created a duke; Captain Stewart of Ochiltree—the brother-in-law of Knox—was made Earl of Arran; and Lord Ruthven became Earl of Gowrie. The last-named, jealous of the increasing influence of Lennox and Arran, brought about the raid of Ruthven in August 1582, which gave his faction the custody of the king and supremacy for a few months, thus checking the ascendancy of his rivals. But within ten months a counter revolution was effected every whit as quietly as the other.

King James, on 27th June 1583, rode suddenly to St. Andrews, where he was immediately joined by Huntly, Marischal, and Argyll, with their followers. The Earl of Huntly had intended, while the king was in the power of the Ruthvens, to have gone to France with Esme, Duke of Lennox, and the latter even delayed his departure in hopes of being

* *Register of Privy Council*, vol. iii., p. 279.

† *Moyse's Memoirs*, p. 35.

accompanied by the Earl,* who ultimately decided to remain at home to render such service as the king might require. A more romantic reason has been assigned for the Earl's decision—he became greatly enamoured with Kerr of Fernihurst's daughter, and, in September 1583, the lady's mother attempted to bring about a marriage. The king, however, would not hear of the proposal, and declared his opposition in such terms that the ardent lover fell ill of grief. He then became associated with Arran in the new Council, and escorted Ludovic, son of the late Duke of Lennox, to the presence of the king on the 13th of November. At this time Huntly was in correspondence with Queen Mary, who watched the career of the young Gordon chief with unusual interest. The gallant youth struck a tender chord in the heart of the captive Queen when he declared that for her sake he would anxiously watch over her son.

Mary Stuart was a dangerous prisoner, for notwithstanding her rigid confinement, she possessed an influence which required all the energies of Elizabeth and her Ministers to counteract. Little wonder indeed that having all along been the victim of conspiracy, she should at length give countenance to the designs of her friends, who endeavoured to obtain her liberty by fair means or foul. Through the exertions of Huntly, her son now acted a more natural and dutiful part : he rejected Elizabeth's bribe of twelve thousand crowns, and urged his kinsman of Guise to come to his assistance.

Everywhere the symptoms of a great convulsion were manifest ; England was on the brink of a formidable revolution ; and an invasion by the Duke of Guise was all but an accomplished fact ; while in Scotland the intrigues of Elizabeth with the Gowrie faction, created a feeling of uncertainty and insecurity. Conspiracy was rife, and Elizabeth little dreamt, when she fomented the treason of the Gowries, that she herself was on the verge of ruin. The great nobles of the northern portion of her kingdom were Catholics, ardent partisans of the captive Mary, and they, with the Spanish Ambassador, conspired to hurl her from the throne. A trivial incident revealed the deep laid plot, which was nipped in the bud so far as England was concerned, for Mendoza and the Earls of Arundel and Northumberland were imprisoned. The storm burst in Scotland with the rising of the Hamiltons and Ruthvens in the spring of 1584. Prompted by Elizabeth, they had determined to

* *Register of Privy Council, vol. iii., p. 511.*

seize the king, but their project failed, and they met the fate of all who placed faith in the fickle Queen of England. Gowrie and Lindsay were taken prisoners, and their partisans fled to Berwick. Huntly took a prominent part in the suppression of the confederates, and was one of the jury at the trial of the Earl of Gowrie, who objected to his presence because he was under twenty-five years. His services on behalf of James were acknowledged by Queen Mary on 6th June 1584, in a letter which was intercepted and thus deciphered:—

“Right trusty and welbelovit cosin yow will not I am sur make other contraction of this my so late answering vnto y^{rs} of the — of September last throught the hands of the deliuerer herof, considering my state andt the meanes w^{ch} at that time I had, for the one were by some broyles here cutt of, fore the other wherby I was not vnwilling to asure yow as now of how much I reioyced to see and heare of youre good imitacon in all dutifull sort of yo^r honnorable antecessors, andt to signifie my thankfull accepting of the affectionate and faithfull offers yow did make me to be exercised specially about my sonne for my sake. Yo^w can employ your selfe in no better place, and therefore I pray yo^w that as yow have begoun wth goode profe, (chiefly in the last steiring of o^r rebelles against him) by making yo^rselfe in effect appeare no less wise then magnanime in his defence, so will yow persevere in whatsoeuer els may contrarye his authoritye andt ther^{wth} also entertaygne by all good officy the continuation of mine for a better vnitye betweene vs, whervnto, acording both to god andt nature, he shewes himselfe (to my great comfort) so willinge: yo^r hono^r and credit therby shall never in any sort diminishe nor the encrease of yo^r greatnesse forgotten (I promise you for my part) where my abilitye may euer helpe to the same. Herewth do I send yo^w conforme to yo^r desire a close alphabet for to be used in time coming betwene yo^w and my onelie; and so till furdur occasion I comitte yow &c.”*

The intrigue noticed above occasioned the broils which interrupted the correspondence. It was poor comfort that Mary derived from her utterly selfish son; his conduct must have been one of the most unpleasant trials she ever endured. It is true he avenged her wrongs on Morton, Gowrie and others, but more for his own gratification than hers! The good feeling which Huntly endeavoured to instil in his mind held but a transient sway; he became jealous lest his mother

* *Caligula MSS., C viii., fol. 57, in British Museum.*

should obtain her liberty and so deprive him of the crown, and the English Ambassador took care to work upon his feelings by such insinuations.

Lord Claud Hamilton was one of those who endured exile for participation with the Ruthvens, but on the intercession of Huntly he was permitted to return to Scotland, and lived during the greater part of his brief sojourn with the Earl in the north. The death of Lord Russell in July was an incident of the meeting of the English and Scots wardens on the borders, and it gave rise to great unpleasantness: Arran fell under a cloud, and to pacify Elizabeth he was imprisoned. He had always baffled Elizabeth's schemes, and she determined to let the banished Earls of Angus and Mar return to Scotland to accomplish his ruin. She even sanctioned the proposal of the Master of Gray for his murder. It became evident that disturbances were at hand, and Huntly, with singular foresight, secured the Highland chiefs by deeds of manrent. In this way he could count upon the support of Macleod of Lewis, Mackenzie of Kintail, Munro of Fowlis, Macdonell of Glengarry, Macgregor of Glenstrae, and Drummond of Blair.* The king also wrote to him on 25th of October to prepare for emergencies, as the banished lords were returning to Scotland. When Angus, Mar, and their confederates swept on to Stirling and captured the king, Arran, having previously obtained his liberty, became the victim of the revolution, and, stripped of his proud title, resumed his original style—Captain James Stewart of Ochiltree.

During 1585 Huntly was occupied in settling the differences which had arisen between his kinsmen the Earls of Caithness and Sutherland, and in December was one of those nominated on the Council by the Linlithgow Parliament, but he seldom attended its meetings. He entered into litigation with the Countess of Moray and Argyll as to the fishings of Spey, a process which involved him not only in much trouble, but terminated in the tragedy at Donibristle in 1592. Towards the close of 1586 he had manrent from the Laird of Grant and others, and in September of same year the king brought about his contract of marriage with Henrietta Stewart, sister of Ludovic, Duke of Lennox. As the lady lived in France the king, earnestly desirous that the marriage should be accomplished, gave instructions to the Earl to send to France for his bride, and granted him 5000 merks towards the expenses, in security of

* *Miscellany of Spalding Club*, vol. iv., p. 230.

which he appointed him donator to the casualties falling vacant within the bounds of his own Lichtenandry.*

In November 1586, Huntly, through his friendship for the Drummonds of Blair and Menzies of Weem, came into collision with the Earl of Athol, and refused to enter into peace with him until Athol gave assurance that he would not assist or countenance the forays made upon the lands of Drummond or Menzies. He seized some of Athol's servants and brought them before his own Courts, which led to the Athol tenants being exempted from his jurisdiction.

The Babington conspiracy brought Queen Mary's imprisonment to a climax. She was accused of complicity in the plot upon questionable evidence, for the only proof brought against her were copies of letters alleged to be written by her, intercepted and deciphered by one Phillips, a protégé of Walsingham. She denied the authenticity of these documents, and, although no originals were ever produced, she was sentenced to death. The course adopted by Elizabeth roused the greatest indignation in Scotland; the Hamiltons and Gordons protested that if aught befell their Queen they would invade England with fire and sword. King James sent ambassadors to plead for his mother's life, but one of them, the treacherous Master of Gray, betrayed his trust, and did all he could to bring Mary to the block. By way of retribution his downfall was brought about soon after her execution, and the abbacy of Dunfermline, which formed part of his property, was for good services bestowed upon Huntly, who in view of his marriage was created Lord High Chamberlain.†

Huntly was at this period distrusted by the ministers of the Kirk, and it required all the influence of James, by whom he was held in great esteem, to protect him from their resentment. The Reformation had brought into power a sect every whit as intolerant and bigoted as were the priests of Rome, and the bitter persecution of all who did not follow their narrow creed shew that, had they been permitted, they would have proved as sanguinary as their predecessors. The terrors of excommunication, and the employment of fire and sword, were esteemed by the self-seeking, blatant ministers of the Kirk, to be the best means of bringing in proselytes. When Huntly returned from abroad he was anxious to be reconciled with the Kirk, and to this end entered into

* *Register of Privy Council*, vol. iv., p. 103. † *Registrum Magni Sigilli*, xxxvi., 341.

negotiations with the Presbytery of Aberdeen, and with the Magistrates of the town, for the latter had given bond not to receive him. Aberdeen, however, was too near the Gordon clan to continue long in their impolitic, if not unchristian, position; alarmed lest vengeance should fall on the town, the Magistrates petitioned the Lords of Secret Council to delete their bond, a request which was complied with on 3rd February 1587, when they had permission to commune with the Earl as oft as they please.*

In April 1587, the king wrote to Huntly about the condition of the Isles, and ordered him to send for the various Island chiefs to compel them to remain at peace. The Earl was present at the Convention of Estates in May, and on the 15th of that month was entertained with the rest of the nobility at the banquet at which the king reconciled many nobles who were at feud. On 29th July he protested that the Act of Parliament passed in favour of James, Earl of Mar, should not prejudice him, or his friends, in the rights they had to lands in the Earldom of Mar and lordship of Garioch.

The General Assembly of the Scottish Kirk at this time, roused by the frantic declamation of Melville and others against the Catholics, addressed the king on the danger of allowing Jesuits to seduce "the faithful" in Aberdeen, Buchan, and Mar. James Gordon, the uncle of Huntly, who lived at Strathbogie, was thus, in February 1588, brought to the king by his nephew, and after some time spent in conversation the Jesuit missionary was ordered into confinement. There can be little doubt that he had already influenced Huntly, who, a few days later, with Lord Claud Hamilton and others, met at Linlithgow to concert measures in the interests of the Roman Catholic party. The king, hearing of this meeting, sent Patrick Murray to Huntly desiring an explanation. James told Murray to assure the Earl that since his departure he was constantly thinking of him, even while sleeping. Huntly protested that neither he nor his associates intended mischief, and during the same month he met the king at Crammond, and, returning with him to Edinburgh, slept in the royal apartment at Holyrood.† A few days later he subscribed the Confession of Faith, being the solemn league of allegiance and mutual defence, zealously promoted by the ministers of the Kirk.

* *Miscellany of Spalding Club, vol. v., p. 373.*

† *Moysie's Memoirs, p. 66.*

Huntly, on 27th March, had a royal commission to proceed against the Camerons for depredations in Lochaber, and in the following month he put an end to the feud between the Leslies of Balquhain and the town of Aberdeen. He returned in June to attend at Court, and on 21st July was married to Lady Henrietta Stewart in the chapel of Holyrood with great triumph, mirth, and pastime.* The king took the greatest interest in the marriage, and on 11th July wrote to the Laird of Abercairny announcing his intention to have it answerable "in all solemnities to our honour and the parties awin estates." Therefore, as many necessary things could not be had in any common market, he desired the laird to help with venison, wild fowl, fed capons and such others as he could procure in time.† The marriage was celebrated by Adamson, Archbishop of St. Andrews, in defiance of a resolution of the Presbytery of Edinburgh, who required the Earl to give satisfactory proof of his steadiness to the reformed religion.

Ever since the death of Queen Mary of Scotland the country was in a state of commotion. The catholic nobles, as we have seen, held a meeting at Linlithgow, but the only one who actively tried to assist the Spanish invasion was Lord Maxwell, whose rebellion proved abortive. The Spanish Armada met Elizabeth's fleet in the English Channel, was attacked, and sustained a disastrous defeat, the work of destruction being completed by the tempest which dispersed the shattered remains of the splendid squadron, deemed invincible by the Spanish king. Throughout July and August Scotland was in a state of keenest anxiety; and from north to south beacon signals were arranged along the coast. A papist emissary, Captain William Semple, was taken prisoner, and twice effected his escape through the friendly aid of Huntly, which did not tend to increase the latter's popularity with the kirk. During the passage of the Spanish ships round Scotland the General Assembly spent their time "in prayers, sighs, and sobbing," bitterly denouncing the Earl and other papists, and, when the news of the great disaster spread, the ministers returned to their homes, taking credit for a miraculous and glorious deliverance. Their animosity against Huntly was increased in November, when the king made him Captain of the Guard in consequence of the quarrel, as to this appointment, which arose between Alexander Lindsay of

* *Moysie's Memoirs*, p. 69.

† *Abercairny Muniments*.

Crawford and the Master of Glamis.* In November the persecution by the ministers so exasperated Huntly, that he frankly told the king he could no longer endure their solicitations. Their "presumptuous and seditious behaviour" displeased even James, but he nevertheless sent a gentle minister to reason with the Earl, who shortly afterwards wrote to the king promising obedience "in religion, and otherwise craving pardon for past offences, offering to submit himself to the censure of the kirk." The king desired him to return home and he would continue to favour him.† By the 30th of November, "after long deliberation and oft conference with divers learned ministers, Huntly submitted to the kirk, publicly confessed his errors and solemnly protested his desire to become a faithful and obedient subject, promising hereafter by word and deed to defend the professed religion to the uttermost of his power—not from fear of loss, hope of honour or favour, but of mere conscience and zeal to the truth, detesting all superstition and papistry." Huntly's conversion gave the greatest satisfaction, for he was regarded as the head and chief pillar of the papists.

Huntly went with the king on a visit to Kinneil in December, and afterwards resided constantly with him at Holyrood until 27th February 1589, and there is every probability that he urged the king to dismiss Chancellor Maitland of Thirlestane. His importunities were disregarded, and, through the intrigues of Elizabeth, Maitland, and the Master of Glamis, a great effort was made to bring about Huntly's ruin. The 27th of February was a memorable day in Edinburgh, and the meeting of the Privy Council closed amid scenes of great excitement. Queen Elizabeth sent a letter to her dear brother of Scotland accusing Huntly—who was his bosom friend—of a vile conspiracy. In proof she sent copies of sundry letters alleged to be found when the English captured Thomas Pringle—who, it was averred, was sent by Huntly to the Duke of Parma and King of Spain. These precious letters were deciphered by the arch-villain Phillips, upon whose transcripts and forgeries the Queen of Scots was condemned. As in the case of the Queen no originals were produced, for the best of reasons they never existed; Huntly denied that he ever engaged in conspiracy or treason, and protested that the letters were forgeries, designed by his enemies to

* *Moysie's Memoirs*, p. 71.

† *Caligula MSS.*, D ii., fol. 231 (*British Museum*).

bring him into disgrace with the king. He voluntarily offered to ward until the matter was tried, and was committed prisoner to Edinburgh Castle.* As he went up the High Street to the Castle he lingered as if meditating escape, but went forward boldly when asked whether he intended to disobey the order, and had the satisfaction of being visited by the king on the following day. James dined with his prisoner, kissed him often, protesting that he knew he was innocent.† Queen Elizabeth wrote to James in frantic terms to proceed against the conspirators and spare none, but the forgers had been clumsy in their work; the "cooked" examination of Pringle shewed but too clearly that all the plotting had been on the south of Tweed, for the matter "being fully tryed was found calumnies."‡ Unfortunatly the Earl of Errol, who was a great friend of Huntly's, fled to his own country, which raised a suspicion that a conspiracy really existed, but it was not any share in it which led Errol to seek safety in the north. Huntly was released on the 6th of March, when the feud between him and Marischal was ended, and on same day his kinsman, Lord Claud Hamilton, was warded for his share in the alleged plot. Hamilton protested his innocence, and proclaimed everyone who alleged the contrary liars and traitors, which he offered to prove by combat. Two days after Huntly had been set at liberty, he arranged a banquet for the king in William Fowler's house, and went hunting with James. While they were absent the citizens of Edinburgh were convened. Patrick Gordon of Auchindoun rode in haste from Edinburgh to Dunfermline to warn Huntly that Chancellor Maitland conspired to slay him. Errol, who had been prowling about Edinburgh, having joined the king and Huntly, also informed the latter of the plot, and offered to assist him; at the same time Leslie of Balquhain and others in great alarm brought news to the same effect. When Huntly conveyed this intelligence to the king, the latter declared he knew nothing of the gathering of the citizens, and returned to Edinburgh and attended the banquet prepared by Huntly, who did not put in an appearance, for he hastened to the north with Errol. They were joined by the Earl of Crawford, and tidings being brought that the Earls of Athol, Morton, and the Master of Glamis had raised forces to entrap them, they left Perth, and encountered Glamis and his troops.

* *Caligula MSS.*, D i., fol. 153 (*British Museum*). † *Calderwood's History*, vol. v., p. 36.

‡ *Caligula MSS.* (*ut supra*).

Glamis was taken prisoner and carried with them to the north.* These facts are in accordance with Huntly's examination at Edinburgh on 22nd May, and reveal the true cause of an episode generally misunderstood by historians.

It must be remembered that Huntly had for years been persecuted by the kirk; his enemies, envious of the favour and affection bestowed upon him by his sovereign, endeavoured by palpable forgeries to bring about his disgrace, and when their efforts failed they designed to take his life. Maitland and his faction sought to work upon the king's feelings by Huntly's seizure of the Master of Glamis, and on the 7th April James issued orders for an armed muster of the lieges.† The northern lords—Huntly, Errol and Angus—hearing of this prepared to resist, and convening their friends advanced to Brig of Dee, paying no attention to the charges given them to compare at Edinburgh. They even went the length of maltreating the royal herald, and tore his proclamations in pieces,‡ but they had not the slightest intention of resisting the king in person. Indeed, the Earls acted with the concurrence of the king, for the latter wrote to Huntly on the day he fled from Dunfermline in the following terms:—

“My good Sonne, how treu the alarums was that waire so confidently gevin you this day the berer heirof quha harde and sua all can report unto you; thairfor I pray you remember all the promises ye maid to me this day. I knaw ye are to fight a hard batle with all that are about you, quhilk I pray you als vaillantlie to sustain as gif ye warre fechtig for me in a forren country and esteem they only to be youre treu friends that counsails you to obey me and follow my cours, and all others to be your enemies in effect; and as for my part, as I have provin heretofor, sa judge and assure yourself of me hereafter quhilk als weill in your absence as at youre returne, sall hythe in all respect (ye keeping your promises) as lykeways all thaim that I will answer for unto you.”§

Neither Maitland nor his friends would attack without the king's presence, and when James advanced to Cowie the army of Huntly broke up, as it was no part of the intention of the confederates to fight against James; although, according to Calderwood, the Earl protested he had

* *Caligula MSS., D i., fol. 153.*

‡ *Caligula MSS., D i., fol. 186.*

† *Register of Privy Council, vol. iv., p. 371.* § *Miscellany of Spalding Club, vol. iii., p. 216.*

a commission for gathering the lieges,* as was actually the case. The king reached Aberdeen on the 20th April, and the northern lairds—Gordons, Grants and Mackintoshes—came in crowds to declare their allegiance and give bonds of caution, subscribing deeds for the defence of the true religion and his Majesty's Government. The triumph of the king was complete. He must have inwardly chuckled during the nights he lay under arms in Charlie Mowat's house, and seeing the success which attended his scheme he was immensely elated; he thought now to appear as a great hero in the eyes of his prospective bride. The Castle of Slains belonging to Errol was captured, and Huntly sent in the Master of Glamis with Captain Thomas Kerr, but, as he did not come in person, the king determined to visit Strathbogie. We give an account of this expedition from the pen of one who accompanied it:—

“The king came to this howse of Strathbogie the xxvi for he lay by the way at a poor vill, the armye not being able to march through. But god knowse the intertainment, and the whole countrysyde void both of all manner of vittail and other goods—all carryed into the hills of which there is plenty thereby. The king's cominge so neir with his promise, and theyre carryage of tooles and pudre was made knowne to Huntly, for he had maynie in our own companie that sent to him daily, he hoving upon the hills where we might see him and he us, but no pursute could prevail if twenty thousande men had been sent to take him. He sent to the king one then another to desyre assurance for his lyfe and lands, and he wold come in and yield for the rest to the kings mercy, but his majesty despised these requests and unless he entered wholly to his mercy threatened all destruction to him and his, yet the counsell consyddered the place and barren country they wer in, yea, in the myddest of his strenth, and it was impossyble for the king to hold his army together iii days for want of vitail, and when the houses were down, and the king gone, the rebels would be as great in theyre country as ever.”†

A misunderstanding seems to have arisen between the king and his powerful subject, due no doubt to the intrigues of the Council, who conspired for his capture “by every means,” so as to keep the king free from any promise. On the night of James' arrival at Strathbogie, Huntly hurried thither to submit; but the Master of Glamis, who was scouring the country with his horse, captured the Earl

* *Calderswood, vol. v., p. 55.*

† *Caligula MSS., D i., fol. 393.*

ere he reached the Castle. Instead of being presented before the king, Huntly was brought to the "Tower of Torriesoul," where he was strongly guarded. It was here the noblemen were lodged, and as they were at supper Huntly shook hands and supped with them. To continue the narrative :—

"The next day Huntly was sent away with at least a thousand horse to Aberdeen whither the king went baird being a good journey. But at Strathbogie we could neyther get horse nor manes food, and the vilest could frost and snow ever I cam in. Many wer glad that the great . . . was take for els the kings wilfulness was such to pursue them that I doubt half the company would have perysched. One night with help of the frost there perysched above thirty foyre geldings dyed er we cam to Aberdeen this town wher I wright the othere part of my letter begun at Strathbogie."*

James was deeply offended that Huntly did not surrender to him in person, as it would have given greater eclat to the expedition. The Earl was also mortified, and declared that had he known he was to be treated in such manner he would have "led them all ane dance ere he had byn gotten." The Council prevailed on James to do nothing without their advice ; Fowler, the representative of Elizabeth, urged upon him to take extreme measures, and James replied that he would proceed against the favourers of Huntly "as well as ever his hounds hunted a hare." But the king had no intention to act harshly towards the Earl, for the following letter, sent by him to Huntly, without doubt shows that the original plan miscarried, and explains why James would not see him :—

"I trowe ye ar not sa unwyse, milorde, as to misinterpret my exteriore behaviour the last daye, seeinge what ye did ye did it not without my allowance, and that be your humilitie in the action itself, your honouring of me served to countervail the dishonouring of me be otheris before, but perceaving by my expectation that baith noblemen and counsaillors to washe their hands of that turn, and lay the haill burding apon me, I thocht the hurting of myself and their looping free could be na pleasure nor weill unto you, for gif that impediment had not been, assure yourself I wold fainer have spoken with you than ye wold with me for maynie causis that waire langsum to write. Always assure yourselfe, and the reste of your marrowis, that I am earnest to have the

* *Caligula MSS., D i., fol. 393.*

day of youre tryal hold forward than yourselfis, that be your services thairafter the tirranie of their mutins may be repressit, for I protest before God in extremitie, I love the religion they outwardly profess, and hatis thaire presumptuouse and seditious behavioure, and for youre pairt in particular I trowe ye have hadd prooffe of my minde towardis yow at all tymes, and gif of my favour to ye ye doubt, ye are the only man in Scotland that doubtis thair of, sen all youre enemies will needs bind it on my back . . . hold forward the suiting of your tryall . . . and use the advice I have commandit him to give you in your proceedings, and move your marrowis to omit na diligence in holding forward this dyet."*

Acting upon the king's instructions, Huntly petitioned that his trial might take place, or that he might be permitted to go into voluntary banishment, offering caution in great sums of money that he would not return without leave of the king. His enemies would not hear of this proposal; they determined that he should be tried for treason and executed. The English agents, alarmed lest he should escape by banishment, did all they could to bring about his conviction; they even proposed that the Council should be bribed to put him to death. The nobility, however, "were afrayde to toche him in blud; they mean to arraign him, find him giltie, but to stay judgment"†—proceedings past the comprehension of the English Ambassador. Huntly was brought to Edinburgh (being warded in Robert Gourlay's house), and along with Crawford and Bothwell was tried for treason. He was privately examined, and declared that it was only against the Chancellor he acted; and, in spite of the remonstrances of the clergy—who desired his death—he was ordered to remain at Borthwick Castle and within a circuit of six miles thereof until the king's return from the north.

In June the king went north, leaving Huntly in ward, and made journeys to Fortrose and Cromarty. He engaged in hunting, attended the banquets given in his honour, and levied fines upon the most unruly of those who engaged in the late enterprise. On the 4th of August, just as he was setting out to visit Drum, the Earl of Errol, Sir Patrick Gordon of Auchindoun, with the Laird of Cluny and others, surrendered, and were well received.‡ James, who was vanity itself, thus cheaply gained

* *Miscellany of Spalding Club*, vol. iii., p. 213.

† *Caligula MSS.*, D i., fol. 392.

‡ *Moysié's Memoirs*, p. 78.

the reputation of being a vigorous soldier, possessed of the military spirit of his forbears. Before his presence the great combination of the mighty Earls of the north melted away, and, elated by the success of his supposed achievements, he released Huntly on his return to Edinburgh. On 17th September Huntly and Errol entered into a remarkable contract at Aberdeen because of the "mutabilities, changeis and contraversies daylie falling furth amangis the hail estaites of this pour realm." Considering these things and their own peril, they determined to knit the friendship between them as two brothers, to which end they swore a great oath to maintain each other against all living save the king.*

James having given the world proof of his soldierly qualities, in the suppression of the confederate Earls, now determined to prove that in his love affairs he was no longer to be "led by the nose." His ministers had promised that he would abide by Elizabeth's choice of a spouse; but he conceived the notion that through the delay of his marriage his people were jeering at him "as if he were a barren stock," so he determined, as storms delayed his Danish bride, to go to Denmark. He drew up his plans secretly, and his ministers had no idea of his intentions until he sent forth the half-pathetic, half-comic proclamation which preceded his departure. Immediately the king had gone to Denmark, Elizabeth surreptitiously made an attempt to get his favourite noble destroyed. In December she sent Bowes, her ambassador, to the Council with letters accusing the Romish faction of treasonable correspondence with Spain for the subversion of the true religion, and offering to assist them in punishing the traitors. James, however, had taken Huntly's enemy—Chancellor Maitland—with him, so that those of the Council who were at Edinburgh politely informed Elizabeth that "they knew nothing of such a conspiracy, and required neither their own force nor hers, for the country had never been so quiet as it had been since the king's departure." †

There were, however, disturbances in the north of Scotland, arising through the conduct of John Grant, Tutor of Ballindalloch, who ill-used Margaret Gordon of Lesmore, the widow of the late Patrick Grant of Ballindalloch. James Gordon of Lesmore went to Strathspey to protect his aunt, and, quarrelling with John Grant, the partisans of both met in conflict. As the Earl of Moray protected the

* *Miscellany of Spalding Club, vol. v., p. 278.*

† *Moyse's Memoirs, p. 81.*

Grants, Huntly took up the quarrel ; it was a fitting opportunity to be revenged for the excesses committed during the king's visit to the north, so he entered the district with fire and sword. He also attacked the Earl of Moray and his adherents ; the former escaped with difficulty, and the latter, after being besieged in their own houses, were forced to yield.* In February of 1590, Huntly was one of those commissioned to proceed against the Clan Gregor, and on 5th March a charge of horning was passed against him at the instance of the Earl of Moray and his Countess relative to the fishings of Spey. He was relaxed from this horning, on his giving instructions to his fishermen to desist from putting cobles and nets upon the water of Inverspey, but owing to political intrigue the dispute, trivial in itself, led to consequences disastrous to both parties.

Notwithstanding the decree by the Lords of the Council in favour of Huntly, the Earl and Countess of Moray still pursued him vindictively. In June they charged him to deliver up his castles and enter into ward in Blackness Castle, there to remain until July under pain of treason. Against such discreditable proceedings Huntly vigorously protested, and of consequence the Council suspended the letters of treason. The league against the Earl assumed formidable proportions ; he seems to have been unaware of the extent of its ramifications until the autumn, when, acting under a commission against the Tutor of Ballindalloch for the slaughter of one of the Gordons, he proceeded to Strathspey and laid siege to Ballindalloch. The Laird of Grant had promised to enter the Tutor at Strathbogie, but instead of keeping his promise he was induced by Campbell of Cawdor to join in the coalition against Huntly, to which Moray, Athol, Lovat, Stewart of Grantully and Sutherland of Duffus were also parties.† Grant entered into an alliance with these, and a few days later was joined by the Laird of Mackintosh (who was at issue with the Earl over the erection of the Castle of Ruthven) and the Dunbars of Moray. Huntly charged the Laird of Freuchie (who at same time was accused by the Privy Council of misrule) to present the Tutor under pain of treason ; but the Laird paid attention to neither. He went to Forres, where his confederates were assembled, plotting how they were to resist Huntly. Their deliberations were cut short by the appearance of the Gordons, for the Earl, acting upon a royal commission, determined to apprehend the

* *Cecil Papers at Hatfield.*

† *Miscellany of Spalding Club, vol. ii., p. 93.*

Tutor. The conspirators fled for refuge to Darnaway, and Huntly sent John Gordon, brother of Cluny, and others with flags of truce to demand the delivery of the malefactors. Not only was the request disregarded, but there was no attention paid to the symbols of peace: a body of men issuing from the house slew John Gordon, and wounded some of his companions. Under these circumstances Huntly complained to the Privy Council, and desired that his proceedings be approved. The confederates were summoned to appear; when they set up as defence that Huntly's commission was illegal, and that he had due intimation of its suspension. They brought forward in support of their allegation the deed of suspension, duly endorsed by witnesses, only to find on examination that the deed was a forgery, as alleged by Huntly. The king and Council consequently declared the Earl had done worthy and acceptable service in the execution of his commission.* Cameron of Lochiel on the 5th of March entered into an agreement with Huntly, engaging to support him against the Clan Chattan and the Grants. The quarrel continued; there were slaughters and forays involving the Camerons, Mackintoshes, and Grants, and an order of Council charged Huntly not to pass west of Spey, the Earl of Moray not to cross east of Findhorn, and Athol to remain south of Skorkeith. These measures, however, only led to a lull in the strife, for Huntly soon after proceeded against Grant for the slaughter of John Gordon, and the justice of his proceedings was acknowledged by the Government, who, by the 22nd of October, brought about a temporary reconciliation.†

Huntly for his own protection made an alliance with the Macphersons, and by bringing that family into a more prominent position succeeded in detaching them from the Mackintosh chief. In January 1592, the Earl and the Duke of Lennox, his brother-in-law, were commanded to apprehend the turbulent Earl of Bothwell, who was engaged in revolutionary schemes, but Bothwell escaped to Bute. One of his partisans was the Earl of Moray, who took refuge in Donibristle. Between Moray and Huntly there raged, as we have seen, a bitter feud, fostered by the intrigues of the Chancellor Maitland, who, having quarrelled with Moray, now resolved to destroy him. To achieve this purpose, as well as the ruin of Huntly, the latter was given a commission to apprehend his hereditary foe. The result, as might be expected from the

* *Register of Privy Council*, vol. iv., p. 569.

† *Chiefs of Grant*, vol. iii., p. 180.

bad feeling between the Stewarts of Moray and the Gordons, led to the tragic death of the "Bonnie Earl" on the 7th of February, under circumstances which did not redound to the honour or credit of Huntly. His animosity against the rival, who had treated him with so much malice, might have been satiated by the cruel deed perpetrated by his retainers, but the family quarrel was not quenched in the fire of Donibristle.

The Gordon chief was stripped of his commissions of Lieutenancy and Justiciary, for James could not withstand the clamour of the clergy. Captain Gordon, the brother of Gight, was beheaded for his share at Donibristle, while the Earl escaped and retired to the north, after expressing his willingness to surrender. James wrote to him to look after himself, as his enemies were pressing for his trial; but the orders issued by Lord Ochiltree to pursue him were countermanded by the Council. James assured Huntly of his constancy, and warned him not to come to Edinburgh by ferries unless with a force for protection. The Earl surrendered on 10th March, and was committed a prisoner to Blackness Castle. Eight days later proclamation was made charging the young Earl of Moray not to pursue him,* and on 20th March he was permitted to retire to Finhaven with the Earl of Crawford.

Huntly's presence in his own domains was the signal for an attack upon him by Athol and Mackintosh; the latter having a private grudge against Huntly because the promise of the lordship of Badenoch by Morton in 1572 had never been fulfilled. Uniting their forces, they invaded the Gordon country with fire and sword. They killed six score men, women and children, and their wanton cruelties led to a repetition of the scene at Donibristle, for the exasperated Gordons burnt their cooks and servants. The "heather was on fire": Cameron of Lochiel, Keppoch, Clanranald, the Macphersons, and lairds of Morayshire sided with Huntly; they attacked the Mackintoshes in Badenoch and the Grants in Strathspay; blood was shed like water, and the tide of war rolled from Lochaber and Badenoch to the Braes of Glenlivet, Strathdee and Glenmuick. The people fought with more vigour than they ever did against their Saxon foes; clan after clan became involved, until the whole north from sea to sea was in a blaze. Huntly had set Campbell against Campbell, Macpherson against Mackintosh, and generally let loose the dogs of war. Lords Ochiltree and Lovat, with Campbell of

* *Diary of Robert Birrel*, p. 27.

Cawdor, joined in the fray and aided Mackintosh, who laid waste the lands of the Camerons. To quell the terrible disorder the king released William, Earl of Angus, and commissioned him to proceed to the north. He had instructions to take part with, and assist, whichever side was the most reasonable. Angus was so far successful that by 4th December Athol, Mackintosh, and their dependents granted assurance of peace, which extended to Huntly's allies, the Camerons and Macdonalds. Grant was also desired to assist Angus with counsel and force. There were fair prospects of peace at last. Huntly was ordered to ward in Aberdeen, and Athol in Perth, but the Clan Chattan, thinking their formidable foe was out of the way, within ten days after granting assurance, broke their bond, and, in contempt of the royal mandate, murdered and robbed "with sik extraordinar crualtie that the lyk hes not bein hard this lang tyme in any civil country."* Mackintosh at this time acted upon the counsels of the English minister, in the hope of a substantial reward, and it says a great deal for Huntly that, instead of taking instant revenge, he complained to the king, declaring that through obedience to the royal command he had sustained great loss, skaith and shame. No attention was paid to his remonstrance, for at this time he was once more the victim of conspiracy: his bitter enemies, the clergy and the English faction, were scheming for his ruin.

It is a fact, the significance of which cannot be overlooked, that prior to the discovery of plots in which Huntly and the Catholic peers of Scotland are alleged to have been engaged, king James received letters from Queen Elizabeth pressing for stringent measures against Huntly and his friends. Elizabeth's vigorous and epigrammatic letter of the 4th December 1592, was as usual quickly followed by the discovery of an alarming Papist plot! The clergy, who had not learned their true mission, nor yet the first principles of their divine duties, were most clamorous against Huntly. Narrow-minded and insolent, toleration formed no part of their creed, and, instead of allaying animosities as the preachers of divine love, their fostering of party prejudice and strife will remain an indelible stain on Scottish Presbyterianism. While actively engaged in a crusade against Huntly, one of their number (Andrew Knox of Paisley, who was in the pay of England) heard that his servant, George Kerr, was going abroad. Kerr was seized

* *Miscellany of Spalding Club, vol. i., p. 5.*

in the Cumrays, and it is alleged that among his baggage were found the famous "Spanish Blanks," which implicated his master and the Earls of Angus and Errol. The denials of Kerr were of little avail; the Council were, indeed, inclined to believe him, and there was a prospect of his release; yet James yielded to the importunities of the Kirk, and the unfortunate man, under the torture of the "boot," was forced to lie. He perjured himself to escape the torture, but when at liberty completely exonerated Huntly, Auchindoun and Errol, as proved by his letter to the Laird of Auchindoun.* Huntly and his confederates protested their innocence, but under the circumstances wisely declined to obey the summons to ward in St. Andrews. As they refused to subscribe a bond concerning religion, James marched to the north, declared them rebels, and for several weeks remained at Aberdeen; Huntly and his friends took boat from Rathbyhaven for Caithness; Athol was appointed Lieutenant-General beyond Spey; the Castle of Strathbogie was garrisoned by the royal guard under Archibald Carmichael; while the Countess of Huntly remained at Bog of Gight.

King James well knew the origin of the "Spanish Blanks," and would not take extreme measures against the Earls; Bothwell's rebellion, due to the fostering care of Elizabeth, brought about communication between the king and Huntly, whose Countess was received at Court. The Earl was relaxed from the horning pronounced against him on 16th March, and on the 22nd of August the king granted a dispensation of the Act of Intercommuning made against him for the slaughter of Moray, because of the great losses he had sustained from the ravages of the Clan Chattan. Huntly then proceeded to take signal vengeance on the Mackintoshes; the raid of Petty was a complete success, though during the absence of the Gordons, the Mackintoshes entered Strathbogie. They were pursued by the Earl, completely routed at the Cabrach, leaving sixty men and their spoil in the hands of the Gordons. The young Earl of Argyll tried to win his spurs by raising a large force to assist Mackintosh; he soon had to defend his own country from the vengeance of Huntly, who, with his associates, in October suddenly presented themselves before the king at Fala. They were dismissed in affected wrath, and threatened that they would be worse handled for their boldness.

* *History of the Gordons, 1726, vol. ii., p. 611.*

Elizabeth, seeing she could not effect Huntly's ruin, entered into correspondence with him; she had the assurance to desire his cooperation in the intrigue in which she induced Bothwell to embark; Huntly rejected her overtures, probably revealing them to the king, for on the assembling of Parliament, James not only refused to proceed against him and his friends, but much to the disgust and indignation of the clergy agreed to an Act of Oblivion, whereby all proceedings were annulled. Elizabeth's violent remonstrance and request for stringent measures went unheeded; the consequence being she encouraged Bothwell once more to rebel—a rising which was put down with a strong hand in the spring of 1594. On 30th April Huntly made a raid against the Mackintoshes; he burnt their houses, slaughtered many people, and captured an immense booty. His refusal to expatriate himself at the desire of the clergy (who again entered on a crusade of excommunication and persecution) displeased James. The king no doubt expected implicit obedience, and at length, through the pressure of their persecutors, Huntly and his friends were forfeited on 4th June 1594. They still remained in the north, and on 10th July the Earl's uncle, James Gordon, and some others, landed at Aberdeen. The Jesuit missionary and his companions were at once imprisoned. Angus and Errol, who first got intimation, demanded their release, which was refused; Huntly with a small force hurried from Strathbogie in great wrath, and the three Earls sent the following ultimatum to the magistrates and communitie of Aberdeen:—

“. . . Communitie of Aberdeen seeing that againe the law of nations, and without any right of justice ye at the appetyte of som of or enemies, or out of indiscreet malice against us, have tane and imprisoned three strangeris gentilmen quha war cum in the cuntrie (as we war informit) from other christian princes to sute maist humblie at his Matie or maister sum case of or distressed estaits. Thairfore, as we have travellit with you by all earnist and fair meanis three days bypast for thair reliefis. Swa now we certifie you by this present that without thir gentilmen with thair haille equippage be put to libertie . . . and deliverit unto us we will not onlie esteem of you as or enemies in tymes cuming, bit will instantlie pursue you, yor town, guidis, and geir, baith with fyre and sworde, and all other kind of hostilitie consisting in or possibilities, and power, and it sall be ane perpetual querrel to stand sa lang as or housis and posterities shal left. Thus remitting the rest to yor judgment

and opinion without we be instantlie satisfid we geve thir presentis for ane discharge of all assurances bypast, and biddis you be at yor advantage. Written this 19 of July 1594."

"Yors as ye desyre ather presentlie peac or weare."*

The authorities met in solemn conclave ; they had neither the spirit nor courage to further incite the wrath of the confederate Lords, and let their prisoners go free.

The sentence of forfeiture pronounced upon the Earls had never been acted upon. James endured much abuse for his leniency, and to allay clamour agreed to the issue of a commission to Argyll, Athol, and Lord Forbes against the confederates, who passed their time in jollity, and taking vengeance on the clergy. To accomplish their destruction, an attempt was made by the English to induce Bothwell to join them. Huntly and Errol would have nothing to do with that outlaw, and a coolness arose between them and Angus for communicating with him. Argyll, the champion of the Kirk, had no desire to cross swords with Huntly ; he only accepted the commission with reluctance, being persuaded by a deputation from the ministers, a section of whom buckled on their claymores to assist in the enterprise. The Campbell chief at length took the field ; and promised to force Huntly out of the country, provided the Gordon estates were the reward. He was joined *en route* by the Mackintoshes, Grants, Macgregors, and Macleans, with a rabble of "rascals," who came provided with sacks for the anticipated booty. Argyll courteously informed Huntly that he meant to sleep in Strathbogie, and the Earl replied that he would be received with open gates, but must not take it amiss, however, if, ere they parted, he (Huntly) rubbed his cloak against Argyll's plaid.

Ruthven in Badenoch was gallantly held by the Macphersons in the interests of Huntly ; Argyll and his men, repulsed in their attempt to capture it, marched to the Braes of Glenlivet, where they were attacked by Huntly about eleven o'clock. The two armies fought until two in the afternoon, and after an hour's rest renewed the fight, which continued until nightfall, when Argyll's men fled, and the "Mac Cailain Mor," with a few of his retainers, took horse to Dundee to bring the tidings of disaster to the king. James was delighted with the defeat of the Kirk's champion ; indeed, he is said to have encouraged Huntly to fight, and,

* *Caligula MSS., D xi., fol. 199.*

when Argyll was admitted to his presence, he remarked: "Fair fa' ye Geordie Gordon for sending him back sae like a subject."* But the king's good humour was not to last; an intercepted letter of Huntly's roused his indignation, for therein the Earl declared that the king's coming against him and his friends was but a "gowks storm." He proceeded by forced marches to Strathbogie, where he remained for a few days, making all men free to the spoil of the Gordon stronghold. A discussion arose whether Strathbogie should be destroyed "for the greater wrack of the Papists," or whether it should be garrisoned. The ministers, aided by Argyll and Lindsay, carried the day against the protest of many of the nobles, who desired that the house should be spared. Two days later "nothing was left unhocked save the great olde tower which shall be blown up with powder"; it is said 5000 men were employed, and on the 29th of October the Castle, which took fourteen years to build, was razed to the ground. The king could remain no longer in the country; his men were in a state of starvation, to which many succumbed, and, returning to Aberdeen, he sent parties to raze the houses of Abergeldie, Slains and Newton.† Slains was burnt because it could not be "hocked."

Huntly fled to Caithness, and the Earl's brother-in-law, the Duke of Lennox, was left to govern the north. An attempt was made to keep up the king's rancour against Huntly; the Laird of Mackintosh, who had lost the royal favour for his excesses in the late war and for treasonable correspondence with England, sought to ingratiate himself in the king's sight by revealing an alleged plot, into which Huntly had entered, to effect the sovereign's death. Investigation led to Mackintosh's accusing Innes of Invermarkie as his informant; but the base allegations were without effect, and had it not been for Lennox's generosity, Mackintosh would have shared Argyll's reward—imprisonment for his oppressions.

Lennox soon after had a meeting with Huntly and Errol, when they agreed to leave Scotland until James considered it safe for them to return. Huntly spent several nights with his kinsman, and was found dancing with two gentlewomen until midnight, gaities which greatly exasperated the "unco guid," who clamoured anew when it became known that Lennox made over the management of her husband's estates to the Countess of Huntly, his sister.

* *Innes's Sketches of Scots History*, p. 386. † *Scottish State Papers (Elizabeth)*, liii., No. 77.

Immediately the Earl left the country, to make a tour through France and Germany, a proclamation was issued charging all mariners not to bring him back. He returned, however, in August 1596, and when the fact came to the knowledge of the clergy they "cryed michtelie out of thair pulpitis thairupon."* The Countess of Huntly exerted herself to the utmost to secure her husband's pardon. James was not unfavourable to the Earl's petition, to remain in his own country, on condition that he conformed. Huntly was willing, and made the most reasonable offers to satisfy the Kirk and Presbytery of Aberdeen; but the latter, acting on the advice of the ministers of Edinburgh, refused to entertain his proposals. An unseemly struggle between the king and the clergy ensued. They denounced the Lords of Session as miscreants and bribers, the nobility were cormorants, and the king was the "devil's bairn, guided by Satan," and their benefactress, Elizabeth of England, was an atheist—all because of the disposition to favour Huntly. James, however, determined to curb the license of the clergy; he and his Council issued a mandate declaring the assumed supremacy of the Presbytery of Edinburgh unlawful; the northern Presbytery were commanded to accept the Earl's reasonable satisfaction should it be offered. They were firmly taken to task for their unchristian behaviour in declining absolution from the sentence of excommunication, "for it was only reasonable that a penitent sinner should receive ane absolution."† Accordingly a strange scene occurred in Aberdeen on 26th June 1597, when Huntly and Errol, before the noblemen and gentlemen of Aberdeenshire, made open confession of their apostacy, renounced Papistry and swore never to decline again, but to defend the religion presently confessed. They were consequently relaxed from excommunication, and the citizens of Aberdeen celebrated the event with much popular rejoicings—"wine was drunk in abundance, glasses broken, and sirfootfeats casten abroad on the causey, gather wha so please."‡ A corresponding scene was enacted in Edinburgh, when on 4th August Huntly and Errol were relaxed from the horn by sound of trumpet, on becoming bound to give their eldest sons as pledges for good conduct. They were restored to their estates and titles in the Parliament of 12th December of same year.

King James had always cherished a great liking for the Gordon, and

* *Moyse's Memoirs*, p. 127.

† *Caligula MSS.*, D xi., fol. 212.

‡ *Diarey of Robert Birrel*, p. 45.

henceforth he was treated with favour; his Countess was received at Court, and on 17th April 1599, he was created Marquis of Huntly, Earl of Enzie, Viscount of Inverness, &c. In 1601 he had a royal commission of Justiciary and Lieutenancy for the reduction of the Northern Isles to order and obedience. The Isles "being enriched with an incredible fertility of corns and plenty of fishes would render inestimable commodities to the country, if the barbarity of the savage inhabitants would permit a peaceable trade and traffic among them."* Two years later he was reconciled with the Earls of Argyll and Moray, the latter becoming his son-in-law. When James succeeded to the English throne in 1603 he wrote to Huntly to convey the Queen to London in his "cumliest manner" and he had a remission for Glenlivet during same year.

The Marquis and his spouse "hankered" after the old faith, and made no secret of their attachment to the Romish Church; as a consequence the General Assembly deputed Mr. George Gladstones, minister of St. Andrew's, to live with him "so that he and his family might be informit in the word of truth." Surrounded by bigoted and narrow-minded clergymen, whose insolent remonstrances he treated with disdain, Huntly made a gallant struggle for religious freedom for himself and his household, and absolutely declined to resort to the preaching in the parish kirk. The Presbytery of Aberdeen endeavoured to carry out their intentions in high-handed fashion by threatening excommunication, but the king and Council could not brook such intolerance, and charged them under pain of rebellion to desist from their proceedings.† Notwithstanding the royal protection, the Marquis and his family were, in 1606, ordered to reside permanently in Aberdeen for the benefit of advice and instruction from the clergy there. Presbyterian eloquence was of no avail, for, on 23rd June 1607, he was ordered to confine himself within eighteen miles of the burgh of Elgin; to reside there ten days of every month, including two consecutive Sundays, and every other Sunday to give regular attendance at church to listen to sermons, besides being at all times accessible to the district clergy. But such persecution little affected him; he held the even tenor of his way, and basked in the royal favour until the negotiations about the reduction of the Lews failed. In July 1608, he was excommunicated by the General Assembly with the approval of the king. He held out for a time, but yielded in 1609, and

* *Gordon Charters.*

† *Register of Privy Council, vol. vii., pp. 19-20.*

was imprisoned in Stirling Castle, where he was subjected to the intrusive visits of the clergy, upon whose representations his confinement was prolonged. When in prison he wrote a pathetic letter to the king (who desired that his son should be sent to Court) to the effect that his son was the only comfort he had during his confinement, yet his affection for his majesty was so great that he was contented with whatever was the king's pleasure. He hoped that James would not forget his affectionate service of old, nor permit him to be used with such rigour as seemed the intention of his persecutors, and begged that James would not consent to his ruin "for refusing to swear that all is true that it pleis the puritins of this countrey to affirme."* He was released in 1610, on his engaging to subscribe the Confession of Faith, but for six years he was subjected to a discreditable persecution, from which he was released by the Archbishop of Canterbury, who absolved him from the sentence of excommunication on 7th July 1616, much to the consternation of the Scottish Church, and thus ended Huntly's long struggle against Presbyterian intolerance.

He was admitted and sworn a Privy Councillor on 27th February 1617, but henceforth took little concern in public affairs. He devoted himself to the improvement of his estates, rebuilding his ruined house of Strathbogie, and repairing the Castles of Bog of Gight and Aboyne. He was one of the first in Scotland to engage in planting on a considerable scale; he made roads and constructed bridges; his attention to the requirements of his property is shown by many of the deeds printed in this volume. Before king James died Huntly was called to Court, and James "desired the Prince of Wales to take him by the hand as the most faithful servant that ever served a prince, assuring Charles that so long as he would cherish and keep Huntly on his side, he needed not be very apprehensive of great danger from seditious or turbulent heads in Scotland."†

Huntly does not appear to have received much notice at the hands of Charles I., and in 1629 he was deprived of the office of Sheriff of Inverness and Aberdeen for a composition of £5000, which was never paid. In the following year he was deeply affected by the tragedy at Fren draught—the frequent theme of song and story, the particulars of

* *Letters and State Papers of Reign of James VI.*, p. 124.

† *History of the Gordons*, 1726, vol. ii., p. 129.

which need only shortly be given here. The Marquis's fifth son, John, Viscount of Aboyne and Melgum, met a terrible death under the following circumstances. The Crichtons of Frendraught were at feud with the Gordons of Rothiemay and the Leslies of Pitcaple. On the 18th of October Crichton visited the Marquis of Huntly at Bog of Gight, and by his exertions was reconciled to the young Laird of Rothiemay, whose father he had slain, on paying fifty thousand merks as assythment. The feud with the Leslies, however, was not so easy of reconciliation, and for Crichton's protection Huntly desired Aboyne and Rothiemay to escort him to his own home. This they did, and being pressed to remain overnight in the Tower of Frendraught, they were burnt to death. How the fire broke out is a mystery which has never been solved.

Believing that the fire was wilful, Huntly prosecuted Crichton, who in turn seized John Meldrum of Reidhill, the nephew of Pitcaple, and he was tried for participation, and executed. But the wild spirits of the Gordon clan proceeded to revenge the death of the "Good Lord John" in a more summary fashion. Time and again they ravaged and destroyed the lands of Frendraught; outrage, pillage, and slaughter became of daily occurrence, but the Gordons were not responsible for much that happened. The defenceless state of Crichton encouraged the forays of the "broken highlanders"—the lawless "limmers" who plundered friend and foe alike. They flocked like vultures to the scene of ravage and spoliation, so that at length the authorities interfered. They charged the Marquis of Huntly to appear before them to answer for not restraining his kinsmen, and as the infirmities of old age formed no excuse, he was outlawed. He afterwards repaired to the capital, and was accused of being a prime mover in the depredations on Crichton. He protested his innocence, declaring that the rebels were neither his tenants nor servants, and, as he was no longer Sheriff, he had no warrant to interfere or prosecute them; the outlawry was then reversed on his giving bond that he and his allies should keep the peace. On his return to the north the rebels dispersed, but in the winter of 1635 he was again charged to appear at Edinburgh, and, although nothing could be brought against him, he was imprisoned in the Castle of Edinburgh. He afterwards had liberty to live in his own lodgings, with permission to walk in the Gardens of Holyrood. The whole proceedings are recorded in the appendices to Spalding's "Memorials of the Troubles." The

termination of the long life of the Gordon chief, who had encountered so much animosity throughout his career, was now approaching, and feeling himself getting weaker and weaker he set out in June of 1636 to return to Strathbogie, making his journey in a "wand bed within his chariot." He died at Dundee on 13th June, and was buried at Elgin with much "mourning and lamentation, according to the rites of the Romish Church ; there were torchlights, and the like form of burial was seldom seen before."

The Marquis of Huntly married Lady Henrietta Stewart, who survived him, and in 1641, owing to renewed persecution by the Kirk, she was forced to go to France. "A strange thing," says Spalding, "to see a worthy lady near seventy years of age put to such trouble and travail . . . her children and grandchildren dispersed and spread, and albeit nobly born yet left helpless and comfortless, and so put at by the Kirk that she behoved to go or else bide excommunication, thereby losing her estate and living. It is said she had three hundred thousand merks in gold and jewels with her." She died in September 1642, and was buried in her mother's grave at Lyons. Their family were :—

- I. George, Earl of Enzie, second Marquis of Huntly.
- II. Francis, who died abroad in 1620.
- III. Adam of Aboyne. He resigned the lands of Aboyne on 22nd June 1620, and was henceforth styled of Auchindoun.
- IV. Lawrence, died at Strathbogie, aged 20.
- V. John, created Viscount of Aboyne and Melgum in 1627. He married Sophia Hay, fifth daughter of Francis, Earl of Errol, and they were infeft in the Lordship of Aboyne on 8th July 1626. He perished in the fire at Fren draught in 1630, leaving a daughter. His widow was given Aboyne Castle as a dower house, and an interesting account of her residence there is to be found in Blackhall's "Briefe Narration."
1. Ann, married James, third Earl of Moray.
2. Elizabeth, wife of Alexander, second Earl of Linlithgow.
3. Mary, married at the church of Bellie, on Sunday, 16th September 1632, William, Earl of Angus, created Marquis of Douglas.*
4. Jean, married Claud, Lord Strabane, at Bellie on 28th November 1632.†

* *Spalding's Memorials of the Troubles*, pp. 28-30.

† *Ibid.*



George Marquis of Huntly:

GEORGE, SECOND MARQUIS OF HUNTLY.
LADY ANNE CAMPBELL.

George, the eldest son of the late Marquis, was known during his father's lifetime as Earl of Enzie and Lord Gordon. When his father suffered persecution and imprisonment, the young Earl was his companion ; but the king, yielding to the desires of the ministers, determined that the Lord Gordon should remain at Court and be brought up in the reformed faith. He was a great favourite with the young Prince Henry. In 1607 he married Lady Anne Campbell, daughter of Archibald, seventh Earl of Argyll, when she was but thirteen years of age—an alliance which it was hoped would quench the feud which had arisen between the families during the wars prior to Glenlivet. They were infest in the Lordship of Badenoch, and sundry lands in Lochaber, by charter dated 25th October 1608.*

In the following year the Earl of Enzie may be said to have entered upon his public career, when entrusted with a Royal Commission to suppress the "Knights of the Morter," or "Societie of the Boyes"—a secret organisation of Aberdeenshire gallants who were ever ready with dirk, pistol, and claymore, upon the slightest occasion, to break the peace by their brawls and quarrels. Banded together by oath to avenge their mutual wrongs, these "swaggering blades" roamed throughout the country pillaging friend and foe. Their oppressions, and the insolent contempt they manifested for the law, enraged the Privy Council, who denounced them as "an infamous byk of lawless lymmars and a foul reproche to any country." The "Knights of the Morter" were difficult to suppress, and for three years they were proceeded against with varying success.

In 1610, Enzie was at Court, and when King James created his son Henry Prince of Wales, he was made a Knight of the Bath. About this time the Gordons acted in a very unfriendly manner with their old

* *Registrum Magni Sigilli, xlvi., 463.*

allies the Camerons. It appears that certain long-forgotten charter rights to the Cameron lands in Lochaber were discovered by the Earl of Argyll, and these were so indisputable that Cameron had unwillingly to become a vassal of that Earl. This was deemed by Huntly so injurious to the Gordon interests in Lochaber that he determined to ignore Allan MacIan Dubh, chief of the Camerons altogether, and exercising his undoubted rights of superiority, he let sundry lands, hitherto possessed by Allan, to other Cameron lairds, with the result that the latter determined to acquire undisturbed possession by plotting against the life of their aged chief. Allan, however, was "too auld and subtle a fox," and effectually worsted the conspirators, the terrible and bloody vengeance he took upon his traitor clansmen leading to a commission of fire and sword against him.* The execution of this commission was entrusted to the Earl of Enzie, but the Clan Chattan having disregarded his summons (through the influence of Argyll, who secretly befriended the Cameron chief), he was compelled to deal more leniently with Allan than would otherwise have been the case, and imprisoned him at Inverness.

The Earl was next employed in a commission of fire and sword against the Macdonells of Keppoch, but as they—like the Camerons—had been staunch friends of the Gordons during the troubles of 1590-6, he did not deal rigorously with them, and by accepting the commission prevented its falling into less friendly hands.

The refusal of Mackintosh and the Clan Chattan to accompany Enzie in 1613 led to a renewal of the ancient feud between the families. It was intensified by Mackintosh's imprisonment at the instance of the Earl of Moray—the brother-in-law of Enzie—because of interference with the vassalage duty of some of the Clan Chattan holding lands of Moray. As Mackintosh had not fulfilled his feudal obligations to Enzie, a process was instituted against him to shew that he could not with impunity neglect his duty as a vassal of Huntly. The proceedings fell through, owing to a technical error, and this victory seems to have elated Mackintosh to so great an extent that henceforth he determined to trample the rights of the Gordons under foot.

Meantime the Macdonells of Keppoch—a bold and daring race—had joined with the Camerons in resisting Mackintosh in the exercise of his office as steward of Lochaber. They ravaged his lands with such

* *Register of Privy Council, vol. x., p. 185.*

disastrous effect that he had to purchase a commission of fire and sword against them. Mackintosh's invasion of Lochaber was not attended with success, and, being forced to retire without accomplishing his mission, determined on another effort; he directed such of his clan as were Huntly's vassals to attend him—a call which was properly resented by Enzie, with the result that the commission was cancelled, on the ground that he had exceeded its limits.

The chief of Clan Chattan, a passionate and arrogant youth of twenty-five, permitted himself to be influenced by the evil counsel of his father-in-law, the Laird of Grant, and his cousin, Mackenzie of Kintail, and, like not a few of his predecessors, ventured to pit himself against the Gordons. He abused Enzie's kindly consideration in the matter of the tithes of Culloden by boasting that he would not allow him to obtain these—his just rights—which had been permitted to lie dormant for many years. Enzie was not to be treated in this fashion; he accepted the challenge, and sent messengers to point the corn. Mackintosh, backed up by Grant and Mackenzie, trying to carry things with a strong hand, deforced them. He was declared a rebel, and Sir Robert Gordon, who took a friendly interest in the youth, was sent to reason with him to prevent the consequences of his rash act, "but all in vain, being a heidstrong young gentleman he would not harken to his counsel."* He fortified Culloden, and then, having secured all the grain, he dared not abide the issue; hurrying to Court, he misrepresented the facts, pleading persecution at the hands of the Gordons.

Enzie, accompanied by Sir Robert Gordon, Lovat and others, at the head of 1100 horsemen and 600 foot, appeared before Culloden on 5th November 1618, and after negotiations with Duncan Mackintosh, the uncle of Sir Lachlan, the house was surrendered to Enzie, who redelivered the keys.† That the Gordons had no other intention than to force a contumacious vassal to perform his legal obligations, and vindicate their own rights of superiority, is obvious, for the tithes were presented to the Dowager-Lady Mackintosh, who enjoyed the liferent of Culloden as her jointure. Mackintosh was next cited to appear before the Council to answer other claims; he was tried and imprisoned in Edinburgh, becoming bound in the following year to pay Enzie a considerable sum of money.

* *Earldom of Sutherland*, pp. 357-8.

† *Ibid.*, p. 359.

When the Duke of Lennox visited his Gordon kinsmen in 1619, he was entertained with a great hunting expedition in Badenoch, where the northern lords assembled to do him honour, and was attended during his sojourn by the Earl of Enzie. The latter in 1622 was commissioned to proceed against his relative, the Earl of Caithness, then at variance with his son. But Enzie's mediation was in vain, and he was sent to France in 1623 on affairs of state. Being accompanied by a band of gallant young gentlemen well appointed, he was in the following year made captain in the Scots Bodyguard to the French king—a position which had long been held by his mother's family—the Stewarts of D'Aubigny. He served with distinction in Alsace and Lorraine, and the letters from the French king* prove how cordially that monarch acknowledged the signal services rendered by the Earl and his fellow-countrymen.

Enzie was recalled from Germany by his father to assist in suppressing disorders in Aberdeenshire and the Highlands. At this time he was "esteemed the ablest man of body in the kingdom, and will familiarly go in the mountains after the deer 80 miles a day." In 1630 he had a commission to proceed against Roman Catholics, which he executed with such rare tact and discretion as to win the praise of all. Two years after his brother John, Viscount Aboyne and Melgum, was burnt at Frendraught, the king, desirous that the title should be revived in the family, by letters patent dated 20th April 1632, conferred the dignity on the Earl of Enzie, with special remainder (after his father's or his own death) to his second son, James, and the heirs male of his body. He went to France in 1633, followed by his Countess and children, where he remained until after his father's death, returning to Strathbogie on 23rd June 1637, being warmly welcomed by friends and retainers, and spent blithe and merry nights.†

In 1638 Huntly granted charters to James Farquharson, afterwards of Whitehouse, and John Gordon of Bellamore, which possess exceptional interest in regard to hunting and other rights.

Charles I., acting under the pernicious influence of his strong-minded spouse and Archbishop Laud, persisted in forcing Episcopacy upon the Scots, which brought about a conflict between sovereign and subject in which perished the best and bravest of Britain's sons. In the bitter and disastrous struggle families were divided: father and son frequently

* *History of the Gordons, 1726, vol. ii., Appendix.* † *Spalding's Memorials, p. 76.*

met face to face on the field of battle, so that many of the noblest and proudest houses in the kingdom were brought to ruin. Throughout the early part of 1638 the north was greatly agitated; everywhere the people were busy subscribing the covenant. Huntly was royalist to the core, and greatly exerted himself on behalf of Charles. While thus engaged in the summer of 1638 his lady died at Old Aberdeen on the 14th of June, and she was buried in St. Machar's in Bishop Lichon's aisle. But this cruel bereavement did not deter him from taking a prominent part in public affairs. The Covenanters of the north had met at Elgin, under the leadership of the Earl of Sutherland, Lord Reay, and the Master of Berriedale. As the last was of near kin to Huntly (being grandson of the Earl of Caithness), he "sent a very gude ramage falcon" to Lord Berriedale, and took the opportunity to warn him of the consequences of his son's idle courses. Thus admonished, the father wrote a curious letter to his son, cautioning him against the idle and preposterous causes he had on hand; but the Master, too spirited a young man to be turned aside by the peril of imminent ruin, replied that if he did so "it would be a disgrace to his lordship to be father to such a son, and a perpetual infamie to remain to posteritie and great iniquitie against God."*

The Covenanters, aware of Huntly's great influence, made an attempt to induce him to join their party with offers of the leadership. They were to make his fortunes greater than ever they were, and to discharge the family debt, which exceeded £100,000. Should he refuse these offers they would take measures to ruin him and his family.† But Huntly was not to be overcome by such tempting offers or by threats. He indignantly rejected their proposals, declaring that his "family had risen and stood by the kings of Scotland, and for his part, if the event proved the ruin of the king, he was resolved to lay his life, honours, and estates under the rubbish of the ruins of the king."‡ The Marquis then proceeded to Aberdeen, which, through his influence and example, was still royalist. He exhibited the king's declaration about the annulling of the service book, and got the town's folk to consent to subscribe the Confession of Faith and general band.§ He remained in Aberdeen stimulating the inhabitants, who prepared to take up arms,

* *Rose Papers, Advocates' Library, Aberdeen.* ‡ *Ibid.*

† *Gordon's Scots Affairs, vol. i., p. 49.*

§ *Burgh Records of Aberdeen, vol. i., p. 137.*

and began to drill themselves. Early in February, hearing that the Covenanters were assembled at Turriff, he marched to disperse them ; but ere he had mustered his 2000 followers, the Earl of Montrose, by a rapid march, reached Turriff before him. Consequently, as he had instructions to act on the defensive, the Marquis retired to Aberdeen, and soon afterwards was forced to retreat when Montrose and the Covenanters entered the city. Already the rival parties wore ribbons of distinguishing hues ; the Covenanters indulged in blue, while the royalists donned the royal scarlet.

Montrose acted in arbitrary fashion with the people of Aberdeen, and, having compelled them to subscribe the covenant, proceeded to Kintore on his way to attack Huntly. A meeting was arranged to take place between the two nobles at Lewes, but Huntly, changing his mind, proceeded to Inverurie, where he obliged himself to maintain the king's authority, together with the liberties and religion of the kingdom. Moreover, his friends were at liberty, if inclined, to sign the covenant or not. Montrose on his part agreed to withdraw from the north provided Huntly disbanded his army, and that his Roman Catholic friends signed a declaration as to maintaining the laws and liberties of the kingdom.* Soon afterwards Huntly was invited to give his advice regarding the suppression of disorders, and, accepting this invitation, he was entertained at supper by Montrose. Several letters from the king to Huntly had been intercepted, and it is obvious that the Covenanters had by treachery got the Marquis in their power. He was desired to resign his commission of Lieutenantcy, which he did, and to give a contribution to assist in paying their forces, but this he absolutely declined to do, because the money had been borrowed without his advice or consent. He was next requested to apprehend certain outlaws, but, as he had resigned his commission, he could not act in the matter, neither would he agree to reconciliation with Frendraught. After the conference, he was permitted to return to his lodgings, and found them guarded ; a deputation of noblemen waited upon him "to signify that it behoved him to assist in their designs or to be carried to prison in the Castle of Edinburgh."† It was useless for him to plead that he came to Aberdeen under assurance from Montrose, and he was per-

* *History of the Gordons, 1726, vol. ii., p. 265.*

† *Pamphlet published by his authority, April 1639.*

force obliged, along with his elder son, to accompany them. While a prisoner he was offered liberty on terms which he rejected. He declared that "to be their prisoner was less displeasing to him since his accusation was for loyalty, and his being brought into his present situation by such unfair means as can never be made to appear honourable in those who used them. Although in their power, he was resolved not to leave the foul title of traitor as an inheritance to his posterity; they might take his head from his shoulders, but not his heart from his sovereign."* It was doubtless this dishonourable treatment which prevented the cordial co-operation of Huntly and Montrose in after years.

But although the Gordon chief and his eldest son were prisoners, his second son, James (who, on his father's succession to the Marquisate, became Viscount Aboyne), raised the clan for the purpose of resisting the wasting of Strathbogie by Montrose. The young Lord of Aboyne seems to have inherited the warlike spirit of his great-uncles, for at the head of a considerable body of men he took possession of Aberdeen. Forced, however, to disband his army, he took ship to the king, who promised him assistance in men and money. Charles also appointed him to the office of Lieutenant held by his father, and, relying on the promises of Admiral Hamilton, Aboyne returned to Aberdeen, where he was joined by his younger brother Lewis—the hero of the "Trot of Turriff"—at the head of the Highlanders of Braemar, under Donald Farquharson, his father's bailie. Had all their followers been animated with the enthusiasm of these gallant youths, their proceedings would have been crowned with greater success. Lord Lewis, the spoilt pet of his grandmother, was a wild and wilful boy of thirteen. There was no subduing his spirit; he ran away from his tutors at Bog of Gight, leapt the wall of his father's castle, narrowly escaping with broken arms, and raised the men of Strathdee, who readily obeyed their boyish leader. Collecting upwards of 2000 horse and foot, Aboyne advanced to Kintore, compelling the people to swear allegiance. His army was, however, dispersed soon after by Earl Marischal near Stonehaven, but a few days later a body of the Gordons defeated the advance guard of Montrose, which determined Aboyne once more to make a stand and dispute the passage of the Dee. Montrose by stratagem

* Pamphlet published by his authority, April 1639.

divided his opponent's troops, and succeeded in capturing the bridge upon which Aboyne escaped to England; his father and brother were soon after set at liberty under the pacification of 20th June 1639, notwithstanding the urgent petitions of the Northern Covenanters for Huntly's detention.

The Marquis of Huntly and his sons went to England, and during their absence their friends in the north suffered harsh treatment at the hands of Argyll and Munro, the covenanting generals. Aberdeenshire loyalists were well-nigh ruined by the excessive fines levied on their property. During the Marquis's imprisonment his daughters—Ladies Ann, Henrietta and Jean—had been married to the Earls of Perth, Seton and Haddington. These marriages were arranged by Argyll, who became bound for their tochers, and so as to secure him, Huntly granted wadsets of Lochaber and Badenoch to him in 1641,* and on his return endeavoured to settle his estates, and extricate himself from the unsatisfactory position in which the late troubles involved him. His exertions on behalf of his friends, and his interest in Aberdeen, may be judged from the references to him by contemporary annalists.

When the struggle between the king and the estates was renewed, Huntly continued true to the royal cause, but unfortunately family division weakened the power of the Gordons. Ere the storm burst in the north there was a revival of bitter persecution, and the Gordon chief was cited to appear before the Estates in July 1643.† He had had a meeting with his son the Viscount of Aboyne, and Montrose, in June, and thenceforth the Estates endeavoured by all the means in their power to capture him. Several attempts were made to attain their purpose, and their proceedings forced him to take up arms. As Lieutenant of the North he raised his clan, appointing Aboyne as the rendezvous. From thence he marched to Aberdeen—whose provost had been previously kidnapped—at the head of eight hundred foot and two hundred horse, and these were drilled on the links. While in Aberdeen he issued a proclamation declaring that he was acting in self-defence. On 28th April he was solemnly excommunicated. Unfortunately for himself and the cause he espoused, he was averse to taking strong measures. He had the greatest difficulty in restraining his impetuous kinsmen, who longed to take vengeance on the Covenanters for their oppressions in the past, and his inactivity at this

* *Spalding Memorials*, vol. ii., p. 57. † *Acts of Parliament (Scotland)*, vol. vi., p. 17.

time proved his ruin. Eager for the fray, the young men of his clan burst beyond control, and their daring raid into the Mearns at once attests their courage and enthusiasm. Huntly's position was one of difficulty, for which due allowance should be made. The evil influence of Argyll had been directed towards enfeebling the Gordons, and he contributed in no small degree to the troubles and family misfortunes which had well-nigh broken the spirit of the Gordon chief, who, surrounded by his brave sons and true and faithful kinsmen, would have, as of yore, bade defiance to the greatest of his foes, and doubtless like his predecessors would have swept them from the field. Alas! the malign influence of his kinsman, the "Mac Cailain Mor," had turned father against son, and brother against brother. The partial hold he had acquired over the Gordon possessions during the imprisonment of the Marquis and his son was so strengthened, by insidious and questionable methods, that he virtually held their power in his hand. Argyll had brought over the Lord Gordon to the Covenanters, and in the same camp was to be found the third son, Lewis. Under these circumstances it is not surprising to find Huntly's inaction proving a source of strength to his opponents, and that on the approach of Argyll with an army 6000 strong he disbanded his followers, and sought refuge in the wilds of Sutherland: a reward of 18,000 merks being offered for his capture.* The Gordons made a brave struggle in defence of hearth and home. It would be out of place here to record how Sir George Gordon of Gight and Sir John Gordon of Haddo defended their castles. The former, in whose veins ran the blood of a hot-headed and violent race, had, after the pacification, won the highest encomiums a sovereign could pay to a subject, for his great zeal and gallantry. "This most brave knight, faithful and beloved" of Charles, "a lord of the bedchamber, and a most worthy and excellent man," made a stout defence and maintained Gight Castle, while Haddo died upon the scaffold.

The exploits of the covenanting force did not reflect any credit upon their leader, whose brutal treatment of his own niece, the Lady Mary Gordon, wife of the young Laird of Drum, and the wanton pillage of the ancestral home of the Irvines, have to be recorded to Argyll's disadvantage. Nor can there be found any palliation for the terrible scourge he brought upon Strathdee and Cromar, when he permitted his

* *Spalding's Memorials*, vol. ii., p. 374.

Cleaners to harry in so thorough a fashion the tenantry of both Covenanter and Royalist. The presence of Lord Gordon did not prevent his father's estates from being mercilessly plundered, and there can be no doubt that the scenes of spoliation he witnessed cooled his ardour in the cause of the covenant, whose soldiers seem to have run riot.

Montrose, the erstwhile Covenanter, having during the last two years dallied with his friends, the time had now arrived when duplicity no longer served him, and he determined to draw his sword for his sovereign. His meteor-like career began with his success at Perth, which so encouraged his forces that he marched to Aberdeen. He summoned the Magistrates to surrender the town, or to send the old men, women and children out of the way; threatening, in the event of non-compliance, to give no quarter to those who remained. It would have been well for both parties had this ultimatum been attended to; the terrible scenes enacted when the Irish sacked the town would not have formed a stain on the character of Montrose. We will not follow the royalist leader during his "coursing campaign"; it is apparent that Argyll had no desire to cross swords with him, and during October the westland chief was occupied in destroying the lands of the Gordons and others of the anti-Covenanters—doubtless a congenial occupation to his followers. But a terrible vengeance was taken when Montrose swooped down on the Campbell country, and permitted its pillage by the Macdonalds, and the men of Strathdee.

The crushing defeat inflicted upon Argyll at Inverlochy brought many wavering loyalists to the standard of their prince, and the scions of the house of Huntly, thoroughly disgusted with their rapacious friends, in the spring of 1645 joined Montrose at Elgin.* As the Covenanters were again making headway against the Gordons, Montrose sent Lord Gordon and his brother Lewis to disperse them and protect the family property. †

Lord Gordon had the headquarters of his army in Morayshire, where he was closely watched by Major Hurry, while the covenanting general, Baillie, tried to prevent the junction of the Viscount Aboyne with Montrose. The latter eluded Baillie, crossed the Dee at Mill of Crathie, and pressed on to join Lord Gordon ere he was attacked by Hurry. Aboyne was sent to Aberdeen for ammunition. At Skene a junction was effected with the Gordons, and, Aboyne having secured powder and

* *Spalding's Memorials*, vol. ii., p. 448.

† *Ibid.*, p. 465.

ball, it was resolved to attack Hurry, who retreated before the advance of Montrose and his friends. At the village of Auldearn the issue was decided, and through superior strategy Montrose gained a complete victory, to which the chivalry of the Gordons contributed in no small degree. In this battle the courage and gallantry of Lord Gordon was conspicuous; his conduct was emulated by Aboyne and the rest of the clan, and many daring and valorous deeds were performed;—the sons of Huntly behaving so as to deserve eternal praise.* They took vengeance on the Covenanters of Moray, and requited the plundering of their paternal possessions.

General Baillie on the 11th of May crossed the Dee, occupying Tarland and Coull, and when he heard of his colleague's defeat hastened towards Morayshire. Montrose, encamped at Strathbogie, was in no position to resist or attack his opponent. He evaded Baillie's attempts to bring him to battle until his followers had re-assembled, for, as customary after a battle, they had dispersed to secure their booty. Baillie, therefore, ravaged the Gordon domains, and he was joined by Hurry. The Gordons rallied to the standard of Montrose, and after a series of manœuvres the royalist leader decided to risk battle at Alford. Lord Gordon commanded the right, and the Viscount Aboyne was on the left, while Glengarry led the centre, composed of the Macdonells and the Lochaber vassals of Huntly. The spirited attack of the Gordons, converging upon the enemy's centre, rendered the victory complete; but their brilliant achievement was clouded by the fall of Huntly's heir, who, with his staunch clansman Nathaniel Gordon, cut his way through the serried ranks of the enemy.

The young Gordon leader was daily gaining experience and distinction; the brave manner in which he led his father's followers elicited the praise of all, and his untimely death at once deprived Montrose of an able colleague and the king of a brave subject, who gave proof of emulating the conduct of his loyal progenitors. According to Wishart "there was general lamentation for the loss of Lord Gordon, whose death seemed to eclipse all the glory of the victory. As the report spread among the soldiers everyone appears to have been struck dumb with the melancholy news, and a universal silence prevailed for some time through the army. However, their grief burst through all restraints, venting itself in the

* *Spalding Memorials*, vol. ii., p. 474.

voice of lamentation and sorrow. When the first transports were over, the soldiers exclaimed against heaven and earth for bereaving the king, the kingdom and themselves of such an excellent young nobleman; and unmindful of the victory or plunder they thronged about the body of their dead captain, some weeping over the wounds and kissing his lifeless limbs, while others praised his comely appearance even in death, and extolled his noble mind, which was enriched with every valuable qualification that could adorn his high birth or ample fortune."

Lord Gordon's body was brought to Aberdeen, escorted by Montrose and Aboyne with 400 horse, and it was laid in his mother's grave in St. Machar's; the billeting of the soldiers costing the town £1500. In August a body of 200 horse, under Lord Lewis Gordon, were also quartered in Aberdeen, and exacted a considerable sum of money.* In September Aboyne again entered Aberdeen with 400 horse, and during their six days' sojourn burdened the good town to the extent of £2400, besides compelling the Magistrates to accept their conditions.† A great many of the Gordons fought under Aboyne at Kilsyth (where the power of the Covenanters was broken to pieces), and accompanied him to Edinburgh.

Unfortunately Montrose in the zenith of his fame did not give sufficient credit to his Highland friends, through whose valour he acquired his successes, and when they realised the fact they quitted his camp in disgust, and so brought ruin upon the cause, at a time when the Covenanters were swept from the field. Where would Montrose have been without the aid of his Highlanders—the Macdonalds and the vassals of Huntly? The Macdonald leader was not satisfied with the knighthood he had so deservedly won, and the Lord Aboyne, as heir of the Gordon chief, would not give place to any of the noble lords who now came flocking to the conqueror's standard. The two northern leaders with their men left Montrose, and the battle of Philiphaugh was lost to him and the king by his new-found allies, who lacked the dash and courage of the sturdy mountaineers.

To retrieve the royalist cause Montrose turned his face northwards again to seek the support of the Highlanders, but by this time Huntly had taken the field. The death of Lord Gordon had brought him from his retreat in Strathnaver, and he now intended to lead his men in person. He indeed permitted Aboyne and Lord Lewis to join

* *Records of Aberdeen.*

† *Records of Aberdeen, vol. ii., p. 57.*

Montrose, but on the latter's returning south, they were recalled to assist against Middleton, who was advancing upon Aberdeen. Huntly had not forgotten the treachery of Montrose in 1639, and at this supreme crisis could not be induced to cordially co-operate with him, nor is it surprising considering the circumstances. He besieged the houses of Burgie, Blervie, and Lethen, and ravaged the lands of the Covenanters of Moray. Montrose's interview with him at Bog of Gight led to no important result, for he determined to act an independent part, and was confirmed in his purpose when he saw how Montrose would have left him at the mercy of Middleton. Huntly therefore proceeded to Aberdeen, and hearing that Middleton was advancing against him with a superior army, he marched up Deeside along with Aboyne, and occupied the Castle of Kinnord, which was strengthened and repaired. When Middleton turned aside in pursuit of Montrose, Huntly returned to Aberdeen, where, on 14th May 1646, he defeated Colonel Montgomery and took three hundred and fifty prisoners.* His marauding Highlanders plundered the town, and escaped to their homes with a rich booty, and this compelled Huntly to retire to Kinnord, followed by Middleton, with whom he had a skirmish at the Pass of Ballater. He then went to Strathbogie, where by the end of June news was received of king Charles's disastrous surrender to the Scottish army—the occasion of much rejoicing to the burgh of Aberdeen. Charles sent imperative orders to Huntly and Montrose to lay down their arms, and the latter soon after left the country.

The king soon found that no reliance could be placed in his Scottish keepers, for they entered into negotiations with the English, to whom they designed to deliver him. He therefore sent a secret message to Huntly, requesting him to take the field, with the hope of soon being joined by his sovereign. But their intentions were frustrated by the interception of a letter, and ere Huntly's arrangements were completed, Middleton marched against him. The Gordons threw themselves into their fortresses; Strathbogie, Lesmore, Bog of Gight, Ruthven, and Kinnord were garrisoned, and prepared to withstand a siege. Major Bickerton and his troops were defeated, but on the approach of Generals David Leslie and Middleton, the Marquis retired to Badenoch. Strathbogie fell, and in this castle was captured Lord Charles Gordon and the Laird of Newton, its

* *Records of Aberdeen, vol. ii., p. 68.*

governor. One by one the strongholds of Huntly were reduced ; and he was pursued through Glenmoriston, Lochaber, and Badenoch. There was no hope of his ever receiving terms from his opponents ; they so declared in 1644, when they settled the price of his head. Seaforth, the weathercock of the north (who tried to negotiate a marriage between Kenneth his son, and the daughter of Cromwell—to whose interest he offered to bring over the Highlands), endeavoured to betray him by offering refuge in the wilds of Kintail ; a proposal which was wisely rejected, Huntly preferring to trust his faithful vassals. Surrounded by a gallant band, he lived in the caves and dens of his own wide domains ; often narrowly escaping the hot pursuit of his foes. His sons—the Viscount of Aboyne and Lord Lewis—fled to Paris, while the youngest Henry also went abroad, and well it was that they did so.

Middleton, the covenanting general, lay at Strathbogie, whence he sent his dragoons to search far and wide for the fugitive. Colonel Menzies, one of his officers, discovered the Marquis's place of concealment at the farmhouse of Dalnabo, which afforded a secure retreat. One night towards the close of December, just when the party were retiring to rest, the tramp of horsemen announced the approach of Menzies and his dragoons. Escape being impossible, Huntly, surrounded by ten faithful retainers, determined to sell his life as dearly as possible. They were outnumbered, yet fought with such bravery that not until six of them were killed was Huntly made a prisoner. When the news spread that he was taken, both Grants and Gordons rushed to the rescue. The daring cateran, James Grant of Carron—"Hamish na' Tuim"—the hero of many a raid, whose exploits yet form the theme of tradition and song, put himself at the head of 400 men, who solemnly swore either to rescue Huntly or die to a man. Their intentions were frustrated by a command from the Marquis ; he thanked them for their devotion, and declared "that now, almost worn out with grief and fatigue, he could no longer live in dens and hills, and hoped that his enemies would not drive things to the worst, and if such was the will of Heaven he could not outlive the sad fate he foresaw his royal master was likely to undergo ; and be the event as it would, he doubted not but the just providence of God would restore the royal family and his along with it."*

On the news of his capture reaching Edinburgh, the Committee of

* *History of the Gordons, 1726, vol. ii., p. 546.*

Estates discussed the advisability of his immediate execution, and although the faction of Argyll and the Kirk did everything in their power to achieve this, his life was spared until the meeting of Parliament by only one vote—Argyll having had the decency to withdraw.

Huntly was carried under guard to Edinburgh, where he was imprisoned, and when Charles heard of his capture he wrote to the Earl of Lanark, requesting him to use every means to save his life. The Marquis languished in prison for 16 months, and during this time Argyll possessed himself of his brother-in-law's estate, and bought up all the comprisings which affected it; took up his residence in the Gordon Castles, levied the rents, and left the Gordons to do as best they might. While in captivity the Marquis heard of the death of the king, as well as of the Viscount Aboyne, and on the 16th of March 1649, he was brought to trial on the charge of treason. He was condemned to death, and on the 21st of March the Committee of Estates commanded the Magistrates of Edinburgh to receive the person of George Gordon, late Marquis of Huntly, from the Constable of the Castle of Edinburgh, and to cause the foresaid George Gordon to be brought to the place of execution, and there to see the sentence of Parliament executed. Huntly was beheaded at the Market Cross of Edinburgh on 22nd March 1649, and exhibited the greatest fortitude. His last moments were embittered by the persistence of some of the ministers, whose attentions he got rid of by telling them "that he was not accustomed to give ear unto false prophets, and had no wish to be troubled. He told the people that he was going to die for having employed some years of his life in the service of the king, his master; that he was sorry he was not the first of his majesty's subjects who had suffered for his cause, so glorious in itself that it sweetened to him all the bitterness of death. He declared that he forgave those who voted for his death, although he would not admit that he had done anything contrary to the law, and after embracing some of his friends submitted his neck without emotion to the fatal instrument."

By Lady Anne Campbell, who predeceased him, he had :—

- I. George, Lord Gordon, killed at Alford 2nd July 1646.
- II. James, Viscount Aboyne, who died at Paris a few days after the execution of Charles I.

- III. Lewis, who became third Marquis of Huntly. He married Mary, daughter of Sir John Grant of Freuchie, in November 1644, with whom he got 20,000 merks.*
- IV. Charles, first Earl of Aboyne (*See next Memoir*).
- V. Henry. He took service under the King of Poland through the influence of his brother-in-law, Count Morstein. He was in frequent correspondence with Charles II., and in 1667, when there was a general settlement of the family estates, he was provided in the sum of 5000 merks. He died at Strathbogie.
1. Ann, "ane precise puritan," married James Drummond, third Earl of Perth, and died 9th January 1656.
 2. Henrietta, married, firstly, George, Lord Seton ; secondly, John, second Earl of Traquair. She died in December 1650.
 3. Jean, married, 14th January 1640, Thomas, second Earl of Haddington, and died in 1655.
 4. Mary, married, 7th December 1643, Alexander Irvine of Drum.
 5. Catherine (twin with her brother Henry) was maid of honour to Mary de Gonzaga, Queen of Poland, and married John Andrew, Count Morstein, Great Treasurer of Poland. She had a "birth brieve" under the Great Seal of Scotland on 21st August 1687.

* *Spalding, vol. ii., p. 428.*

CHARLES, 1ST EARL OF ABOYNE, Lord Strathaven and Glenlivet.

Margaret Irvine, first wife ; Lady Elizabeth Lyon, second wife.

The second Marquis of Huntly was succeeded by his third son, Lewis, of whom some account must be given. He was offered his father's estates provided he satisfied the Kirk, but would not accept the family possessions on these terms, and they continued in the hands of Argyll, who obtained an order for the destruction of certain of the Gordon strongholds.

In 1644 Huntly had married Mary Grant, daughter of the Laird of Freuchie. There are romantic stories attaching to this union, to the effect that during the troublous times Lewis had to seek refuge in a cave two miles from Castle Grant. His food was brought to him by Mary Grant—a young lady of such “rare and matchless divine beauty that she maintained possession of his soule against all the bewitching allurements of all home-bred and forraine beauties whatsomever.”

In March of 1650, Huntly and Middleton were at Dunottar concerting measures in the royalist interest. Montrose, after an abortive campaign, had been taken in the wilds of Sutherland, and suffered death on the scaffold ; therefore Huntly and Middleton had become the most prominent supporters of Charles II. The Gordons determined to pursue the struggle, and when Charles landed in Scotland they joined him at Bog of Gight, where he remained three days. The castle was occupied by Argyll's men, as was also Strathbogie, where the king proceeded on the fourth day. After the fatal defeat of the royalists at Dunbar in June 1650, Huntly and his brother Charles—who throughout the troubles of the years 1644-48 had been at school in Aberdeen, and was taken at Strathbogie when it was captured in 1649—united with the Earl of Athol and General Middleton. The northern royalists entered into a bond to join firmly and faithfully together, and neither for fear, threatening, allurements, nor advantage were they to relinquish the cause of their king, nor lay down arms without a general consent. Monck and Cromwell had swept General Leslie from the field, but in the north the faction of Huntly continued in arms among the hills.

Huntly's loyalty to Charles was rewarded, on 25th March 1651, by the reversal of the attainder passed on his father, and he was restored to the Marquisate of Huntly "with all and whatsoever titles, honours, and dignities, pertaining to his late father as if there had been no forfeiture. The titles were to descend to him and his heirs male, failing which to the next apparent heir male of his father."* On 21st August of same year he granted a discharge to the Magistrates of Aberdeen for ten men sufficiently armed, clothed, and furnished with all necessaries requisite as a part of fourscore and ten men, the burgh's proportion for the present levy.†

The crushing defeat at Worcester did not damp the ardour of the Gordons, and on 30th October 1651, the king having intended to join the northern loyalists in person, Huntly wrote to his much-respected friend, the Laird of Auchmedden, and others, in these terms:—

"Having a purpose to make use of the advice of our friends in relation to the present difficulties of these dangerous times, and being confident of your affection and respect to us, and your abilities on such occasions, these are therefore to desire you to take the pains to keep at the Kirk of Culsalmond upon Thursday next the sixth of November be ten o'clock before noon, whair you shall find me ready to impart to you our resolutions and to prosecute the same be advice of our friends in relation to the present occasion."‡

Charles could not reach the north, and one by one the Highland strongholds were reduced by the victorious armies of Monck and Lambert, until Scotland lay at the feet of Cromwell. Huntly was anxious to come to terms with Argyll as to the family estates, and, accompanied by eighty men, he proceeded to Finlarg Castle. It had been agreed that neither party was to exceed that number, but on the arrival of the Gordons they discovered the whole country in arms. Under these circumstances Huntly's friends advised him to return home, yet his escort "was so engaged and surrounded about by the adverse party that it was impossible for him to recoil; at last the Marquess, being constrained—much contrary to his own and friends' inclinations—entered upon the treaty, and subscribed several papers and writs to the great prejudice of his interest and family."§

* *G. E. C.'s Peerage.*

† *Letter in Aberdeen Archives.*

‡ *Baird MSS., Advocates' Library, Aberdeen.*

§ *Miscellany of Spalding Club, vol. iv., p. 167.*



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George Huntly

In the autumn of 1653, the king wrote to Huntly and others, about the distress he was in, and desired they might find some expedient for his assistance. During September and October the Marquis entered into negotiations with Colonel Morgan, and agreed that the Lairds of Straloch and Lesmore should become sureties for his peaceable behaviour. In consequence of these transactions reports were circulated to his prejudice, and on 18th December of same year the king assured him that he cannot believe that he will ever be found wanting to his service. "Middleton," he adds, "depends on no man's assistance more than Huntly's, and is very confident of his particular friendship."* The king therefore "conjured him, since all have hitherto suffered greatly by emulation and jealousy among friends, to use his utmost diligence to prevent all mischiefs of that kind."

Marquis Lewis died soon afterwards, leaving a son, George, fourth Marquis of Huntly. In 1655 his widow wrote to the Marquis of Argyll, who held the Gordon estates, desiring that she might get her portion, or at least a suitable maintenance. Argyll replied that, although her desire was reasonable, it was out of his power to entertain her request, for "the burdens of that famelie (Huntly) and others are lyk to bring me in great straits, for in truth I never yet had my annual rents paid in any year I receeved most, and many yeers I wanted neer altogether, pairtly in your father-in-law's default, and lykways in your husband's. Yit all that shall never mak me fall short in my dewitie to the famely without my own ruin, but yit theis things disabl me from doing many things which I wold willingly doe if I wer abll," and he concluded in a hypocritical strain by wishing heartily she "understood better the right way to that inheritance purchased to us by a rich pryce and given to all freely for whom it is appointed, and this knowledge alone and non els can and will strenthen our hearts in the mids of other troubls whairof non ar exempted."† He said he expected the lady had long since removed from Strathbogie, and cruelly desired her to do so.

After the death of Lewis the management of the family affairs devolved on his younger brother, Charles. When Glencairn raised the royal standard in the north, he was joined by Lord Charles Gordon, but Glencairn lacked the necessary dash to lead the Highlanders. Seldom

* *Clarendon State Papers*, vol. ii., p. 284.

† *Family of Innes*, p. 179.

in the history of our country did such a sordid crew take the field ; Macdonell of Glengarry would only move when assured of being created Earl of Ross, but illegitimate descent precluded the bestowal of this historic earldom upon him, and as it was essential that his co-operation should be secured, Charles sent a blank warrant to create him an earl, allowing him to choose the title. Some of the nobles agreed to take the field if the Order of the Thistle was bestowed on them, and the poor king, driven to his wit's end by the importunities of those who professed devotion to his person, declared "he knew not what the old Order of the Thistle was, nor how it is to be revived. All such things must be performed with most exact form, and any declension from the rule spoils the business."

When so many were pressing their services upon the king, at their own price, Charles II. did not forget the family of Gordon ; the title of Aboyne "he intended to confer upon Lord Charles Gordon if it be not descended upon the heir of the Marquis of Huntly : if it be let him choose some other."* As it was not known at Paris (where Charles then was) whether the Viscounty of Aboyne devolved on the late Marquis (Lewis), and "as there was no one who can prepare the draughts in which the old known form is essential," therefore Middleton was instructed, in all such cases, to send the draughts from Scotland.† Glencairn was superseded by Middleton, and the personal quarrels and jealousies which prevented cordial union, soon told on the cause. Lilburn and Morgan, the Cromwellian commanders in Scotland, did much to prevent the rising from acquiring formidable dimensions, but the latter was outwitted by Middleton, who became master of the greater portion of Ross. General Monck was then sent by Cromwell into Scotland, and by a series of rapid marches harassed the royalists. The Gordon tenants of Badenoch and Lochaber rose in arms with the Camerons and Macdonells of Glengarry, though they did not long hold out, and by August Monck had pacified the country ; he secured the Highlands by a chain of forts, entering into agreements with the principal noblemen and chiefs, taking bonds for their good behaviour, and for delivering up their arms. Lieutenant Colonels were to become bound in the sum of £300 ; Majors in £200 ; Captains in £100 ; Lieutenant Captains in £60 ; Ensigns, £50. Such were the means which Monck successfully employed to subjugate Scotland.

* *Clarendon State Papers, vol. ii., p. 309.*

† *Ibid., p. 312.*

The Earl of Aboyne, as he was titularly known during the life of Cromwell, seems to have been in secret correspondence with Charles, and on the death of the Protector he became Monck's right-hand man in Aberdeenshire. Monck was royalist at heart, yet, his plans not being ripe, when Generals Lambert and Desborough sought to coerce the Rump Parliament, he promptly determined to support the latter against the army. He heard the news of Lambert's *coup d'état* on the 17th of October, and without losing a moment hurried to Edinburgh, where he dealt in summary fashion with the friends and nominees of Lambert. His proceedings against the refractory regiments mark him at once as a man of indomitable courage and resolution. He professed it to be his duty to maintain the authority of Parliament, and meanwhile had no intention of taking the country into his confidence as to his future plans. Prior to his famous march to London he addressed letters to the gentlemen of Aberdeenshire,* which are instructive, and reveal his methods of deception. He had a difficult rôle to play, and he did it admirably, escaping from the traps set for him by his wily opponents. Towards the close of November he marched southwards, and on 2nd December 1659, the Lord Aboyne was elected commissioner to proceed to Berwick (where Monck had established his head-quarters), to confer with the commander-in-chief. He returned to Aboyne before 29th December, and wrote to the Laird of Straloch that there was no possibility of agreement between Monck and Lambert, although he seems to have been misinformed when he said that "all England was in arms for Monck."

General Lambert at the head of a considerable force lay at Newcastle, and the two commanders busied themselves with negotiating treaties, until Lambert suddenly formed the design of marching upon London. Monck followed on the 1st January 1660, and, ere many months elapsed, he secured the restoration of the Stuarts amid universal rejoicing.

One of the first acts of Charles II. was to convey a signal mark of his appreciation of the loyal services rendered by the Gordons. He had long intended to revive the title of Aboyne, as it had become extinct in the person of Viscount James. The king granted a Diploma, on 14th September 1660, in favour of Lord Charles Gordon, creating him Earl of Aboyne, Lord Strathaven and Glenlivet.†

* *pp.* 318-322.

† *p.* 325.

Owing to the harsh treatment of Argyll the family had fallen into a sad condition, and the widow of Marquis Lewis petitioned the king in the following terms:—

“No familie or persone within your Maties Dominions did more need your happy returne, to the exercise of your Royall government, then our poor familie, and your Petit^{ner} in particular; for none resents the same with greater satisfaction, abstracting from our own private interest, then wee doe. And now seeing the disposal of your Petit^{ners} Joyntur and her childrens aliment is att your Royall Free donation: your Petit^{ners} husband not being in a legall capacity before his death to secure either the Petit^{ner} or her children, by reason of the heavy oppression suffred for his Loyalty. May it therefore please your sacred majesty to setle on the Petit^{ner} a joyntur answerable to what her husband did grawnt her, which was about five hundred pounds a year. Also to order an aliment for her sonne and three daughters, suitable to their birth, together with some what to defray their private burdens contracted upon that account. That your Matie would order a convenient house belonging to the family may be assigned to your Petitioner and her children for their dwelling place. That y^r Matie would be graciously pleased to grant a letter of recomendation to the Parliament and other judicatories in Scotland, soe that what y^r Matie will be pleased to conferr upon your Petitioner and her children they may enjoy it peaceably.”*

The Earl of Aboyne also represented, on behalf of his nephew, that “not only was the second Marquis of Huntly destroyed in life and fortune for his loyalty, but that likewise he (Aboyne) was debarred from his patrimony. His predecessors had for many generations continued hereditary sheriffs of Aberdeen and Inverness till his grandfather was moved by your royal father to resign his right into his majesty’s hands upon assurance of 5000 *lib.* sterling to be paid him for the same, which by reason of the troubles was never done. Your petitioner’s ancestors have for a long space been hereditary governors of your majesty’s Castle of Inverness till his father was turned out for his fidelity to your royal father. By which means, together with the known sufferings and great losses of the family of Huntly upon the account of loyalty, it is brought into a low and sad condition.” He therefore desired that the king would take the state of the family into gracious consideration, and order some redress in the most

* *Additional MSS., 23,122 (British Museum).*

expedient way, so that he might be able to go about the affairs of the family. He desired the appointment of sheriff of Aberdeen and Inverness till the said sum of £5000 be paid, as well as the removal of strangers from the citadel of Inverness, so that the government thereof might return to the Marquis of Huntly.*

Aboyne wrote to Straloch on the 6th of April 1661, about the process against Argyll, and desired that some papers might be sent to him, because he was assured of meeting with great opposition at Court through the Earl of Lauderdale, a constant and inveterate enemy of the Gordons.

When the Marquis of Argyll was forfeited and executed, the king restored the Gordon property, and the Deeside estates—with the Lordships of Strathaven and Glenlivet, were erected into an earldom and bestowed upon the Earl of Aboyne by charter under the Great Seal on 14th April 1662.†

Aboyne held the management of the Huntly estates—a position of great difficulty owing to the many claims made against them. The appointment of the Earl of Middleton as tutor to the young Marquis of Huntly hampered the action of Aboyne, and led to some unpleasantness with Lady Huntly, as well as his neighbours. Between him and Lauderdale there was little love lost; to the latter, in a great measure, he attributed much of the misfortunes of his family, and gave vent to his feelings in a satire, which shows how keenly he detested the Secretary of State for Scotland. In consequence of the intrigues and dissension to which the Gordons were at this time subjected, the king interfered, and wrote to the mother of the young Marquis a letter, to which the following (from the lady to the Earl of Lauderdale, dated Winton, 16th January 1664) refers:—

“I received his Maties gracious letter within yr Lordships for which I can do no mor but beig off God a longe and prosperous Reigne to his Sacred Matie, which will be the greatest happines off his good subjects and specially of my son who wisches (though yet in a tender agge) to live no longer as he may be a most faithful and loyal servant to his Matie As for his M^{ts} comānds they shall be an inviolable law to me to stay with my sonne in any place wher ever it shall best please his Matie Yitt I cannot but admyre from whence any such reports could come to his Ma^{ts}

* *Additional MSS.*, 23, 114, fol. 20.

† *ibid.* 327-334.

eares, for beleve me my Lord it was never my intentione to crosse the firthe of Lith until such time at least as my Lord Huntlie should choise his curators, seing that it would be impossible to doe itt rightlye in the north as y^r Lo: may easilie conceive, only I confesse I lamented not without reasone, that I was nather able to go north nor to stay in Ed^r., my Lord Aboyne not paying me the 300 lib. stg. wherwith I should maintain my house this winter, besyds thatt y^r Lo. may be assured that I would never go north without making it first known to y^r Lo: and our other noble friends."*

Owing to the action of Lauderdale and Middleton the difficulties which surrounded the Gordon family were increased by the jealousy which had been fostered in the mind of the Marchioness of Huntly against the Earl of Aboyne. The latter's position precluded hasty action, and the deliberation with which he proceeded to extricate the affairs of the family from chaos greatly displeased his sister-in-law. She and her daughters—Ann and Marie—wrote to Lauderdale that their "condition was worse than they had confidence to trouble his Majesty with, and the difficulties were such that scarcely admit of delay. But as the family stood by his Majesty's favour they would rather satisfyingly perish than demand anything that is thought unreasonable, yet they desired their condition might be known."†

Although the ladies of the family seem thus to have given much trouble to Aboyne, his young nephew at this time evinced great consideration and good sense, but before affairs could be put upon a satisfactory footing the Marquis was required to elect curators, which he could only do on attaining his fourteenth year; and in their selection he seems to have been entirely guided by the counsels of his mother, for he disregarded the advice of his uncle, Aboyne—a circumstance which he lived to regret. On 4th July 1664, he wrote from Edinburgh to the Earl of Lauderdale the following letter:—

"The many and singular experiences I have of y^r Lo: favor and assistance in all my concernments gives me a certaine confidence of the continuance of the same, assureing your Lordship that both my concernmentes and myself shall ever be att y^r service while I breath: Now my Lord haveinge almost atined to the 14 year of my agge complit I ame resolved to choise my curators for the better managging of the estate

* *Additional MSS.*, 23,121, fol. 21 (*British Museum*).

† *Ibid.*

which his majestie hes been graciously pleased to confer upon me, of which as I hoppe y^r Lo: will doe me the honour to be on y^r selffe so I desyre your advice in the rest. My noble Lord Treasurer of whom I receve daylie mor favours as I can express will doe me the same honor and I hop will signifie his mind shortly in this to your Lo: I send here enclosed the names of such as I intend to have for my curators, which if your Lordship and my Lord Aubignie (to whom I have wreatin to this purpose) shall think them fitt I humbly beigge of your Lordship that they may be presented to his majestie of whos Royal pleasur both the estate and myself totally depends, and y^r Lo: advice and consent to my just desires shall be a great addition to the many favours conferred upon

“Your Lo: most humble most affectionate and most obliged

“Servant and cousing, HUNTLVE.”*

In October 1663, Aboyne found time to take a conspicuous part in current affairs, and along with the Earl of Linlithgow, at the head of 200 men, he dispersed Middleton's troop of horse. He effected a general settlement of the family affairs in 1665, which to a great extent relieved him from duties which had been rendered unpleasant, through unfriendly bickerings and jealousies. It is, therefore, not surprising that he desired to relinquish his share in the active management of his nephew's estates, which, for these reasons, had made him somewhat unpopular with his neighbours. His great influence at Court led people to believe that his wishes had only to be expressed to be gratified; he was inundated with petitions and claims against the Gordon estates; those who had in any way rendered services to the family made proposals which were totally out of his power to grant, but at the earnest desire of his nephew he continued to administer the duties connected with the property.

The fourth Marquis—whose portrait (taken from a rare engraving in Aboyne Castle) is given—had a distinguished career. It would be beyond the scope of these Memoirs to give a detailed account of his life; but as he was so intimately associated with the first Earl of Aboyne, it may be mentioned that, after travelling through a great part of Europe, he served in the armies of Marshal Turenne and the Prince of Orange. In March 1674, Lauderdale invited him to return home, and this invitation he regarded as “coming trewly from that obligeing care you have still

* *Additional MSS., 23,122, fol. 80 (British Museum).*

been pleased to have off me. And if I thought my being there could contribute anything to the advancement of public affairs, or of your grace's interest, which is always joined to his majesties, did requer my presence, nothing shuld hinder me from performing that dutie I owe to both. Therefore I beg your grace will look upon my absence as a simple amusment amonst strangers, wher I enjoy more freedom ; than at hom, in this conjunctur, when thos of my profession ar laid asyed as unnesisair personnes in all things."*

The Marquis having returned to England, married, in November 1676, Lady Elizabeth Howard, daughter of the Duke of Norfolk, and on 1st November 1684, Charles II. created him Duke of Gordon, with the privilege of regality over his own lands and vassals. This elevation to higher rank did not affect the Earldom and Marquisate, nor the other ancient dignities of the family. When the Marquis of Argyll invaded Scotland, in 1685, the Duke of Gordon, as Lieutenant of the North, assembled his followers and marched southwards. He had been appointed Governor of Edinburgh Castle by Charles, and, retaining his command after the king's death, he gallantly stuck to his post at the Revolution in 1688, notwithstanding the desertion of many of his followers, defending the fortress until after the flight of James II. He died in 17th December 1716.

The Earl of Aboyne is described as being "vigorous and sprightly, had a natural and high vein of poesy," and left on record many pieces of considerable merit. The most popular were the lincs which he, presumably, addressed to his first wife, Margaret Irvine of Drum, best remembered as "Bonnie Peggie Irvine." She died in December 1662, and on 28th August 1665, the Earl entered into a contract of marriage with Lady Elizabeth Lyon, daughter of John, Earl of Kinghorn; the contract being confirmed by charter under the Great Seal on 26th January 1666.†

In May 1673, Aboyne wrote to the Laird of Cawdor to exert himself towards the recovery of sheep stolen from Strathaven, and a letter to the same person in April of 1674 shews that the recollection of the feud between the Mackintoshes and the Gordons still survived. Mackintosh had purchased the tithes of Badenoch, and meant to pay for them with money to be received from Campbell of Cawdor, and in order to

* *Additional MSS., 23,136, f. 133 (British Museum).*

† *ff. 334-337.*

thwart him Aboyne desired Cawdor to withhold this money. In August 1674, the Earl of Aboyne purchased the lands and barony of Gight and Scheves, of which he had a charter under the Great Seal on 4th August 1675.*

A question arose between Aboyne and his nephew at the time of the latter's marriage in 1676 regarding the Deeside estates of the Gordons, and to prevent any dispute in the future the Marquis resigned his rights, Aboyne thereupon receiving a new charter from the king, on 19th November 1676, of the lands and earldom of Aboyne.† The Earl at this time again desired to relinquish the management of the Gordon estates, but his nephew prevailed upon him to still direct the affairs of the family. Aboyne accordingly acted on his nephew's behalf until his death in 1681. He married, first, Margaret Irvine of Drum, by whom he had an only daughter:—

- i. Lady Ann Gordon, who was served heir to her mother on 17th June 1665.‡

By his second wife, the Lady Elizabeth Lyon, he had:—

- I. Charles, second Earl of Aboyne, whose great-grandson, the fifth Earl of Aboyne, became Marquis of Huntly on the death of his kinsman, the fifth Duke of Gordon, in May 1836.
- II. George Gordon.
- III. John, who died at Edinburgh 22nd July 1762.
- i. Elizabeth, married in 1685 to John, elder son of the Earl of Cromartie.

* ff. 338-341.

† ff. 343-351.

‡ *Inquisitiones Aberdonenses.*

George of Huntly

George of Huntly

George of Huntly

George of Huntly

George of Huntly

George of Huntly

George of Huntly

George of Huntly

George of Huntly

John Burzart

11

Samuel H. H. H. H.

12

Donald Ferguson of Pittsburgh

13

Henry H. H. H.
James H. H. H.

14
16

Van Gordon of New York
John H. H. H.

16

Robert H. H. H. H.

17

Arthur H. H. H.

18

Felix H. H.

19

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