



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

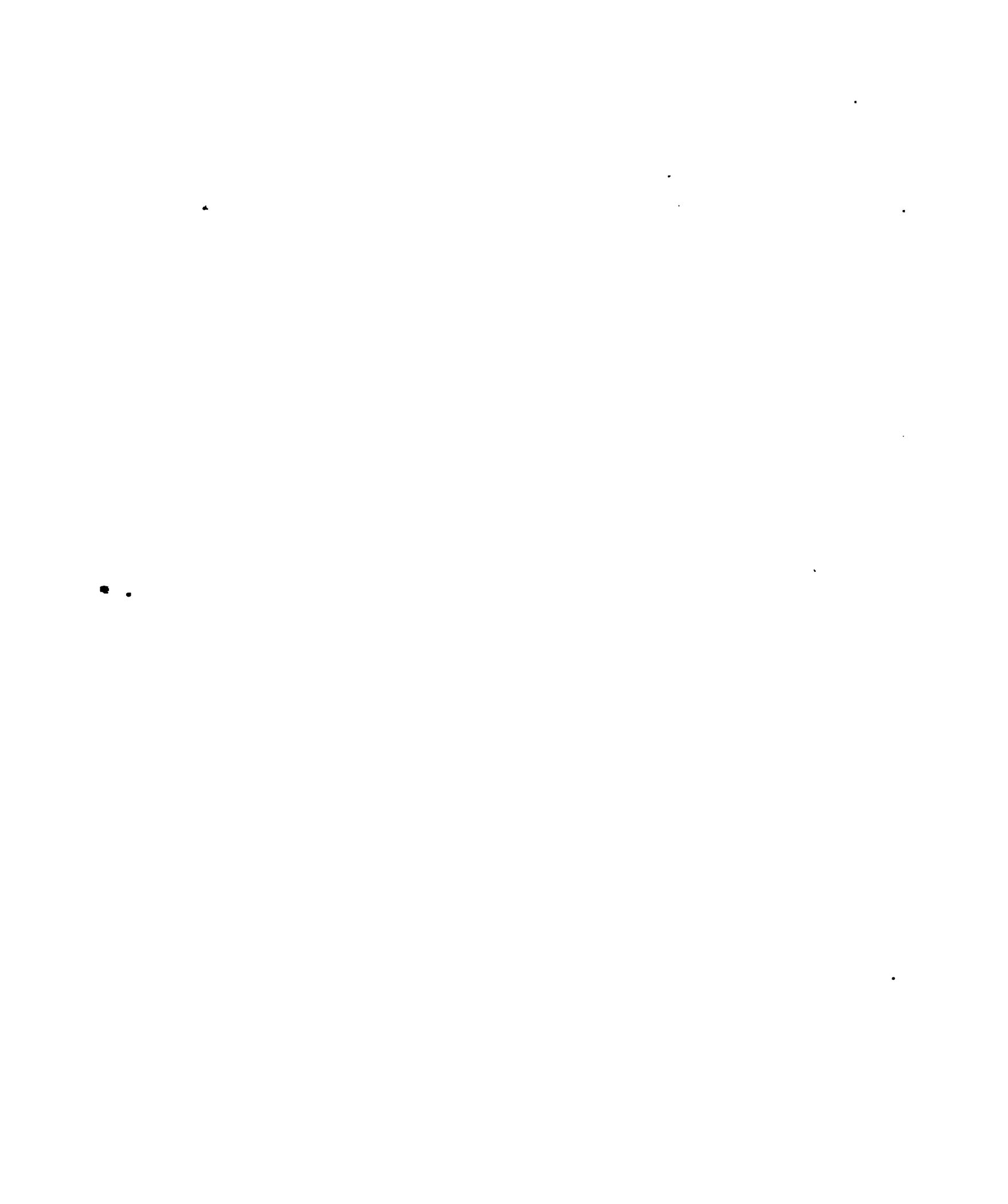


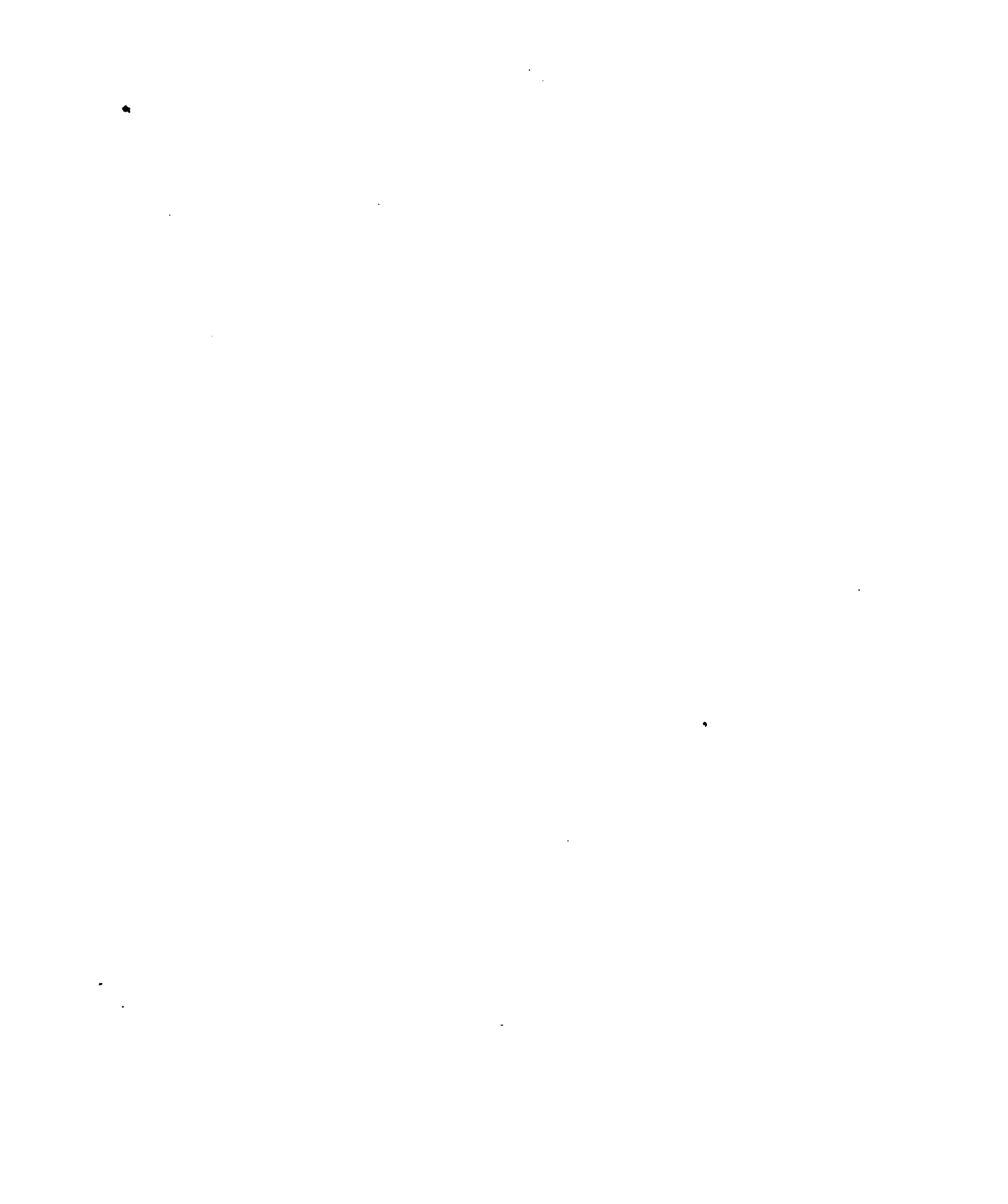
75000 600043866X



600043866X

2182 B. d. 96





BURNETT

OF

BURNETLAND AND BARNS.

GENEALOGICAL ACCOUNT
OF
THE FAMILY OF BURNETT,
OF
BURNETLAND AND BARNS,
IN THE
SHERIFFDOM AND COUNTY OF PEEBLES.

COMPILED FROM FAMILY PAPERS, AND OTHER AUTHENTIC SOURCES,

(For Members of the Family only,)



BY
MONTGOMERY BURNETT.

EDINBURGH: M.DCCCLXXX.

Arch Bodd. St.
TV. 35.

**Impression limited to Thirty Copies,
for Private Circulation.**



INTRODUCTORY REMARKS.

THE BURNETTS OF BARNs having ceased to be landed proprietors in Peeblesshire in 1838, a desire was expressed by some of its members for a Memoir of the family. During a time of enforced leisure—caused by ill-health—in 1845, I attempted to compile one, but the family papers having got into disorder from frequent removals, and the time at my disposal being limited, admitted of only a brief outline. After an interval of nearly thirty-five years—chiefly actively employed abroad—I have again, in my leisure hours, revised, and made some additions to it.

Many important documents have unfortunately been lost, or mislaid, but their place has in some measure been supplied by a copious inventory, made about 200 years ago, by a MR. MILL, of the Register Office, a great antiquary.

Care has been taken to exclude from this Memoir everything of questionable authenticity, and to confine it entirely to facts established by family documents, extracts from public records, and the most reliable works on family history. Where extracts from original documents have been made, the spelling, and punctuation has been retained.

The spelling of the name of the parish, like most old names, varies very much in early records. The earliest document in which the name is to be found is the charter by King Robert III., in 1396, of the Barony of "Menar" (so spelt) to William Ingles. In a Mortification to the Kirk of St. Gordian, in 1497, the name, which occurs four times, is spelt "Menar." For several centuries afterwards the name is indifferently spelt *Menar*, *Menner*, and *Manner*. Manor is comparatively a modern innovation, and is not to be found in any old documents. The writer of the "Statistical Account of the Parish," in 1834 (p. 110), says under this head:—"The name of this Parish is at present spelt *Manner*, or *Manor*, but it appears from the Parochial Registers—of which the earliest entry is dated 1663,—and from a great number of family papers in the possession of the principal heritor—some of which are dated 1573,—that the first mentioned orthography was established by the usage of centuries, and continued until the publication of the last parochial account. The origin of the name is uncertain."

The name of the family and of the parish is spelt throughout, as they appear in original documents quoted from.



BURNETT
OF
BURNETLAND AND BARNS.



Arms, Crests and Motto, Chiefship, Surname, &c.

ARMS.—What is called the “New Register” of Arms in the Lyon Office, commences in 1672. In that year the Arms, as above, were registered for “William Burnet of Barns, of old of Burnetland,” in compliance with Act 127, Parl. 12, James VI. (1592); re-enacted and confirmed by 21 Parl. 2 of Charles II. (1672).

“BURNETT OF BARNS, sometimes designated of Burnetland, in the Shire of Tweeddale, carries Argent, three holly leaves vert, and a chief azure.”—*Nisbet's Heraldry*, vol. i., p. 72.

“Of this family was descended the pious and learned DOCTOR ALEXANDER BURNET, Archbishop of St. Andrews in the reign of King Charles II., who carried the same.”—*Ibid.*, vol. i., p. 395.

“His Grace registered arms, adding a cross patée gules, in the centre of the shield, and taking for a motto ‘Non est mortale quod opto.’”—*Scottish Arms*, by R. R. Stodart, vol. ii., p. 292.

"ROBERT BURNET, Writer to the Signet, and Commissary of Peebles, a younger son of Barns, carried the same arms; but for difference embattled the Chief; Crest, a vine branch slipped; Motto, 'Tandem fit surculus arbor.'"—*Nisbet's Heraldry*, vol. i. p. 396.

"BURNETT OF BARNS, Co. Peebles, N.B. (anciently designed of Burnetland, or of that Ilk), and chief of the name. Arms—Argent, three holly leaves vert, and a chief azure. Crest—A hand with a knife, pruning a vine tree, proper. Motto—'Verescit Vulnere, Virtus.' Supporters, to which the family has long been pronounced entitled, have never been assumed."—*Burke's Dictionary of the Landed Gentry*. Vol. iii. Edition 1849.

REGISTER OF ARMS.—No authentic record of early grants of arms now exists in Scotland, and the arms of old families were chiefly preserved by means of seals, formerly attached to deeds and charters in place of signatures. Such official records as formerly existed were lost, or destroyed by fire, early in the sixteenth century.

The oldest Register of Arms supposed to be extant in Scotland is one in MS. made by Sir David Lyndsay, Lord Lyon, in 1542, now preserved in the Advocates' Library, Edinburgh.

The custom of carrying arms having become very irregular, and much abused, the following enactment was found to be necessary:—

By 127, Parliament 12 of James VI. (1592), it was enacted, that "considering the great abuse that hes bene amangst the lieges of this Realm in their bearing of armes, usurpand to themselves sik armes as belangis not unto them, swa that it cannot be distinguished be their armes, quha ar Gentlemen of bluid be their antecessors, nor zit may be decerned quhat Gentlemen ar descended of Noble stock and linage. For remeid quhairof, his Hienesse with advice of the said Estaits of this present Parliament hes given and granted, and be this presente Acte gives and grantis full power and Commission to Lyon King of Armes, and his Brether Heralds, to visit the hail armes of Noblemen, Barrones, and Gentlemen, borne and used within this Realme: and to distinguish and discerne them, with congruent differences, and thereafter to matriculate them in their buikes and registers; and to put inhibition to all commoun sort of people nochtworthy be the Laws of Armes to bear ony Signes Armorialles:—That nane of them presume, or take upon hand, to beare or use ony Armes in time cumming, upon ony their insight or household geare, under paine of escheitring of the guddes and geare swa oft as they sall be found graven and painted, to our Sovraine Lordis use: & likewayes under the paine of ane hundreth pundes to the use of the said Lyon and his Brether Heralds, And failzeing of payment therof, that they be incarcerat in the nearest prison, therin to remain upon their awin charges, during the pleasure of the said Lyon." Re-enacted and confirmed by Act 21, Parliament 2, Sess. 3, of Charles II., 10th September 1672.—*Scots Acts*.

CREST AND MOTTO.*—Of these Sir George Mackenzie writes (1680):—"The Earl of Galloway has for his crest a Pelican feeding her young ones in a nest or, and the motto is 'Virescit Vulnere Virtus'—and yet *Burnet of Burnetland*, who has for his crest a hand holding a pruning knife, pruning a Hollin tree all proper, hath the same motto, and having pursued *Burnet of Lees* before *Lyndsay of the*

* It is mentioned by Bell, in his "Life of Queen Mary," that "when she was in England, she embroidered for the Duke of Norfolk, a hand with a sword in it, cutting vines, with the motto, 'Virescit Vulnere Virtus.'" It is well known that the composition of devices, with appropriate mottoes, was a favourite amusement of Queen Mary—a taste probably derived from Sir David Lindsay, who was gentleman usher and attendant to her father James V., by whom he was appointed Lyon King-at-Arms in 1530. It is evident, however, that the crest and motto referred to by Mackenzie was borne by the family of Burnet of Burnetland at a much earlier period—the contest to which he alludes having taken place between the years 1530 and 1567 (during which time Sir David Lindsay filled the office of Lord Lyon); whereas Queen Mary's captivity in England did not commence until 1568, ending with her death in 1587. This crest and motto, therefore, though not originating with Queen Mary, may probably have been known to her in early life, and suggested themselves as applicable to her own unhappy condition in later years.

Mount, then *Lyon*, to change his motto, *Lees* did thereupon take for his motto 'Alterius non sit qui potest esse suus,' alluding to the occasion."—*Science of Heraldry, cap. 32, Mottoes and Devices, p. 96.*

CHIEFSHIP OR CHIEFTAINSHIP.—*Ilk*, or of that *Ilk*.—This designation denotes that the surname is territorial, and is derived from the lands held by the bearer of it, at the time surnames came into use. It also implies that the person so designed is *chief of the name*. "We find that the *Chiefs of Families* are ordinarily of '*that Ilk*'—that is to say, with us, that the names and lands are the same."—*Mackenzie's Science of Heraldry, p. 5.*

"*Ilk, Ilke*, 'the same,' from the Anglo-Saxon *Elc Elca*. Hence the ordinary Saxon phrase *De that Elc* (Anglo-Saxon *That Elca*), or 'of the same,' as when a Knight or Laird's Sirname and Title are the same, which is commonly reckoned a sign of the antiquity of the Family, and that the person is *Chief of the blood*."—*Glossary to Gavin Douglas's Translation of the Æneid.*

DISPUTED CHIEFTAINSHIPS.—*Seton* writes under this head:—"A keen dispute of a similar kind between the *Burnets of Barnes* in *Peeblesshire*, and the *Burnets of Leys* in the North, is said to have been decided about the middle of last century, in favour of the former, by *Sir Robert Douglas* (Author of the *Peerage and Baronage of Scotland*) to whom the charters of the two families were submitted for examination."—*The Law and Practice of Heraldry in Scotland, by George Seton, Edinburgh, 1863.*

The following letters also refer to the same subject:—

"EDINBURGH, TUESDAY, 14th February 1769.

"To JAMES BURNET, Esqre. of Barnes.

"Sir,—I was favoured with yours covering letter to *Sir Robt. Douglas*, and I went to his house and delivered it myself. He showed me part of the materials he had for making out an account of your family, which he said would show was a great deal older than that of *Leys*; however, I may now refer you to the enclosed from himself, and which I only got from him this day.

"I offer my most respectful compliments to your Lady and family.

"I am, with sincerity and esteem, Sir, your most obedt. humble servt,

"CHARLES GUTHRIE."

"To JAMES BURNET, of Barnes, Esqre.

"Sir,—I had the favour of yours last week from *Mr. Guthrie*, and you may be assured I'll take all the care of your family you can wish or desire. I have by me an exact Inventar of all the old writs in your possession, made out in your father's time, by *Mr. Mill*, a very great antiquary, which is now in my possession; and I can assure you the family you represent is above 150 years before any of the *Burnets* in the North.

"As soon as it is written out in my way, I'll send you a copy of it some weeks before it goes to the press; and you may depend upon it, my good old friend, nothing shall be omitted on my part, for I always retain a grateful sense of former favours.

"My best wishes attend your good Lady and family, &c. &c.,

"ROBERT DOUGLAS."

"EDINBURGH, 14th February 1769."

SURNAMES.—The name of the family of *Burnet*, or *Burnett*, of *Burnetland* and *Barnes*, is territorial, being derived from *Burnetland* in *Peeblesshire*, their earliest possession in Scotland. They were of old designed "*de Burnetvilla*," "*de Burneville*," "*of Burnetland*," and early in the 15th century "*of Burnetland and Barnes*,"—from which time they have been styled "*of Barnes*" only.

"Surnames came not into the mode with us till the Reign of King Malcolm Canmore, who gave Surnames to all his Nobles, and then many took their Surnames from their Lands they possest—as the Cockburns and others, and suited their arms to their names, to the end it might be known they were Heritors of such places: For which cause we find the *Chiefs of Families* are ordinarily of that *Ilk*—that is to say with us, that their names and lands are the same."—*Mackenzie's Science of Heraldry*, p. 5.

"As to local surnames it is to be observed, that the greater part of them are derived from proper significant terms in the English language terminating mostly in town (or villa) or some other term in that language."—*Buchanan's Inquiry into the Genealogy of Ancient Scottish Surnames*, p. 17.

"The method of designation in ancient times was extremely simple. A person was commonly styled by his Christian name, and the name of his birthplace (or possession), thus 'Jacobus de Douglas,' &c.—*Borthwick's Inquiry into the Origin and Limitations of Feudal Dignities in Scotland*, Part ii., p. 48.

"The word or partical *de*, which is often interjected between the Christian name and Surname, is generally applied to persons whose surnames are *local*, and taken from the names of the castles or places where they were born."—*Ibid.*, Part ii., p. 46.

"Upon inquiry it will be found, that the practice of interjecting this particle (*de*) never obtained except in *local surnames*."—*Ibid.*, Part ii., p. 48.

"The termination town or toun (common in surnames of Norman origin) had also the signification of castle."—*Ibid.*, Part ii., p. 48.

"Ville or Villa" was used in the same sense as castle. "Ville, in old French, meant castle."—*Anderson's Surnames*, p. 107.

"Vill or Villa is sometimes taken for a Manor, and sometimes for a Parish, or part of it."—*Dr. Cowell's Law Dictionary and Interpreter* (1727).

In old Charters and Infeftments, the property conveyed was usually indicated thus:—

"In Villa et territorio" de, &c.

"In Villa et terris" de.

"Infra Villam et territoriam" de.

"Villæ et terrarum," &c.

Signifying in town or (and) castle and lands.—*Inquisitiones Specialis in Scotia, Ubique*, 1811.

"Among the Scots the name of a village or town often gave the family name of the Lord of the Manor."—*Finlayson's Surnames and Sirenames*, p. 18.

The name of Burnett, though now written with double *t*, has been variously spelt since the family was first established in Peeblesshire. In a charter mentioned by Nisbet, to the Abbey of Selkirk, it is spelt with one *t*, "*Robertus de Burnetvilla*;" and in a charter by David I. to the monastery of Holyrood, and one by Patrick de Dunbar, Earl of March, it is without *t*, "*de Burneville*;" and this being the manner in which it would then be pronounced (in the ancient Norman, as in the French of the present day, the *t* being silent), may account for its being so written, without much regard to the proper orthography. In charters and other documents, about 1400, where "*John Burnet, of Burnetland*," or of that *Ilk*, is mentioned, the single *t* is almost always used, as it is also in the letter of William Ingles, of Murdiston, in 1502. (Page 16.)

The earliest autograph signature we find is William Burnet, in 1602;* then John Burnet, Fiar of Barns, and his brother William, in 1615, who use one *t*.

* In early times seals were attached to all documents in place of signatures, many being unable to write; but by 117, Parl. 8, James V. (14th Mar. 1540), it was "statute and ordained that because mennis seals may of adventure be tint, quhairthrow great hurt may be genered to them that awe the samin: and that mennis seales may be feinzied, or put to writtings after their decease, in hurt and prejudice of our Soverain Lord's lieges: That therefore na faith be given in the time cumming, to ony obligation, band, or uther writing under ane seale, without the subscription of him that awe the samin, and witesse; or else, gif the partie cannot write, with the subscription of ane Notar thereto."—*Scots Acts*.

William Burnett, of Barns, Treasurer-Clerk of Scotland (1639 to 1675), signed with double *τ*, as did his brother, John Burnett, of Stanepeth, chamberlain to the Earl of South Esk;— and this manner of spelling has been adopted by the family ever since, with the exception of the first James Burnett, of Barns, and his brother John (1715 to 1771), who used one *τ* only. Why another *τ* was added to the name, or whether it was only a transition in the spelling, with which those who are accustomed to tracing surnames to their origin are familiar, is unknown. It is to be observed, however, that in the deed of gift of the Treasurer-Clerkship of Scotland, by King Charles I., to William Burnett of Barns in 1639, the double *τ* is first used. Being so spelt by Royalty, it might be considered etiquette to adopt this manner of spelling in the future. This, though only conjectural, has been the case on several similar occasions.





LINEAGE AND GENEALOGY.

THE FAMILY OF BURNETT (of old BURNET) of Burnetland and Barns, is of great antiquity in the south of Scotland, and is stated by antiquaries to be of Norman descent. In the Roll of Battle Abbey the name of de Barneville, or Barneville, appears among the followers of the Conqueror, and is supposed by genealogists to be the ancestors of the "de Burnetvillas," or "de Burnevilles," who frequently appear as witnesses to charters by Earl David, afterwards David I., King of Scotland, and subsequent reigns. Without offering any opinion as to this theory, it is certain, from public records and private documents, that this family was settled in Peeblesshire early in the twelfth century, and also held lands in Teviotdale, Roxburghshire, until the middle of the seventeenth century.

The following is from an old MS. history of the family :—"The Burnetts are of Norman descent, and came to Britain in the train of William the Conqueror, who first landed in England in 1066 ; and between that time and the year 1100 went back to Normandy, and returned to England four different times—but upon which of these occasions, or at what precise date they accompanied him to England, and afterwards settled in Scotland, cannot now be accurately ascertained."

"It is well known that a number of Norman families accompanied King David I. when he returned from England after his marriage with Matilda, or Maud, daughter of Waltheof, Earl of Northumberland (grand-daughter of William the Conqueror), in 1124 ; but there is reason to believe that the Burnetts had effected their settlement in Scotland antecedently to this, and either previous to, or at latest in 1100, when King William's youngest son Henry—afterwards 1st of England—was married to Maud, sister of Edgar, and daughter of Malcolm III., Kings of Scotland."—*Barns Papers*.

The learned antiquarian, Alexander Nisbet, in his "System of Heraldry" (1722), writes :—"Leaves, of what kind I know not, frequently called '*Burnet-leaves*,' are carried by the name of Burnet, as relative to the name, which is ancient with us, for in the charter of foundation of the Abbey of Selkirk by Earl David, younger son of Malcolm Canmore, '*Robertus de Burnetvilla*' is a witness ; and the same man, or his son, is witness again in Earl David's charters when King of Scotland." "There are two principal families of the name, in the North and South of Scotland, who have contended for the chiefship ; that in the South, in the shire of Peebles, is Burnet of Burnetland, or of that Ilk, so designed of old, and of late of Barns. The other in the North, in the county of Mearns, is Burnet of Leys. The first pretends to be descended of the above '*Robertus de Burnetvilla*'—*i.e.*, BURNETLAND. I have seen a mortification of a chaplainry of the Holyrood Altar, in the Kirk of St. Gorgan

of Menner, and diocese of Glasgow, by John Burnet of that Ilk, the 29th December 1400, which chaplainry he enriches with the rents of some tenements of lands and houses which belonged to him in the town of Peebles. The same John I find designed of Burnetland, as by a charter of John Towers and his wife, Sibilla Veitch, to John Burnet of Burnetland, the 15th March 1405—and in the year 1500, Margaret Ingles, sister of Ingles of Murdistoun, and widow of John Burnet of that Ilk, by virtue of a brief, is served in a reasonable tierce of the five merk lands of Barnes and half of the lands of Burnetland before the Sheriff of Peebles, and these gentlemen their neighbours—viz., William Frazer of Fruid, Alexander Veitch of Dawick, Gilbert Baird, John Govan of Cardrona, James Sandilands of Bold, David Tait of Pirn, Thomas Dickson of Ormiston, &c. And in the year 1505, William Ingles of Murdistoun, and Mr. John Murray are tutors-dative to William Burnet of Burnetland, grandchild and heir to John Burnet of Burnetland, which William and his successors were afterwards designed of Barnes; as by the writs of the family which I have seen in the custody of the late William Burnet of Barnes.”—Vol. i., p. 395.

Sir Robert Douglas of Glenbervie, author of the “Peerage and Baronage of Scotland,” to whom the Barnes charters and papers were submitted, writes to Mr. Burnet, the then representative of the family, under date the 14th February 1769:—“I have by me an exact Inventar of all the old writs in your possession, made out in your father’s time by Mr. Mill, a very great antiquary, which is now in my possession; and I can assure you the family you represent is above 150 years before any of the Burnets of the North.”—*Original Letter, Barnes Papers.*

The family is also mentioned by the following local historians:—

“Barns—belonging to an old family of the name of Burnet, from whom there have been many considerable descendants.”—*Pennicuik’s Tweeddale* (1715).

Barns is the seat of the chiefs of the ancient surname of Burnet, which Nisbet says are descended from Robert de Burnetvilla—i.e., Burnet of Burnetland, and had considerable grants from David I.”—*Armstrong’s Tweeddale* (1775).

“Until 1838 the Burnets were a leading family in the county. “They claimed to be descended from Robert Burnet of Burnetland, designated ‘Robertus de Burnetvilla, miles,’ when subscribing as a witness of charters in the reign of David I. “Burnetland is a small property in the parish of Broughton, and seems to have been their earliest possession.* Without relinquishing Burnetland they acquired lands in Manor parish, but when is uncertain. We conclude it was before 1400, for in that year there is a mortification of a chaplainry of the Holyrood, in the Kirk of St. Gordian of Manor, by ‘John Burnet of that Ilk,’ which chaplainry he enriches with the rents of some tenements of lands belonging to him in the town of Peebles.”—*Dr. William Chambers’ History of Peebleshire* (1864).

“Robertus de Burnevilla is supposed to be the Laird of what was afterwards known as Burnetland, near Broughton, which the old family of the Burnets held for several generations along with their later and principal property, the estate of Barnes. “Some years later, as witness to the great charter of Holyrood by David I., is Robertus de Burneville.”—*History and Poetry of the Scottish Border, by Professor Veitch* (1878), p. 153.

The following extract from a work on Surnames by William Anderson, author of the “Scottish Nation,” is here inserted, though not considered of much importance or authority. He never had access to the Barnes papers, and had no original documents to guide him, relying chiefly on the authority of others:—“The surname of Burnett in Scotland had both a Saxon and a Norman origin assigned to it, and in early times it occurs as de Burnard, Burneville, and de Burnetvilla. A family of the name, connected with land, existed in Teviotdale early in the twelfth century. In the charter of foundation of the Abbey of Selkirk by Earl David, younger son of Malclom Canmore,

* The term “Burnetvilla,” or “de Burneville,” probably in early times comprised the whole of what was afterwards known as the Barony of Broughton.

Robertus de Burnetvilla is a witness ; and either the same or another Robertus de Burnetvilla is witness to charters of David when king. The principal family of the name in the South of Scotland have long been the Burnetts of Barns, in Peebleshire. Those lands, in 1838, passed into other hands. One of the Teviotdale Burnetts—it is uncertain whether the representative of the family or not,—emigrating northward in the fourteenth century, obtained in 1324 a charter of extensive lands in the counties of Kincardine and Aberdeenshire from Robert the Bruce. From him descend the Burnetts of Leys, the most important family of the name, though their chieftainship has been disputed by Barns.”—*Genealogy and Surnames*, by William Anderson, p. 133. *Edinburgh*, 1865.

The earliest record in which the name is known to be found in Scotland is the charter of foundation of the Abbey of Selkirk by Earl David, afterwards David I., in which, with John, Bishop of Glasgow, and others, ROBERTUS DE BURNETVILLA, *Miles*,* is a witness. This must have been prior to 1128, as in that year, after having been previously removed to Roxburgh, it was finally settled at Kelso, neither of the former situations being found convenient.†

The same name, spelt according to the Norman-French of the time, thus, ROBERTUS DE BURNEVILLE, ‡ appears among the hostages sent into England for the ransom of King William (surnamed the Lion), who was made prisoner at the battle of Alnwick in 1174, as a guarantee for the fulfilment of the treaty entered into.§ ROBBERTUS, or ROBERTUS DE BURNEVILLE, evidently a descendant of the former, is witness to a charter of “divers lands, kirks, and privileges” to the Monastery and Canons of the Church of the Holy Cross, Edinburgh, by David I., which was renewed and confirmed by Robert III. on the 5th April, the first year of his reign (1390). ROBERT DE BURNEVILLE, and Robert his son, are witnesses to a charter by Patrick de Dunbar, first Earl of March, to the Monastery of Coldingham in the reign of Robert II., dated at the Camp at Dunbar, the 24th May 1367.||

1367.

1400.

The name again appears about the year 1400, in the Anglo-Saxon form, after surnames had been introduced into Scotland. JOHN BURNET of that Ilk, or Burnetland, makes a mortification of a chaplainry of the Holyrood Altar in the Kirk of St. Gorgan (or Gordian) of “Menar,” and diocese of Glasgow, dated 29th December 1400—which chaplainry he enriches with the rents of some tenements of lands and houses in the town of Peebles. The same John is designed of Burnetland in a charter by John Towers and his wife, Sibilla Veitch, to “JOHN BURNET of Burnetland,” dated 15th March 1405. The above John, or his successor, married, early in the fifteenth century, MARIOT CAVERHILL, daughter of George Caverhill of that Ilk ; and on the 17th August 1472 she, with her *second* husband, George Davidson, burgess of Peebles, resigns into the hands of John Cranstoun of that Ilk, superior thereof, the dominical lands of Nether Crailing, and others in the county of Roxburgh, for a new charter in favour of JOHN BURNET, *her son and heir*, of which land her father, George Caverhill of that Ilk, had obtained charter in 1446. On the 14th November 1498 *Elsbeth Caverhill*, and Patrick Dickison her husband, give a tack of part of Caverhill, called Haswellsykes, and other lands in the barony of Manner, to *her cousin*, JOHN BURNET of that Ilk ; and on 5th August 1500 William Ingles of Murdistoun gives a new tack of the same lands to his *guidson*, John Burnet of that Ilk, into whose hands they had fallen by decease of Elspeth Caverhill.

JOHN BURNET OF THAT ILK, or Burnetland, son of the foresaid ——— Burnet and Mariot Caverhill, married, *first*, Sibilla Veitch (supposed of the Dawick family).

* The title “*Miles*” was applied to those who held lands beneficiary, or in fee, to serve in the wars. “Such fees were called military, and they who in other countries were called feudatories, were with us called militares.”—*Borthwick's Inquiry into the Origin and Limitations of Feudal Dignities*, Part ii., p. 43.

† Keith's Scottish Bishops.

‡ Robertus de Burnetvilla, and Robertus de Burneville, are recognised by Alexander Nisbet as of the same family, and as ancestors of the Burnets of Burnetland.—See *Heraldry*, vol. i., p. 395.

§ Rymer's *Fædora*.

|| Robertson's Index to Charters, 1798.

On the 15th March 1495, Margaret Veitch, spouse of George Lowes, burges of Edinburgh, with consent of her husband, conveys by charter to JOHN BURNET of *Burnetland*, and Sibilla Veitch his spouse, or longest liver of them two, a tenement of land in Peebles, to be holden of the King for service of burgh, use and wont, and paying five pennies Scots yearly, at Whitsunday and Martinmas, to

1495. "*the Cheapland of the Paroch Kirk of Stobo.*" Instrument of sasine given thereupon, by one of the bailies of Peebles, to the said John Burnet and Sibilla Veitch, is dated the 29th May 1495.

1497. In 1497, John Burnet of that Ilk resigns his tenement of land in Peebles into the hands of one of the bailies thereof, who thereupon gives sasine of the said tenement to Thomas Johnstone, chaplain of the said altar of Manner, conform to a gift of mortification thereof, therein mentioned, granted by the said John to the said altar.* This sasine is dated the 7th December 1497,—“Thomas Crawford, nottar thereto.”

Sibilla Veitch appears to have died between 1495 and 1497, as the gift, or deed of mortification, expresses its object to be “*for the hele of our soules, of the soules of umquhile Sibillye Vaich, spouse of ye said John; of deceased Gilbert Dick, Archdeacon of Glasgow; our Faders and Moders, and of all gude Cristyns soules,*” &c. &c., dated “*att Peebles, ye 23rd December, ye zeir of God, ane thousand four hundreth, ninetie seven zeirs.*”

John Burnet married, *secondly*, Mariot, or Margaret, daughter of William Ingles of Murdistoun (of old of “Menar”), and appears to have died about, or prior to, 1502, leaving by the latter marriage a son, William, his successor.

1502. On the 15th February 1502, Mariot Ingles, as “relict of John Burnet of that Ilk,” is served to her tierce, or third, of the five merk lands of *Barns† and Caverhill* lying in Manner, and *Burnetland* lying in the Barony of Broughton, before the Sheriff of Peebles and several of the neighbouring proprietors.

WILLIAM BURNET, son of the foregoing John Burnet and Mariot Ingles, succeeded his father, about 1502, while yet a minor, as appears from the following document:—

1505. “I William Ingles of Murdistoun, and tutor of law to my oe William Burnet, soun and aire of umquhill John Burnet of Burnetland, consents yat our Souveraine Lord makes me the said William, and my lovit Mast John of Murray, jointlie and severallie Tutors dative to ye said William, mine said oe, because I am agit, and may not travel in ye defence of ye said William.—In witness of ye whilk thing, I have affixed my Seel at ye Woodhouse ye 23rd day of September, ye zeir of God 1505.”

On the 20th January 1522, the same “William Burnet, son and nearest lawful heir of John Burnet,” is infeft in the lands of Nether Crailing and others in Roxburghshire by a Precept of Clare Constat granted by John Cranstoun, superior thereof, and Instrument of Sasine following thereon is dated the 28th of the same month.

1546. In January 1546, John Hamolin, chaplain of the end altar of Manner, resigns into the hands of

* The earliest record of the Kirk of St. Gorgon, or Gordian, supposed to exist, is the charter of the Barony of Manner granted by King Robert III., in the sixth year of his reign (1396), to William Ingles, to be held blench on condition of the annual payment of one penny at the Church of “Menar” on the feast of St. Gorgon, if demanded—or, as the original charter runs, “Redendo inde annuatim nobis et hæredibus nostris dictus Gillielmus et hæredes sui unum denarium argenti, apud ecclesium Menar in festo sancti Gorgoni, nomine albæ firmæ si petitur, tantum per Wardis Maritagiis,” &c.—*Barns Papers*.

† Though not their oldest possession in Peeblesshire, Barns appears to have belonged to the family of Burnet from a very early period. William Burnet of Barns, Treasurer-Clerk of Scotland, in a will dated 30th April 1656, then alludes to his property as being “*more ancient than great,*” and expresses his anxiety that it should “*stand in the name, which (with submission to the will of my Creator) who hath measured out their lines, and letten this place*” (Barns, where the will is dated) “*to my predecessors and me above these thrie hundred years.*” This would carry the date of their possession of Barns back to 1356, or earlier, Burnetland being the oldest possession.

"William Burnet of Barnes, *principal patron** thereof," the tenement of lands, &c., in Peebles, already referred to; and on the 1st May following, the same William, with consent of the Pope, presents John Lowes to the chaplainry of the end altar of the Kirk of St. Gorgan (or Gordian) of Manner; or, in the words of the original document, "Anno Incarnatione Domini, Milesimo quinquagesimo quadra^{mo} sexto," &c. . . . "Honorabilis Vir Guil^{mus} burnet de barnis principalis patrones altaris, sive altar capellarum," &c.; confirmed by the Archdeacon of Glasgow the 24th of August the same year.

On the 30th September 1555, "William Burnet of Barnes" resigns into the hands of William Cranstoun of that Ilk, superior thereof, for the purpose of a new infeftment, the lands of Nether Crailing, Mill and Mill-lands of Caithaugh, third of the lands of Doucat-Croft, and third of Pultisland, before the town of Crailing, in the sheriffdom of Roxburgh, and was infeft therein on 31st October of the same year. 1555.

He married Elizabeth Veitch or Vaitch, of the family of Dawyck, who appears to have predeceased him. They had

- I. WILLIAM, his successor, }
 II. JOHN, of Woodhouse, } his Executors.

John died in May 1616, leaving two sons, John and Thomas; and two grandsons, John and William.

III. AGNES—married to John Sandilands of Bold, an old family in Peeblesshire, and was infeft in liferent in the five merk lands of Bold in 1558. 1558.

IV. MARION.

V. THOMAS.

He died in 1564, and was succeeded by his eldest son,

WILLIAM BURNET. He was, during his father's lifetime—by charter from John Lowes of Manner, dated 15th July 1545, wherein he is designed "William Burnet, son and heir apparent of William Burnet of Barnes"—infeft in the lands of Dollarburn and Dogflat; and on 1st March 1549 a new charter of same lands was granted, to be held feu of the granter—confirmed by Michael Næssmith, the superior, 10th July 1565. 1565.

On the 1st May 1564—on the decease of his father,—as "son and heir of William Burnet of Barnes," he was infeft in the lands of Crailing and others, in Roxburghshire, before mentioned. He married Isobel Hay, of the family of Hay of Locharret and Yester,† now represented by the Marquis of

* Barns Papers.

"A patronage, we may observe, was a noble dignity in a family in times of Popery; it was highly esteemed, because the patron was to be named in all masses said at this church; and it is a maxim among antiquaries that a patronage was always given to the families of the greatest eminence of rank in the parochial district."—*Nisbet's Heraldry (Family of M'Dowell)*, Vol. ii., p. 252.

† The Hays of Locharret were hereditary Sheriffs of Peebles in 1409. The same family were afterwards designated of Yester and Gifford, and are now represented by the Marquis of Tweeddale. Of them were descended many families of note connected with the county of Peebles, viz.:

Hay of Smithfield, which was acquired by marriage with the Dicksons, to whom it belonged;
 Hay of Drummelziar;
 Hay of Menzion;
 Andrew Hay, Rector of Biggar;
 Hay of Ranfield and Inchnock, from whom was descended Doctor Theodore Hay, Parson of Peebles, and Archdeacon of Glasgow, whose son John, and grandson John, successively filled the same offices.

Sir Gilbert Hay of Locharret married one of the daughters of Sir Simon Fraser, Lord of Oliver Castle, with whom he got a considerable property in Tweeddale (Neidpath). His descendants have intermarried with several of the old families in the county, viz.:

Tweedie of Drummelziar (twice);
 Stewart of Traquair
 Horseburgh of Horseburgh, &c.

—*Nisbet, Douglas, Debrett, &c.*

Tweeddals; who, on his decease, was married to John Govan of Cardrona, an old family in Peebles-shire. They had

I. WILLIAM, his successor and executor, along with his mother, Isobel Hay.

II. THOMAS.

III. GAVIN.

IV. ISOBEL.

1574,

V. JANET—married in 1574 to Adam, grandson of William Rutherford of Kidheuch (or Kidhillhaugh), and was infest in liferent in the third part of Caverhill, called Haswellsykes, third of Over Glack, and third of Sourlands.

He died in 1574. In his will, witnessed by his brother Thomas, and others, before —— “Cranstoun, Reidar at Mener,” he directs his body to be buried in Saint Gorgone’s Kirk of “Mener.”* He was succeeded by his eldest son,

1575. WILLIAM BURNET, locally known as the “Hoolet o’ Barns,” † who was served heir to his father on the 21st April 1575. He was of immense stature, possessed of great bodily strength, and lived to the age—according to family tradition—of 107 years.

In the lawless times in which he lived, when feud, rapine, and outrage were of daily occurrence—a state of things the Government was unable to suppress,—those who were sufficiently powerful had to protect their own possessions, as well as those of their weaker neighbours and dependants, with a strong hand. Mr. Burnet, from his local knowledge, physical superiority, and indomitable courage, was the recognised leader and champion of those parties who followed in pursuit of the mauraunders to recover their stolen property, or make reprisals, which necessarily brought him into frequent collision with the border freebooters, whose inroads, by his courage and energy, he materially aided in suppressing. ‡ He was noted for the peculiarity of seeing as well by night as during the day, a peculiarity which rendered him much esteemed as a nocturnal guide, and procured for him the soubriquet of the “Hoolet o’ Barns,” by which appellation he was well known on both sides of the border, where his exploits were long remembered, and the name still lives in the traditions of the border country.

In these unsettled times also, the chiefs or heads of families were frequently engaged in feuds with their neighbours, to redress either their real or imaginary wrongs, the law being considered too slow and uncertain in its operation. In these the kinsmen and retainers on either side took part, not

* In a register of the names of “Ministers, Exhorters, and Reidars,” with their stipends in 1567, preserved in the General Register House, Edinburgh—printed by the Maitland Club, 1830,—there appears the name of “Thomas Purves, reidar, ‘Mennar’—stipend £14, 6s. 8d.” (Scots).

† Howlet, Scot. Hoolet.

‡ The manner of following stolen property, as agreed on by Commissioners appointed by the Kings of England and Scotland in 1398, was as follows:—

“Item.—It is ordanyt and accordyt, That all manere of men of bath rewms, sal haf fredome to folowe thair gudes that beis stollen or restit fra thaim, with hunde and horne, owt of the ta rewme into the toyir, at thair lyking, or in quhat gudely manere to thaim lyste, withoutin bowe and spere, and at na man be sa hardy to distroble ony man in syk following, on payne of tysale of lyfe and lyme.”

“Item.—It is accordit and ordanyt, That na man on nouthir syde, sal gyf ne tak tribute ne ransowme for protections, ne assurances endurant this trews; but at ilk man sal lelely kepe and ger kepe the Kyngs trews without fraud and gyle.”—*Borthwick’s Origin and Limitations of Feudal Dignities*, Part i., p. 81.

As in former times every man took the law into his own hands, and administered it according to his own rude ideas of justice, it was probably carried out much after the manner suggested by the friends of Hobbie Elliot, viz.:—

“Just put a lighted peat on the end of a spear, or hay fork, or sicklike, and blaw a horn, and cry the gathering word, and then its lawful to follow gear into England, and recover it by the strong hand, or ta tak gear frae some other Englishman, providing ye lift na mair than has been lifted frae you. That’s the auld Border-law, made at Dandrennan in the days o’ the Black Douglas.”—*The Black Dwarf*.

unfrequently calling for the interference of the Privy Council. The following may probably refer to an occasion of this kind:—

In 1591, John Murray, of Blackbarony, becomes suretie for William Burnet of Barns, "that he sall compeir personallie befor the Kingis Majestie, and Lords of Secret Counsole at Halyrud House, or quhair it sall happen to be for the time, the 29 December instant, and answer to sic things as sall be inquirit of him touching sic deidlie feid as he hes interest in; and that he sall underlie sic order as his Hienes and the said Lords sall demean to him thereanent, under the pane of ane thousand merks."* 1591.

The result of this inquiry does not appear, but it is probable that the "Hoolet" had influential friends in the Council, and was only required to "renew assurances" or promises to keep the peace.

The property in Teviotdale, long held by the family, appears to have been forfeited in his time to the superior for non-payment of "waird;" and on the 9th August 1576, Sir John Stewart of Traquair, Knight, enters into an obligation, under certain conditions therein specified, "to procure and deliver to William Burnet of Barns, the gift of his marriage gratis, from Cranstoun of that Ilk, into whose hands it had fallen by reason of waird."

These lands were subsequently redeemed, and on the 5th March 1600, William Burnet resigns into the hands of Sir John Cranstoun and his son William, superiors thereof, the lands of Nether Crailing (with others formerly mentioned) in Teviotdale, for the purpose of a new infestment—whereupon a new charter was granted in "favour of William Burnet of Barns and his heirs, to be holden of the granter for ane suit at court to be held yearly at Crailing, on the first lawful day after Michaelmas." 1600.

His presence at a Weaponschaw is thus recorded:—"At a Weaponschaw held on the Borrow Muir of Peebles, called the King's Muir, on the 15th June 1627, in the presence of James Nasmyth of Posso, Sheriff Depute of the Sheriffdom of Peebles," &c., "present, William Burnet, the elder, of Barns, well horsed, with a buff coat, steel bonnet, lance and sword, and accompanied by seven horsemen with lances and swords, with a footman with lance, within the parish of Menner."† 1627.

Although Mr. Burnet attained to a great age, he appears in the latter years of his life to have been only "liferenter" of the property. His eldest son, John—who predeceased him,—was styled "heir apparent," "Fiar of Barns," and latterly "of Barns." In October 1643, William Burnet of Barns dispones certain lands to "John Burnet, his eldest son and heir apparent, in liferent; and Mr. William Burnet, Treasurer-Clerk, eldest son of the said John, his heirs," &c.—and in March 1664 he executed a deed of escheat and liferent in favour of "William Burnet, Treasurer-Clerk, his oye" (or grandson). 1643.

William Burnet married, in 1576, Margaret, daughter of James Stewart of Shillinglaw,‡ youngest son of Sir William Stewart, 2nd Baron of Traquair, and Christian Hay, daughter of John, 2nd Lord Yester.

James,|| who survived his elder brothers, succeeded as 4th Baron of Traquair in 1604, and died at an advanced age in 1606. They had

* Extract Privy Council Records.—*Chambers's Peeblesshire*, p. 117.

† Barns Papers.

‡ *Ibid.* The first of the family of Stewart of Traquair was James Stewart, who received charter of these lands in 1491. He was son of James, Earl of Buchan, half-brother of James II., their mother being Lady Jane Beaufort, daughter of the Earl of Somerset, Queen of James I. After the murder of James I. she married Sir James Stewart—known in history as the "Black Knight of Lorn,"—and had several sons, one of whom was the above Earl of Buchan, half-brother to James II., and half-uncle to James III.

From the foregoing James Stewart was descended Sir John Stewart of Traquair, a man of great ability, and in great favour during the latter part of the reign of James VI., and afterwards of Charles I. He was created, in 1628, Lord Stewart of Traquair, and Lord High Treasurer, and in 1633 Earl of Traquair, and Lord Linton of Caberstoun.

Through Lady Jane Beaufort the Stewarts of Traquair trace their descent from John of Gaunt, Duke of Lancaster, fourth son of Edward III., and father of Henry IV. The Stewarts of Traquair trace their descent, therefore, from the Royal families both of England and Scotland.

|| James Stewart had two sons, John and Robert, who having predeceased him, he was succeeded by his grandson

I. JOHN—"Fiar of Barns" and "of Barns," of whom hereafter.

II. JAMES—educated for the church—graduated at the University of Edinburgh 27th July 1609—was admitted minister of Lauder 17th September 1615—signed the protestation for the liberties of the kirk 27th June 1617—was presented to Jedburgh by King Charles I. 15th September 1635, and deposed in April 1639. He married Christian, daughter of George Dundas of that ilk, by a daughter of David Boswell of Balmuto. They had two sons,

1. ———, a physician in Edinburgh, where he died on the 28th September 1663, leaving a son, Robert, who had a legacy of 5000 merks from his uncle, Archbishop Burnet.
2. ALEXANDER—afterwards Archbishop of Saint Andrews. He was born in 1614—baptised in Edinburgh 6th August 1615—graduated at Edinburgh University 22d June 1633—was chaplain to the Earl of Traquair, and governor to his son John, Lord Linton—and was presented by King Charles I., on 10th January 1639, to the living of Coldingham, but not settled. He took orders in England, and had a living in Kent, from which he was ejected on account of his loyalty in 1650. After this he went abroad, and had the good fortune to serve his then majesty King Charles II. (then in exile) by intelligence from England and other parts. Upon the Restoration he became chaplain to his father's first cousin, General Rutherford, afterwards Earl of Teviot, who was governor of Dunkirk, where Mr. Burnet had an English congregation, and in 1660 was Rector of Ivechurch. He was consecrated Bishop of Aberdeen, at St. Andrews, on the 18th September 1663; on the 18th January 1664 was translated to the Archbishoprick of Glasgow, and installed on the 11th April; was appointed member of the Privy Council on the 26th April 1664, and extraordinary Lord of Session in November 1664, which he retained until June 1668.

After the defeat of the rebels at Pentland in 1666, Archbishop Burnet showed great inclination to have these people used with leniency; and when their affair came before the Privy Council, he laboured to get their lives spared, and went so far as to transmit an account of the proceedings of the Council against the captive rebels to the English Secretary, Sir Henry Bennet (afterwards Earl of Arlington), to be communicated to the King. This the Earl (afterwards Duke) of Lauderdale, who was then Secretary for Scotland, took to be such an indignity done to his character that he threatened the Archbishop with a pursuit of high treason for revealing the king's secrets, unless he made a session of his office, with which Dr. Burnet complied, and surrendered the office in December 1669.

Gilbert Burnet, the historian of his own times, alluding to his retirement into private life, remarks that "he bore his reverses with a dignity worthy of his former high career." Upon the cession of his office by Archbishop Burnet, he was succeeded in the See of Glasgow by Dr. Leighton, Bishop of Dunblane, who, finding the burden too great for him, resigned the Archbishoprick, from which the Duke of Lauderdale did all in his power to dissuade him. He succeeded in prevailing on him to carry on the duties of the diocese until 1674, when Lauderdale, being impeached by the English House of Commons, thought fit, in order to gain the interests of the bishops of that country, and by that means ward off the impeachment, to make use of Leighton's resignation, and to restore Archbishop Burnet to the See of Glasgow, from which he had been so arbitrarily expelled by the great power of the Duke, which

John (son of the former), who received the honour of knighthood from King James VI., and was created by King Charles I. Lord Stewart of Traquair in 1628, and Earl of Traquair and Lord Linton of Caberston in 1633.

Isobel, daughter of James Stewart, and sister to Margaret, married William Rutherford of Quarryholes, and was mother of General Andrew Rutherford, created Lord Rutherford in 1661, and Earl of Teviot in 1663.

could not fail to be looked upon by the bishops as an encroachment on the Church. Dr. Burnet was restored to his see by the King's letter of 7th September 1674, and an Act of the Privy Council following thereon on the 29th September of the same year, which he peaceably possessed until he was translated to the Primacy of St. Andrews. After the murder of Archbishop Sharpe (on 3rd May 1679) he was translated to the Primacy of St. Andrews on the 28th October 1679, where he died on the 24th August 1684, and was buried in St. Salvador's College, near the tomb of Bishop Kennedy. He was interim keeper of the Great Seal on the death of the Earl of Glencairn in 1664, and preached the funeral sermon. He also preached a funeral sermon on the occasion of the state funeral of the Marquis of Montrose, after the Restoration, from the text, "Blessed are the dead which die in the Lord," published at Glasgow in 1673.

Bishop Burnet married Elizabeth Fleming, portioner of Luthrie, Fife, daughter of George Fleming of Kilconquhar, by Margaret his wife, daughter of Stiven Philip of Philipston, and had a son, who predeceased him, and two daughters, of whom

1. ANNE, married, in 1667, Alexander, 7th Lord Elphinston, on which occasion she was presented by the Corporation of Glasgow with a "propyric of silver work," for which £887, 2s. was paid. On the death of Lord Elphinston in 1669 without issue, she married, secondly, Alexander, 3rd Baron Elibank, and had, with ALEXANDER, 4th Baron Elibank, MARY—married to John, 2nd Earl of Cromartie. Her son George, 3rd Earl of Cromartie, being implicated in the risings in favour of the Stuarts in 1745, was, with his son, made prisoner, and sent to London, where they were confined in the Tower until tried by their peers. He was condemned to death, and his estates and honours forfeited to the Crown*—the sentence of death was afterwards remitted. HELEN, married to Sir John M'Kenzie of Coul, who having joined the Earl of Mar when he raised the standard of the Chevalier de St. George in 1715, was included in the act of attainder passed on that nobleman and his adherents, but dying without male issue, and the attainder not extending to collateral branches, the title and estates devolved upon his brother Colin. ELIZABETH, died unmarried.
2. MARGARET, married to Roderick M'Kenzie of Prestonhall (second son of Sir John M'Kenzie of Tarbet, and brother of George, first Earl of Cromartie), one of the Senators of the College of Justice (Lord Prestonhall), and had a son, ALEXANDER M'Kenzie, who took the name and designation of Frazer of Frazerdale on his marriage, in 1702, with Amelia, daughter of Hugh, 11th Lord Lovat, and Amelia Murray, daughter of John, first Marquis of Athol. On the death of Lord Lovat on 4th September 1696 without male heirs, the title was assumed by his widow, and subsequently, on her death, by her eldest daughter, who had married the above Alexander M'Kenzie; but he having been implicated in the risings, was attainted in 1716. Their eldest son, HUGH, contested the estates and title with Simon Frazer of Beaufort, in whose favour a compromise was effected on payment of a sum of money.

Archbishop Burnet, by his will, left legacies to his nephew, Robert Burnet; to

* The honours have been restored in the person of Anne, Duchess of Sutherland, only daughter of John Hay Mackenzie of Newhall and Cromartie (a maternal descendant of Archbishop Burnet), representative of the Mackenzies, Earls of Cromartie. She was, on 21st October 1861, created Countess of Cromartie, Viscountess Tarbet, &c., with limitation to her second surviving son.

Jean Fleming, widow of Mr. James Smith, minister of Eddleston (probably his sister-in-law); and to the poor of St. Andrews. A piece of land "mortified" by him for their use was long known as the "Bishop's Rigg."*

Archbishop Burnet was of a mild and conciliatory disposition, and respected even by the Presbyterian party, to whom the church of which he was then the head in Scotland was particularly odious. Kirkton remarks of him that "he was a man of the best morals among them;" and Wodrow, the historian of the Presbyterian Church, writes of him in equally favourable terms. As "Primate and Metropolitan of all Scotland" he took precedence of all the nobility, and ranked next to the Princes of the Blood Royal. In Dugdale's "Table of Precedency for Scotland" (1682), "Doctor Alexander Burnet, Archbishop of St. Andrews, Primate and Metropolitan of all Scotland," follows James, Duke of Albany, brother of King Charles II., afterwards James VII. (or II. of England).

- III. ALEXANDER, advocate, and Treasurer-Clerk of Scotland till 1639, supposed to be the first of the family of Carlops.
- IV. CHRISTIAN—married about 1608 to John Scot of Hundleshope, second son of Sir Robert Scot of Eskdale, afterwards of Thirlstane,† and his wife ———, a daughter of Johnston of that ilk, who was created in 1633 Lord Johnston, in 1643 Earl of Hartfield, in 1661 Earl of Annandale, and Marquis in 1701. On the 22nd December 1608 John Scot of Hundleshope grants a discharge to "William Burnet of Barnes, his *father-in-law*," for 2000 merks in part payment of *tocher* contained in the marriage contract betwixt the said William, Christian his daughter, and John Scot. John Scot died about 1625, leaving a son, John, a minor, his successor. In that year Sir Robert Scot of Thirlstane, Knight, as next of kin on the father's side, and William Burnet of Barnes on the mother's side, with Sir John Stewart of Traquair (afterwards first Earl), were chosen curators to the minor, John Scot. From him was descended Captain David Scot of the Foot-guards, the last of the name, proprietors of the barony of Hundleshope and Hallyards, which was sold in 1745. Captain Scot married Margaret, fifth daughter of Sir David Murray of Stanhope, sister-in-law of Jean Baillie, who was married to William Burnet of Barnes in 1684.‡
- V. ROBERT, advocate, supposed to be the Robert Burnet, of Little Ormiston, who appears as a Commissioner of Supply for the county of Peebles in the reigns of Charles II. (1661), James VII. (1685), and William and Mary (1690).
- VI. AGNES—married in 1610 to James Nasmyth of Posso, member of the Scottish Parliament in

* In the inventory of Archbishop Burnet's effects there appear:—

Two coaches, value £300.

Silver plate, £923; books, £1050.

Total estate after paying debts, £41,570, 4s.

† The Scots of Thirlstane were always a brave and warlike race, and ever ready to follow the King when their services were required in the field. At the battle of Soutra Edge, when James V. was deserted by all his nobles, John Scot of Thirlstane alone, "with thrie score and ten launcis on horseback," stood by the King, and volunteered to follow him into England. As a reward for his loyalty and ready service, the King granted him a border of fleur-de-lis about his coat of arms, as in the royal banner, and for a crest a bunch of lances, with the motto, "Ready, aye Ready," "that he and all his aftercomers may bruike the samen, as a pledge and taiken of our goodwill and kindness for his trew worthiness." These arms are now quartered with those of Baron Napier, with which family the Scots of Thirlstane became merged.

‡ Philip Scot, younger brother of Scot of Hundleshope, was Scot of Dryhope, and father of Mary Scot, the "Flower of Yarrow," who married Walter Scot of Harden, known in the old Border ballads as "Auld Wat," or "Wattie o' Harden."—*Nisbet, Notes to Scott's Marmion, The Lay of the Last Minstrel, &c.*

The "Flower of Yarrow's" daughter was married to the eldest son of Elliot of Stobbs, known also in song by the appellation of "Gibbie wi' the Gowden Garters," from whom was descended General Elliot, (9th son of Sir Gilbert Elliot of Stobbs, 3rd Baronet), the gallant defender of Gibraltar, who was, on the 14th June 1787, created Lord Heathfield, and Baron Gibraltar, as a reward for his services.

1627, and Sheriff of the county of Peebles. They had a son, James, an eminent lawyer, who succeeded his father, and was familiarly known by the soubriquet of "*the Deil o' Dawyk*." On his death he was succeeded by his son James, also a distinguished lawyer, who was created a baronet of Nova Scotia in 1706, and from whom is descended the present Sir James Nasmyth, of Posso and Dawyk.

- VII. WILLIAM, Writer to the Signet, supposed to be William Burnet of Cringletie, who was a Commissioner of Supply for the county of Peebles in the reign of Charles II. (1661).
- VIII. THOMAS, who in a deed dated 3rd November 1635, wherein he assigns to John Burnet, Fiar of Barns, a sum of money due to him by His Majesty's Exchequer for bygone service, is styled "Thomas Burnet, servitour to His Majestie."
- IX. GAVIN, Writer to the Signet. He married Helen Ramsay, and had Robert, Writer to the Signet, and Commissary of Peebles (who married Elizabeth Cockburn), also Isobel, David, James, and William. Gavin Burnet died in October 1660.*

William Burnet of Barns (the "Hoolet") is stated in a MS. account of the family to have died in 1645, but appears to have been alive after that date. The exact time of his death is uncertain, he having made over the property to his son and grandson before his death. His grandson was only served heir in 1669 and 1670. On the 18th of May 1669, on an edict raised by Thomas Williamson, Procurator-fiscal of the Commissariat of Peebles, a decret of executarie dative, "to intromit with the guidis and gear of umq^{le} William Burnet of Barns," was granted to "William Burnet, *now of Barns oye* (grandson) to the said William," before Patrick Boyce of Burnhouse, commissary principal of the commissariat of Peebles, and "William Horsburgh of that ilk, depute of the samyn." By a precept upon a retour to the Chancery, directed to the sheriff and bailies of Peebles, William Burnet of Barns, as heir to William Burnet, his "*goodsir*," was infest in the kirklands, glebe, and teinds of Manner on the 22nd May 1670, and registered in the General Register of Retours, at Edinburgh, on the 15th June the same year. And by a precept upon a retour to the Chancery, directed to the Sheriff of Peebles, William Burnet of Barns, as heir to William Burnet, his *grandfather*, was infest in the lands of Middle-third of Slipperfield in 1670.

1669.

1670.

His wife, Margaret Stuart, died on the 21st December 1625. By her will (from which the following is an extract) she appointed her husband and her youngest son Gavin, her executors, and her eldest son, John, her heir:—"I, being diseased in body, but perfect in soull, doe commend my soull to God, the onlie owner thereof, my bodie to the earth from whence it came, and ordain my bodie to be buriet in the church yeard of Manner, under the great south window of the queir thereof, q^r many of my deceisit children are buriet."

JOHN BURNET, eldest son of the "Hoolet" and Margaret Stuart, who was styled "apparent of Barns," "Fiar of Barns," and "of Barns," predeceased his father, and appears to have held the property only a short time, but carried on the line of the family. On the 31st July 1610, "William Burnet of Barns, with consent of John Burnet, his son and heir apparent," grants charter of the haill kirk-lands and gleib of Manner, with houses and teinds, and half of the Middle-third of Slierfippeld, to Margaret Scot, eldest daughter of Simon Scot of Bonnington, in implement of contract of marriage then entered into between the said John Burnet and Margaret Scot. The marriage does not appear to have taken place until some time after. The marriage contract is dated 15th June 1614.

John Burnet and Margaret Scot had the following family:—

I. WILLIAM, afterwards of Barns.

II. JOHN—variously styled "in Stanepath," "in Gledstanes," and lastly "of Wester Kailzie,"—

* In Sir Thomas Hope's Diary, he notes:—"October 1636, Gavin Burnet returned from Court." "1638, William Burnet goes to Court."

chamberlain to the Earl of Southesk. He married, firstly, in 1641, Helen, daughter of James Baillie of Hillis, Co. Lanark, and Catherine Inglis his spouse. Helen Baillie died on the 17th January 1654, having had issue—

1. WILLIAM, sometimes styled "of Kailzie," "in Glenwrath," and on the death of his cousin, Captain William Burnet, without issue, "of Barns,"—of whom hereafter.
2. JAMES, styled Captain James Burnet, merchant and shipowner in Leith, who married Alison Gibson, and had an only daughter, Alison, who married John, eldest son of George Dundas of Blair, (grandson of Sir William Dundas of Dundas) and Helen, daughter of Adam Cooper of Gogar. Captain James Burnet died in 1690.
3. MARGARET, married to James Lockhart, Writer to the Signet, Edinburgh.
4. MARIE, of whom no record.

John Burnet married secondly, in 1656, Grizel, daughter of Menzies of Culterallers, Co. Lanark (descended from John, third son of John de Menzies of that Ilk*), and Janet, daughter of Caruthers of Holmain, by whom he had one daughter,

5. HELEN, married, in 1680, to James Douglas of Muiriesdykes (or Muirhousedykes), Co. Lanark, second son of James Douglas of Baads (descended of the family of Dalkeith†), and Jean Sandilands his spouse.

John Burnet died in November 1659, and his eldest son, William, who succeeded his cousin, Captain William Burnet of Barns, carried on the line of the family.

Grizel Menzies, after the decease of John Burnet, married William Somerville of Gladstones, who was a Commissioner of Supply for the county of Lanark in the reigns of William and Mary (1690), and William III. (1695).

John Burnet, Fiar of Barns, married, secondly, on the decease of Margaret Scot, Marion, daughter of John Ingles of Mannerhead and his wife ———, a daughter of Sir John Scot of Thirlstane. They had—

- III. JAMES, of Town of Manner, who married a daughter of John Brown, merchant burghess of Edinburgh.
- IV. ELIZABETH.
- V. JANET.

John Burnet is supposed to have died about 1642.

1670. WILLIAM BURNETT,‡ Writer to the Signet, usually styled "Treasurer-Clerk" (son of John Burnet and Margaret Scot), next succeeded. The exact time is uncertain, but he was designed "of Barns" at an early date, his grandfather having made a liferent escheat in his favour.

Early in the 17th century the family appear to have occupied a prominent position, and some additions were made to the property. About 1649 or 1650, however, their prosperity began to decline, and considerable sums were raised by wadsets on the estate. In December 1649, Gavin Burnet, Writer to the Signet, a younger son of the "Hoolet," with consent of William Burnet of Barns, and John, his eldest son and heir apparent, designed "in Gladstones," undertakes to pay 12,000 merks to Alexander Burnet, advocate (third son of the "Hoolet") due to him by Barns, for which Gavin gets a registered bond over the whole estate of Barns, dated January 1650, as security. In April 1653 letters of inhibition on the foresaid bond—Gavin Burnet against William Burnet—were executed against the latter, and decret of apprysings followed thereon in June 1654 of the whole estate. Gavin Burnet died in October 1660, and Robert, his son and heir, continued to prosecute the apprysings for the debt due to

* Nisbet's Heraldry, Vol. ii., p. 245.

† *Ibid.*, Vol. i., p. 78.

‡ The above William Burnett was the first of the family who spelt his name with Double r.

his father, which, notwithstanding payments in reduction, then amounted to about 30,000 merks. How these embarrassments originated cannot now be ascertained, but from family documents it is shown that they were greatly increased by advances for the public service during the latter years of the reign of King Charles I., to whose cause the family was much attached, and by their adherence to which they were ultimately great sufferers. These difficulties were not merely of temporary duration, but continued to press on the family for several generations, and were never entirely overcome.

On the 19th October 1639, William Burnett—on the resignation of his uncle, Alexander Burnet, advocate—was appointed by King Charles I. to the offices of Treasurer-clerk; Comptroller, Collector, and Treasurer of the Temporalities of Kirk-lands annexed to the Crown; Treasurer of the Annuities within the Kingdom of Scotland; and to the Clerkship of the Principality of the said Kingdom. 1639.

During the troubles in Scotland, many of those holding official positions were viewed with suspicion, some being suspected of being disaffected to Government, and a committee was appointed to inquire into the different cases. At a meeting of the Lords of Council, held at Edinburgh on the 24th March 1647, the following "absolutor for Mr. William Burnet" was granted:—"The Committee of processes and money having considered Maister William Burnet, his process, find him within the compass of the third class (entered ?) upon his office, of fyve hundredth merks. The Committee doe exoner him of onie thing can be layed to his charge for his compliance with the rebellis, he paying the said sum.—Extractum, &c., Archibald Primrose, Clerk." On the 29th March,—“The quhilk day, the Lords of Counsell being sitting in full number, the Act of the Committee of Process was presented. Quhilk Act being heard, seen, and considered be the said bodie, and they being well advysit, they have ordainit, and be thir presents ordaines the said Mr. William Burnet to be repossessed and re-entered in the discharging of his said place and office of Treasurer-clerk, and to be repossessed and re-entered to the keeping of the hail registers in any way becoming the same, as he was wont to doe at any tyme befor.” These offices he lost during the usurpation, and he was subjected to various fines and forfeitures by his adherence to the royal cause.

On the restoration of King Charles II., "our sovraigne Lord, understanding that his lovit Mr. William Burnet was by gift under the handes and Privy Seall of his late Royall Maj^{tie} of ever blessed memorie, of date at Whitehall the nynteenth day of October Sixteen hundred thirty nyne years, during all the dayes of his lyfe, provyded to the offices of Thesaurershippe, Controllery, Collectory, and Thesaurershippe of the Temporality of Kirk-lands annexed to the Crown, and to the Thesaurershippe of the Annuities within the Kyngdom of Scotland, and to the Clerkshippe of the Principality within the samyn Kyngdom, and to the writing and keeping of the said offices, then vesting in his Maj^{tie} disponing at his entry to the said Crown—and his Maj^{tie} understanding the constant affection that the said Mr. William Burnet hath always caryed to the Government of his said Royall ffather, and of selfe during the tyme of our troubles, and of his suffering therein—Therefore his Maj^{tie} now long after his complete age of Twentie one years, and Act of Restoration, with advyce and consent of our right trusty and belovit counsell Sir William Bellenden, our treasurer depute in the said Kyngdom, and also with the advyce and consent of the remnant Lords of the Exch^r of the said Kyngdom, ordaines our letters to be past and exped his Maj^{ties} Privy Seall for ratifying and approving the said gift granted be his said Late Maj^{tie} to the said Mr. William Burnet, Lykeas his Maj^{tie} by these presents, under his Royall hand, Ratifies and approves and of now gives and grants the samyn to Mr. William Burnet during all the dayes of his lyfe as said is, with all offices, fees, casualties, monthly allowances, deuty, priveledges, liberties, and other ordinarie and extraordinarie fees pertaining thereto, or whereof the said Mr. Alexander Burnet or his predecessor Mr. William Chambers, or either of them, or their predecessors, have been in use since their entry thereto, &c. &c. Dated at the Court of Whitehall 10th June 1661. 1661.

CHARLES REX."

To the foregoing, the following Memorandum by the Earl of Lauderdale is attached:—"May it please your Maj^{tie}.—This contains your Maj^{ties} satisfaction of your Maj^{ties} Royall father of ever blessed

1661. memorie, his gift to Mr. William Burnet during his lyfe, of the office of Treasurer Clerk, and others herein contained, with all fees, rights, advantages, specialities whatsoever herein belonging and known or assumed thereunto belonging, and whereof the said Mr. William or any of his predecessors in the said office have been in possession. With which you may now gift to the said Mr. William Burnet of the said offices, fees, profits, and priveledges for all the dayes of his lyfe time, with power to him to appoint deputies, for which he shall be answerable.*

LAUDERDAILL."

The "constant affection to the Government of his Royal father, and of himself, during the time of their troubles, and of his suffering therein," appear, however, to have met with no more substantial reward, and the family had to contend against political and pecuniary difficulties for several generations. His honourable principles, loyalty, and strong attachment to the House of Stewart, is touchingly alluded to by Mr. William Burnett in the will—already mentioned—made by him on the 30th April 1656, of which a copy is introduced in the Appendix. This will, hurriedly written by himself, shows him to have been of superior education and intelligence to country gentlemen of his time.

On the 7th January 1675 he executed a new bond of provision for his children, which includes the names of Walter and Anna, not mentioned in his former wills:—"Be it kend till all men be thir presents, me Maister William Burnett of Barns, treasurer clerk, fforasmeikle as I considering yt Walter, Henrietta, Christian, Anna, and Marie Burnett, my law^l children, are not yet provyded by me to competent portion of estate, and being willing, for the love and favour I have, and bear for them, and for removing any debate or controversie yt may arise amongst them anent yr portions naturall and bairns part after my decease. Therefore ken ye me," &c. This bond is written by William Burnet, clerk to Robert Burnet, W.S., dated as above.

Mary Scott, "Lady Bonnington," died in October 1649, and on the 1st March 1656 her testament was confirmed before the Commissary of Peebles in favour of "William Burnet of Barns, her oye and Executor Dative."

William Burnet married in 1648 Christian, second daughter of Doctor Walter Whitford, Bishop of Brechin (son of James Whitford of that Ilk and Milton, and Margaret, a daughter of Sir James Somerville of Camnethen), and his wife Ann, fourth daughter of Sir John Carmichael of that Ilk † (ancestor of the Earls of Hyndford), and his wife Margaret, daughter of Sir David Douglas of Pittendreich, sister of David Earl of Angus, and James Earl of Morton, Regent of Scotland.

1675. William Burnet died in 1675, and his wife, Christian Whitford, in 1674. On the 24th July 1675, William Burnet, son of William Burnet of Barns, was served heir to William Burnet his father, and to Christian Whitford his mother.

* The following is copy of a Precept on the Treasury for payment of his "Year's fees," the first year after the Restoration:—"Sir Adam Blair of Lochwood, Sir John Strachan, and John Campbell of Fordell, receivirs of his Maties rents, you or either of you, pay and delyver to Mr. William Burnet, Ther. Clerk, the soume of fyftein hundreth thriescore two pounds threttein shillings four pennies Scots, and that for his yeares fies from Whitsonday 1661, till Whitsonday 1662, for which these presents, with his receipt, shall be unto you or either of you, ane sufficient warrand, and allowed in yo'r accompts.—Dated at Halyrudhous, this fourteenth day of July 1662."

† Besides Christian—who married William Burnett of Barns,—Doctor Walter Whitford, Bishop of Brechin, and his wife, Ann Carmichael, had—

1. Colonel Walter Whitford, who for his loyalty had to fly to Holland, where, in a duel, he killed Dorrislaus, a Dutch lawyer, who drew up the indictment against King Charles I. To his paternal arms he added, "at his Majesty's speciall command," three crosses pattee of the field, on the bend.
2. ———, Rector of the Scots College, Paris.
3. John, who obtained charter of the lands of Frenchland, with the mill, mill-lands, and manner place, &c., in Annandale, from John Earl of Annandale, on 26th April 1636, in which he is described as "John Qytford, laul^l sone of Walter, Bishope of Brechine."
3. Rachael, married to ——— Johnston of Coreheid. She is said to have been the discoverer of the celebrated mineral well at Moffat, when her father was Rector there.

William Burnet and Christian Whitford had—

- I. WILLIAM, Captain in the army, afterwards of Barns, of whom hereafter.
- II. HENRIETTA, married to John Stewart, Writer to the Signet, Edinburgh.
- III. CHRISTIAN, married to William M'Gie, minister at Aberledie, and had a daughter. On his decease she married, secondly, Robert Cheyne (or Skene), minister at ———, afterwards in England, and had a son James, and a daughter Jean—the latter married to Alexander Hay, Writer, Edinburgh.
- IV. AGNES, died before 1675.
- V. MARIE, married to Andrew Naghten, minister at Storie, who retired into England on the overthrow of Episcopacy in 1688, and had a son Andrew.
- VI. MARGARET, died before 1675.
- VII. WALTER, Lieutenant in the army—killed in the wars in Flanders.
- VIII. ANNA, married to ——— Mitchelson of Middleton.

The following is a copy of a letter from the Treasurer-Clerk—shortly before his death—to his son, Captain William Burnett, in which several of his contemporaries are alluded to:—

“for
“My Dearest Sone Will. Burnett.

“Edinr., 25th July 1674. 1674.

“My Dear Son Will :

“Having the occasion of this bearer, Mr. Hoom off foord, one of the officers of yo'r regiment, I could not neglect to give you ane accompt off yo'r two letters I received from you, the first from Calis (Calais) 13th May last, which I faithfullie communicated to all your kinsfolk, and relations—the second, from Paris 16th June last, which I likewise did impart to them—and for yo'r bill which came but lately to my hands, I accepted of it, and have by Sir Wiliam Sharpe payed it in—upon tuesday next he will assuredly pay down the money, and for what other bills you draw upon me for reputation, or subsistance, by advice of yo'r Captain, Captain Rutherford, shall be most cheerfully accepted off, and payed by me.

“As for yo'r other letters you mentioned in your last, they came but lately to their hands—the bishop's* from John Pennycook, which I sent enclosed in one of myn, to him in London, where he is now, and was most generously received by his Ma^{tie} (Majesty). Carlops† received his last week. As for news, I remit you to the bearer, who can give ane accompt of all since his bein heir, which wo'd be too tedious to insert heir

“Will, all yo'r friends and relations remember you kyndlie, and prays for yo'r good fortune and success, and especially my Lord Elibank, and Mr. . . . of . . . with whom I converse now and then. The Master of Cranstoun is married, and retired to ane solitarie lyfe in the country with his good father, Sir Alexander Don.‡ Yo'r brother and sisters present their love and service to you, and so does John Paterson, and all the family.

“Dear Will, present my most humble and loving respects to Captain Rutherford, yo'r Captain—to Captain Cairy (!)—and to your Lieutenant, Walter Murray—and to all those off my acquaintance that are kynd to you. I can wryt no more, for you may perceive by the last half of this letter that my hand and eyes fail me to wryt, especially when I consider you are so far a distance from me, and the hazards you are in, but that you may live soberly, righteously and godlie, keeping peace and love with all men with whom you converse and live. Which that you may doe, the God off love and peace grant you

* Dr. Alexander Burnet, then Archbishop of Glasgow.

† Burnet of Carlops.

‡ The Master of Cranstoun, afterwards James, 4th Baron, married Anna, daughter of Sir Alexander Don of Newton.

his grace, and guard you by his holy spirit and good angells through all the difficulties of this lyfe, and at last bring you to his glory in the heavens—which is the dearest prayer

“Dear Will: off
“Yo'r affectionate father,
“W. BURNETT.”

“I did wryt to you with yo'r Lieutenant Walter Murray, I know not if it came to hand.”

1675. CAPTAIN WILLIAM BURNETT succeeded his father, the Treasurer-Clerk, in 1675. He was originally intended for the legal profession, and in April 1669 was apprenticed to Archibald Nisbet, Writer to his Majesty's Signet. Soon after this, however, he entered the military service, and in 1674 joined the army on the Continent. When Charles, 10th Earl of Marr, raised a regiment, at his own expense, for the service of King Charles II., Mr. Burnett was Lieutenant in this regiment when stationed at Kilmarnock in 1680—at Glasgow in 1682—and Captain-Commandant when stationed at Ayr in 1685.*

The army (chiefly foreign service) seems to have been the principal outlet for the sons of the gentry in former times. If an honourable profession, it does not appear to have been a very profitable one. Besides its smallness, the pay seems to have been very irregular; and the custom of every Captain paying his own company led to abuses. In 1682 Mr. Burnett, then a Lieutenant, had a difficulty of this kind with a Captain Douglas of his company about deferring payments, which was ultimately referred to that stern old soldier, “His Excellency General Dalzelle.”

1682. When Captain Burnett succeeded to the property, wadsets for a large amount were held over it by Robert Burnet, W.S., son and heir of Gavin Burnet. In April 1682, Captain William Burnett entered into a contract with the above Robert, whereby the latter agreed to accept 26,500 merks in full satisfaction of the whole sum then due by virtue of the apprysings, and declaring the lands of Barns, &c., redeemable upon payment of the above amount at Martinmas 1688, with all sums the said Robert may have disbursed in prosecuting the apprysings. This payment appears to have been anticipated, for in 1684 Robert Burnet resigns all the lands mentioned in the apprysings—“Gavin Burnet v^e. William Burnet”—to Roderick M'Kenzie, one of the Senators of the College of Justice (Lord Prestonhall),† who paid off Robert Burnet's claim. In 1686, Roderick M'Kenzie, with consent of Captain William Burnett, disposes his claim on the lands of Barns, &c., under certain conditions and reservations, to Captain James Burnett in Leith, and his spouse, Alison Gibson, he having paid to Roderick M'Kenzie (Lord Prestonhall) the balance due on his wadset. Captain James Burnett gave a back-bond to Captain William Burnett, declaring the lands of Barns, &c., redeemable by Captain William, or his heirs, on payment of the sum due, with interest at the time of redemption.

1687. In April 1687, Captain William Burnett went to Flanders, on his Majesty's service, and granted a factory to his cousin, Captain James Burnett in Leith, to manage his affairs during his absence; and in 1688 and 1689 ratifies all acts done by him. At the same time he left with him a statement of the rental of the estate of Barns, a copy of which is inserted in the Appendix, shewing the great increase in the value of landed property since that time.

Captain James Burnett died in 1690, and his daughter Alison was served heir to him in July the same year.

1691. In February 1691, Captain William Burnett, being absent from the country, granted a Procura-

* Now the 21st or Scotch Fusilier Regiment, formerly known as “The Earl of Mar's Grey Brecks,” from the circumstance of their wearing grey breeches when commanded by the Earl of Mar, 1678 to 1680.—*Dr. Brewer's Dictionary of Phrase and Fable.*

† The wadsets paid off by Roderick M'Kenzie (Lord Prestonhall) appear to have been a temporary arrangement for the purpose of assisting the family of Barns (with which he was connected), as he shortly afterwards disposes his claim to Captain James Burnett, a cousin of Captain William Burnett, then the proprietor.

tory of Premonition to his legal representatives in Scotland for redeeming the lands of Barns, &c., from the heirs of Captain James Burnett and his spouse Alison Gibson, in conformity with the back-bond and letter of reversion granted by Captain James to Captain William Burnett, relative to the disposition therein mentioned granted by Roderick M'Kenzie to him. At the same time, Captain William Burnett made a disposition, failing his return to the kingdom, and the heirs male of his body, in favour of his cousin-german, William Burnett, "in Glenrath," afterwards "*of Barns.*"

Captain William Burnett did not live to carry out his contemplated arrangements for the redemption of the estate from the heirs of Captain James Burnett. He was wounded at the battle of Steinkerke, on Sunday, 24th July 1692, and died, unmarried, at Brussels in November following. On the 22d October—being "sick in body, but sound in mind"—he executed a will, appointing Lieutenant-Colonel Sommerville, and Lieutenant Alexander Burnet, both of Sir Charles Graham's regiment, his executors, to arrange his personal affairs, to call for the arrears and equipage of his deceased brother, Lieutenant Walter Burnett, who also fell in the wars in Flanders. The following copies of letters show the depressed state of his affairs at the time of his death:—

1692.

"For Mr. John Frank, Wryter to his Majesties Signett, att his Lodgings in the Parliament Yeard in Edr., Scotland.

"Grave, December 5 & 15th 1691.

"Sir,—I have writ you by ane disbanded old man of our regiment q^{ch} I know will come safe to your hands, bot it may be a little long a coming, to q^{ch} I beg of you to give me ane answer, for I stand in great need of money now, being payed half-pay, and there being resting every officer sixteen months' half-pay. I likeways desyre you would be pleased to let me know the state of my affairs with Mistress Burnett,* and that she may be as tenderly dealt with as possible (and be not wronging me nor hir). When once I know from you the state of my affairs, I can give better advyce. Present my love and service to Prestonhall† and his lady, to Standhope,‡ . . . to John Stuart,|| not forgetting your lady and children. I wish you all a good Christmas and new year, hoping to see you against the next (if I eschap this company) as we did the last. Neither do I forgett my last good Christmas held with you and that good company you had with you—wishing you never worse while ye live. Be pleased not to forget my respects to Prestounhall, and his lady and children, as above said.—I am, whyl I breathe, your most affectionat cussing and humble servant,

WILL. BURNETT.

"Present my service to my cussing Kayley § when you see him."

"for Mr. John Frank, Wryter to his Majesties Signett, living in the Parliament Yeard in Edr., Scotland.

"Grave, Janry. 8 & 10,

"Stillo Novo 1692.

"Sir,—I have written you twyce beffore we cam to this settled place, but have received no answer, the reason q^{of} I cannot guess, but much troubles me for fear some accident may occasion it, for I am sure some of them is come to your hand, because they were sent by ane honest souldier who is to return heir again, and so durst not fail, and whom I charged with cair to delyver them, and my necessitie is so great that at this tyme for money, that except I get what I wrote for, I shall not be able to continue heir. I beseach you to let me have your lyne what I may expect, seeing it is but my owne I desyre, and the greater haste is made in it, it will do me the mor good, because if I get it not soon, the marcats for horse will become so dear yt I will be necessitat to buy at double rates. I begg it of you, that you will be pleased to press my necessitie to all concerned. My former letters to you, which I hope you will receive beffor this comes to hand, will inform you what the sowme I desyre is,

* Widow of Captain James Burnett.
|| Stuart of Traquair.

† M'Kenzie, Lord Prestonhall.
§ William Burnett of Kaylie.

‡ Murray of Stanhope.

and if to be got, to send it by bill at sight, q^{ch} ye may have from Mr. Alexr. Baird, merchant in Edr., living in the stonland in the Lawn Marckat, upon Mr. Russell, factor at Rotterdam, or with any skipper coming over with the regiments that are coming heir—bot beware of our officers, for they be hands.—My service to your friends and myn, so adieu from yours always, your most humble servant,

“WILL. BURNETT.”

“ffor Mr. John ffrank, Wryter to her Majesties Signett, at his lodgings in the Parliament
Yeard in Edr., Scotland.

“January 8 & 18th 92.

1692.

“Sir,—I have written so often to you and some of my friends, and by so many several ways, without any returne, that I am quyt wearyed out, and if this way fails me, I knowe not what method to follow to hear from you. I wish to God this may find you in health and lyfe, for if you be weill, neither doubt your cair, nor kyndness, though it is more than I desyre now of you, q^{ch} is only what I may expect of my own, to supply me in my need. Be pleased to let me know if ye have received any of myne, and direct to me under Mr. Robert Inniss, to Major Keith (q^{ch} will come safe to my hands), to whom I desyre to be remembered, and the Major and I shall drink your good health in the best liquor we have heir present. My love and service as beffore directed (‘nam decies repetita placebit’), hoping you will not think your tyme misspent to let me know how my affairs go, I rest, Sir, your most affectionat cussing and humble servant,

WILL. BURNETT.”

“ffor William Burnett of Kaylzie, recommended to the cair off Mr. John ffrank, advocat, to be sent
to him—Scotland.

“Grave, 17/27 February 1692.

“Cussing,—By ane lyne from Mr. ffrank in answer to two or thrie of myne, I understand he has communicated to you the need I have of money at this tyme for to supply my present necessitie. Ye may be assured that the necessitie is great, otherways I would not have called for it from Scotland, q^{ch} I have so much need of it, and I think it more proper to call for ane little to supply me at ane as for want of it to lose my employment, and be burdensome to myself and friends, for you know I have not qr upon to live of my own as I ought. There is no doubt but ye have cair and kyndness enough for me, bot there must be some diligence used in this affair, because it stands upon my honor, and may be your intresst to be quick, that I may tak what methods thereupon as may best serve my present circumstances. Present my cervice to your Lady and children, to all friends and comrads in tweidall (Tweeddale), and what service I can be employed in heir to your advantage, ye may freely command, Sir, your most affectionat cussing and very humble servant, WILL. BURNETT.”

“To Mr. John ffrank, Edinr.

“Louvain, May 29/19, 1692.

“Sir,—I received your last, of the dait the twentie one of Appryll, the second day after we cam to the Camp at Anderlick, for q^{ch} I thank you most heartily, and am *very happy of the good news* ye wryt me wit—and thank William Allan lykewise for his, bot all my allowance to broadalbin's (Breadalbane) factor, and all they sought, was but ane guinea, and to put me up two more is a little hard, but yet harder to expect more to himself, seeing he is well payed of ane debt som men wold have made desparat to him—for what is over, I beseech you lett it be given to Kylzea,* to ly in his hands, yt in caise I com home next year, it may be ready for what use I may have for it, for my cussing can acquaint you that our pay is not as formerly, and that we can hardly live upon it, and if I had not got that small help from Scotland, q^{ch} cam most seasonably to me, I had not been able to make out my equipage, q^{ch} I have now. As for that money of Corhead's,† I hope Kylzie and you will

* William Burnett of Kaylie.

† Johnston of Corehead.

see to make the best use of it ye can for my behoof, for God knows how soon our tread may fail heir. I . . . you . . . nothing of my last to you, for it was only a letter of thanks to you and Kaylzie,* for your speedy kyndness, for if it had been on day longer of coming, it had been of no use to me. And now again I thank you both, and assure Kylzea from me, that if I live till Winter, I shall be at home to make an end of what I have begune, bot in the meantyme, I earnestly desyre Mrs. Burnett† may be discreetly used, and not too much irritated at the wryting heirof.

"My Cussing and I have seen a very prettie armie from ane hill as any man can see. My love and service to your wyffe and children, and all friends (plague rot the presbyterians). Dear John, I am now and ever your most affectionat cussing and servant,
WILL. BURNETT."

1692.

"Mr. John frank, Advocat, to be ffound att Edinburgh, Scotland.

"Sir,—Yours I received yours which you wrot by Mr. Burnet his order, I hoop you will be so kind as communicat mein to him as to what he weils concerning Captain Burnet's buriall—the expense was not great, it not exceeding Eightie thrie guilders. His doctors, and surgeons, amounted to two hundred, fortie thrie guilders—macks in all thrie hundred twentie six guilders. He was indebted to Captain William Sharpe nyntein guilders ten stivers—to Lieutenant Hay in Lord George Hamilton his regiment, fyftie five guilders and some od money, but I cannot be positive—this he left to me to pay, under his own hand. Since his death one of his servants is run away, the other wants of fie threttie fyve guilders. Now these debts I am obliged to pay out of his equipage, and that bill he assigned me of threttie pounds drawn upon you. He told me at the same tyme, that he had in your hands a thousand marks of his, but that is nothing to me.

"His equipage was as follows—four horses, two not worth a farthing, yet sold at fortie two guilders—the other twa sold at one hundred and twentie—the coats (!) sold at six, is eighteen guilders. As to his ariers, they are in his Coronell's hands, and he gives in ane accompt that Captain Burnet is owing a hundred and sixtie six guilders mor than his ariers comes to. The servant of his that ran away, has sold all the spair armes of the companie—all the Bandeliers and spair tents, which his Coronell will have his ariers to make good, and which will be decided at a Court Martiall.

"I will not trouble myself with the affair, but I will advis that gentleman that represents him to pay me, otherways may come to pay other people he knows nothing of. I have his testament in my hands, and if produced, not be verrie pleasant to him. I only acted in this affair being beged to it by a dying man, having no bodie in the country, otherways they had arrested his corps as most of the money is to pay yet, but they had my obligement for it. I hoop you will represent this to Mr. Burnett.‡ I am sorrie to trouble you with this, but will assure you in the meantyme, that upon all occasions I shall be ready to shew myself, Sir, your humble servant,
SOMMERVAILL,

"Lieut. Colonel.

"London, December 5/15, 1692."

WILLIAM BURNETT (son of John Burnett of Kailzie§) succeeded his cousin, Captain William Burnett, in 1692. He was variously styled "of Kailzie," "in Glenrath," and latterly "of Barns."

1692.

At this time the property continued very much involved in debt, the heirs of Captain James

* William Burnett of Kailzie.

† Widow of Captain James Burnett.

‡ William Burnett of Kailzie.

§ The name of William Burnett of Kailzie appears among the Commissioners of Supply for the County of Peebles in the first Parliament of James VII in 1685, and also at the meeting of the Estates of the Kingdom of Scotland holden by Letters Patent from the Prince of Orange in 1689. He was also one of the "Gentlemen of Tweeddale and Forest" mentioned by Pennecuik in his humorous "Panegyrick on the Royal Army in Scotland," convened by royal authority in May 1685, during the short reign of James II., to oppose the Earl of Argyle, who came over from Holland in support of the Duke of Monmouth's unsuccessful attempt on the Crown.

1692. Burnett in Leith (cousin of Captain William Burnett, and brother of the above William) having wadsets on it for a large amount. It was eventually redeemed by William Burnett, but not without great delay and protracted legal formalities. In a petition to the Lords of Session, he states that "several mutual actions had been commenced between him and the heirs of the deceased Captain James Burnett, which had caused him three years' constant attendance in Edinburgh." He further states, in a petition to the Lords of Session, "that for himself, and as heir of his father John Burnett deceased, being creditor to the deceased Captain William Burnett for considerable sums of money, both by personal security, and by real right of apprising upon the lands of Barnes, and the deceased Captain James Burnett of Leith having a wadset of about 30,000 merks on the said lands, the reversion of which was in the person of the deceased Captain William Burnett, affected by a clause irritant, which was incurred, and for the declaring whereof the Wadsetter had raised, and was insisting on an action of Declaration—and the said Captain William Burnett being hopeless of preserving the estates himself, and to the effect that his name and family might not be extinguished (the said James Burnett, the wadsetter, having only one daughter to succeed him), he did prevail upon me, his cussing german, to accept of a disposition from him of all right he had to the said lands, and to the said reversion, and with much difficulty, as is known to my Lord Whitelaw,* and several other of your Lordships number, I obtained the Tailzie and Irritancy purged at the Bar by real and actual consignment in the hands of Mr. Robert Alexander, clerk, within the space of a week, of 25,000 merks, and giving bond for the rest," &c.

1697. In 1697, William Burnett in Glenrath, therein designed "of Barnes," by a decree of declarator against Alison Gibson, Alison Burnett, and John Dundas, her husband, "the order of redemption was found orderly led," and in conformity with the back-bond given by Captain James Burnett to Captain William Burnett, whereby the lands of Barnes, &c., were redeemable by Captain William or his heirs, and declaring the lands to pertain to William Burnett, as having right to them by the foresaid disposition of Captain William Burnett; and on the 14th March 1698, Alison Burnett, with consent of John Dundas, her husband, finally disposes to "William Burnett in Glenrath, now of Barnes," all and hail the lands of Barnes, tenements in Peebles, yearly interest on Corheid, &c., to the heirs of entail therein mentioned, in conformity with the foregoing decree.

1698. In 1698, William Burnett being now in full possession of Barnes, and being anxious, like his ancestors, to retain the property in the name and family, executed a bond of entail in his own favour, and the heirs of his body, wherein he restricted the succession to his eldest heir male, without division, excluding all other heirs portioners—which failing, to his heirs female, provided they marry some one who shall assume the name and bear the arms of Burnett of Barnes; but in case any such shall act in opposition to his expressed will, "then they should tyne and lose all right to the property," &c. This deed, however, for some reason now unknown, never seems to have come into effect.

William Burnett married, firstly, in December 1663, Jean, eldest daughter of Robert Chancellor of Shieldhill,† Co. Lanark,—"*who signalised himself in loyalty to King Charles I. and II.*"‡—whose first wife was Jean, daughter of Sir James Lockhart of Lee; and on her decease he married, secondly, Jean, daughter of Sir George Auchinleck of Balmano, an ancient family in Perthshire.||

After the death of his first wife, by whom he had no issue, William Burnett married, secondly, in 1684, Jean, daughter of James Baillie of St. John's Kirk§ (descended of a second son of Baillie of Lamington), and Martha his spouse, a daughter of Sir William Lindsay of Covington. She was relict of John Murray of Glenrath, and "heretrix of the same." He was son of Sir David Murray of Stanhope, knight, and his wife Lilius, daughter of John Earl of Wigton, and brother of Sir William Murray of Stanhope, who was for his fidelity in the cause of royalty created a baronet in 1664. She

* Sir William Hamilton of Whitelaw (Lord Whitelaw) was at this time one of the Lords of Session, and was a competitor with Dalrymple of Stair for the presidency of the Court of Session.

† Mar. Cont., Barnes Papers.

‡ Nisbet.

§ *Idem.*

§ Mar. Cont., Barnes Papers.

had one daughter, Violet Murray* (who died in 1760), and by her marriage with William Burnett, she had—

- I. JAMES, born in 1685, afterwards of Barnes.
- II. JOHN, in Glenrath, who married in 1720, Lillas, daughter of William Russell of Ashiesteel, and Elizabeth his wife, daughter of Mitchelston of Middleton, by whom he had Jane, and Elizabeth, the latter married to James Robertson, at Currie.
- III. HELEN, married in 1712, to Robert Chisholm, Collector of Cess for the county of Peebles, (second son of Chisholm of Hairhope), who, after her death, married secondly, in 1632, Mary, daughter of Thomas Finlay, Minister at Preston.

William Burnett "being sick in body," executed a disposition and assignation in favour of his eldest son James in 1710, and died in 1712.

His second wife, Jean Baillie, died in March 1717.

JAMES BURNETT, eldest son of the foregoing, succeeded in 1712. He was a man of great energy, and not only added to his property, but improved it by planting, which had not at that time become general in Scotland. In a petition to the Court of Session in 1776, he states that he "is over 80 years of age," and that he was then "still improving his property." These improvements appear to have been the adjustment of boundaries with the adjoining property of Bellanridge, with consent of the owner, Mr. Walter Laidlaw; but being obstructed by the tenant, caused these legal proceedings.

He re-purchased Glenrath in 1729, and in 1747 appears to have been negotiating for the purchase of a property in Dumfriesshire.

Early in last century lead ore was found on his property, which, on being submitted to the inspection of scientific men, and practical miners, was pronounced to be of a "quality to produce both lead and silver." Miners from Wanlockhead (Leadhills), in Dumfriesshire, were employed to search for a vein; but, according to local tradition, were supposed to have been bribed. The minerals were leased to "Stanhope the younger," but were never worked.

He lived in the exciting times of the "Jacobite risings" in the "Fifteen" and "Forty-five," when the son, and grandson, of James VII. endeavoured unsuccessfully to recover the throne of their ancestors. Like many other landed proprietors in the south of Scotland he took no active part in the political struggle of the period, although his sympathies, like those of nearly all the families with which he was allied, were in favour of the exiled Stuarts. Several cadets of the family were however implicated in these "risings," and suffered both in life and fortune by their adherence to the political principles of their ancestors, for

"Treason ne'er prospers—What's the reason?
For if it prospered, none dare call it treason."

Mr. Burnett married in 1725, Anna, second daughter of John Veitch of Dawyck, Presenter of Signatures in his Majesty's Exchequer, and his spouse, Margaret Nisbet. 1725.

Mr. Veitch was son of John Veitch of Dawyck, Knight (of "the ancient Tweeddale family of that name"),† and his spouse, Christian, daughter of James Nasmyth of Posso.

Margaret Nisbet was daughter of James Nisbet of Whitehouse, son of Philip Nisbet of Ladykirk, "a man eminent for learning and loyalty,"‡ who was son of Thomas (third son of Nisbet of Nisbet,

* Violet Murray, daughter and heir of John Murray and Jean Baillie, sold Glenrath in 1698 to the Earl of March, by whom it was sold in 1729 to James Burnett of Barnes.

The Earl of March above referred to was of the Queensberry family, the title having descended to the family of Charteris, Earl of Wemyss, on the death of the last Duke of Queensberry.

† Nisbet's Heraldry.

‡ *Idem.*

or of that ilk, and his wife, Agnes Purves), and Mary Hay, second daughter of Colonel William Patrick Hay, Arbroath.

James Burnett died in January 1771, in his 86th year, and his wife, Anna Veitch, in October 1773, having had issue—

- I. MARGARET, born 22nd December 1726 ; married to her cousin, James Murray, surgeon, Edinburgh (son of George Murray, second son of Murray of Touchadam and Polmaise, and Christian Veitch).
- II. JANE—born 26th January 1728—died 23rd September 1728.
- III. VIOLET—born 25th May 1729—died 2nd August 1729.
- IV. AGNES—born 29th August 1730—died December 1780.
- V. WILLIAM—born 17th September 1731—died 8th July 1740.
- VI. JEAN—born 23rd January 1734—died October 1771.
- VII. ANNA—born 22nd April 1735—died 28th October 1735.
- VIII. VIOLET—born 24th May 1736—died 20th September 1805.
- IX. JAMES—born 28th October 1737—afterwards of Barns.
- X. ANNA—born 20th February 1739—died —
- XI. WILLIAM—born 23rd September 1740—died 3rd March 1783.
- XII. JOHN—born 5th June 1742—died 2nd March 1743.
- XIII. JANET—born 13th February 1744—died 10th February 1745.
- XIV. CHARLES—born 26th June 1745—died 31st January 1777, at Fort Marlborough, on his passage to Bengal, having previously been a merchant in Cadiz.

1771. JAMES BURNETT, eldest surviving son of the foregoing, succeeded his father in 1771. He was educated for the Scottish Bar, and in 1756 was apprenticed to David Anderson, W.S., Edinburgh, where he showed great ability, and gave promise of rising to a high position in his profession. Unfortunately, however, his tastes not lying in that direction, he abandoned the law, and retired to Bonnington, a small property near Peebles, derived from a maternal ancestor, where he led a country life, until he succeeded to the estate of Barns. He was a man of retiring habits, and literary tastes, an accomplished classical scholar, and formed a handsome library for a country gentleman of his time. Further than erecting the present mansion (in 1775-6) he does not appear to have continued the improvements commenced by his father; and a great portion of the property was let in small farms, badly cultivated, to tenants who had been on the estate for several generations, and who paid their rents, irregularly, in "kain," "carriages," and other feudal customs. He was, perhaps, one of the last of the old Scottish gentry of family and position, who retained a romantic attachment to the then hopeless cause of the Stuarts, the final overthrow of which he had witnessed in 1745-6. He never occupied any position under Government requiring of him the oath of allegiance to the reigning house of Hanover. These harmless peculiarities, however, were merely the expiring embers of a feeling now extinct, and then existing only in a few old Jacobite families who cherished the memories and traditions of the cavaliers of bygone days. He lived, however to see his descendants wear "the livery of the Elector of Hanover," as the old Jacobite ladies of the time irreverently termed the uniform of the reigning King (George III.). He was a rigid adherent of the Scottish Episcopal Church, and member of a nonjuring congregation, who held their meetings in a small building in Carrubber's Close, Edinburgh. Preachers in Episcopal "Meeting-houses," as they were termed, were then regarded with great suspicion by Government, as being all in favour of the House of Stuart, and they were required to take the oaths, and pray for the king by name. These statutes, although no longer having a political *raison d'être*, are still unrepealed.* Leading the easy life of a country gentle-

* Many amusing anecdotes were related of those (particularly the old Jacobite ladies) who, forced to comply outwardly

man, on a limited rental, un-supplemented by any professional income (as most of the proprietors in the county at that time were), he appears to have found it desirable, in the early part of the present century (1807), to dispose of an outlying portion of his property situated in an adjoining parish. Of this, a neighbouring proprietor was anxious to become possessed. The negotiations were not however at that time carried through, although some years later (in 1824) this part of the property passed into other hands.

In 1810, Mr. Burnett being advanced in years, and being further incapacitated from attending to business from an affection of his eyes—which ultimately deprived him of sight,—leased the whole estate of Barnes to his eldest son and successor for £1,000 a year, reserving to himself for life, the mansion-house, gardens, and that portion of the estate which comprised the home farm. Having unfortunately become involved as security for a near relative to a considerable amount, a sale of the estate was contemplated in 1815, to enable him to meet the claims upon him, and to provide for his unmarried daughters, his great age and infirmities rendering him incapable of the exertion necessary to extricate himself from his difficulties. To prevent the estate passing out of the family, (in which it had been for so many generations), an arrangement was made whereby his eldest son assumed the property, with all its liabilities, as well as the personal debts for which he had made himself responsible; and an actual sale and disposition of the whole estate of Barnes was made in his favour—Mr. Burnett, the elder, reserving to himself an annuity (in this case of £500), the use of the mansion-house, garden, and home farm, also settling a sum as provision for his daughters, secured on the estate. The result of this arrangement will appear hereafter.

Mr. Burnett married, on the 27th July 1775, Janet, second daughter of John Moir, merchant in Edinburgh, of the Moirs of Lochend, (descended from the Moirs of Leckie), and his wife, Janet Gellatly (of the Gellatlys in the north). They had— 1775.

- I. JAMES—born 16th May 1776, afterwards of Barnes.
- II. CLEMENTINA—born 8th December 1777—died at Dalkeith, 25th April 1866.
- III. ANNE—born 7th August 1779—died at Dalkeith, 11th December, 1857.
- IV. JANET—born 20th March 1781—died at Dalkeith, 3rd March 1847.
- V. JOHN, OR JOAN—born 24th June 1783—married in 1814 to George Gardiner, Esq., Comptroller-General of His Majesty's Customs in Scotland, and had (with others deceased), James Burnett merchant, of London and Moulmein, (who died at Moulmein in), and Agnes. She died in London, 12th May 1866.
- VI. VIOLET—born 17th November, 1784—married in 1808, to Thomas Young, Esq. of Rosetta, county Peebles, Inspector-General of His Majesty's Military Hospitals. Dr. Young served with distinction in America, the West Indies, Holland, the Mediterranean, and Egypt.* He died on the 6th February 1836. S. P.—and his wife, Violet Burnett, who survived him, died at Rosetta, on the 1st June 1867.

with the law, quieted their conscience by some ingenious mental reservation, something probably of the nature of the following lines :—

“ God bless the King—I mean the Faith's Defender ;
 God bless—no harm in blessing—the Pretender.
 Who that Pretender is—and who that King,
 God bless us all—that's quite another thing.”

* Dr. Young joined the army in 1775, then serving in America, as Regimental Surgeon to the Grenadier Guards, and was twice made prisoner by the enemy. In 1780, he was appointed Surgeon to the Royals, with which regiment he served for 12 years, and accompanied it in all its operations in the West Indies. Was severely wounded at the capture of St. Christophers, and honourably mentioned by General Frazer in despatches. In 1793, he was appointed Surgeon to the Garrison at Grenada. In the following year, he was ordered to proceed to the Continent as Senior Surgeon to the Medical Staff, and was appointed by the Duke of York, Surgeon-General, in which capacity he served two campaigns. In

VII. WILLIAM—born 28th May 1788, merchant in the Brazils, and subsequently in Leith. He was appointed Colonial Secretary of the Swan River Settlement, now Western Australia, during the Government of Sir Edward Parry, but soon afterwards he removed with his family to New South Wales, where he settled. He married Marjory, eldest daughter and heiress of ——— Brown, Esq., of Newton, county Lanark, and had—

1. JAMES CHARLES, F.R.G.S., of the Surveyor-General's Department, in which he served for a period of 20 years, during which time he was employed on many important Surveys. So highly were his services estimated by the Governor-General, Sir Charles Fitz-Roy, that he paid him the compliment of naming a large river traced by him in the north, the "Burnett," and also the large pastoral district which now bears the same name. He died unmarried, at his residence near Brisbane, on the 18th July 1854, in his 39th year.
2. JOHN ALEXANDER, Merchant, Melbourne. He married Margaret M'Donnell, and died at his residence, St Kilda, on the 25th May 1853, in his 36th year, having had issue—

CHARLES JOHN, Major H.M. 15th Regiment.

WILLIAM, who married in 1870, Elizabeth, only child of Alexander Alexander, of Hawkes Bay, New Zealand, and has a daughter, Violet Alexandra.

JAMES.

ABIGAIL SCOTT—died young.

LILIAS, married in September 1873, to Frank de Crez M'Cracken, and has a daughter, Lilius de Crez.

3. MARJORY—died young.
4. WILLIAM, of Burnetland, in the Hunter District, New South Wales, who succeeded his father.
5. PATRICK GRAHAM—in Australia.

William Burnett died in Australia in 1858, in his 70th year.

VIII. CHRISTIAN—born 19th June 1790, died at Dalkeith 16th May 1866.

1820. James Burnett died at Barnes on the 19th November 1820, in his 84th year, (his wife, Janet Moir, having predeceased him), and was succeeded by his eldest son,

JAMES BURNETT, of Barnes, a Deputy-Lieutenant and Magistrate for the County of Peebles. He held a Commission as Captain in the Fourth (or Dumfriesshire) Regiment of North British Militia, from the date of its embodiment for permanent duty in 1792, until it was disbanded after the Peace of Amiens in 1802. When the war broke out in the following year, he was solicited by the Duke of Buccleuch, his former Colonel, to assume the command of a company in his regiment. He was also urged by Lord Elibank, the Lord Lieutenant of the County, to accept the Majority of the Peebleshire Volunteers, which were raised at the same time; but he declined both offers, having meanwhile embarked in other pursuits, which required his undivided attention. Mr. Burnett took a prominent part in the management of local affairs, and was one of the principal promoters of agricultural improvements

1795, he was promoted to the rank of Inspector-General, and accompanied General Sir Ralph Abercrombie in all his operations in the West Indies. In 1789, he was called upon by his Royal Highness the Commander-in-Chief to resume his former position in North Holland, where he had the misfortune to have his leg broken. Before he had quite recovered from the effects of this accident, he was ordered to join the army in the Mediterranean under the command of General Sir Ralph Abercrombie, and served with him in the Mediterranean and Egypt; was present at the Battle of Alexandria (21st March 1801), where he attended Sir Ralph, when mortally wounded. His services in Holland and Egypt were acknowledged in the House of Commons, and as a reward for which, a Baronetcy was offered him, which however he declined.

in the county.* He married, in 1803, Christian Catherine, second daughter of Robert Lee, of Greenock, and Christian Donald his wife, descended from the Lees of Deanfield, county Renfrew, who claimed descent from the family of Lee, Earls of Lichfield, now extinct. Mrs. Burnett's grandmother was Helen, daughter of Sir Robert Stewart of Tillicoultry, first cousin to the Earl of Bute, and niece to the Lord Belhaven, who made the memorable speech against the Union in 1706.

James Burnet and Christian Lee had--

- I. JAMES—born 2nd February 1804, Writer to the Signet ; and Attorney-at-Law, Georgetown, Demerara, where he died, unmarried, on the 6th December 1836, in his 32nd year.
- II. ROBERT LEE—born 23rd March 1805, Captain in the 54th Regiment of Bengal Native Infantry. He entered the service of the Honourable East Company on the 23rd March 1821, and served in India for 22 years, during which time he saw much active service in Burmah, Afghanistan, and other parts of India. During the Burmese war it fell twice to his lot to escort treasure to Assam, and on both occasions he promptly volunteered his services against the enemy. On Brigadier Shelton's Brigade being ordered to proceed to Cabul, Captain Burnett was nominated Brigade-Major, the duties of which office he performed with so much zeal and energy, as to procure him an appointment in the service of Shah Soojah. Shortly after his arrival in Afghanistan, he was directed to join and assume temporary command of the 5th Regiment of the Shah's Infantry at Candahar ; but a paucity of officers in his own corps (the 54th N.I.), led to his being ordered to return to Cabul. In attempting to comply with this command, he was attacked by the enemy, and the small force he had with him nearly destroyed. He managed, however, to make good his retreat to Guznee, where, owing to the extreme hostility of the neighbouring tribes, he was compelled to remain. During the subsequent siege, he did duty with the 27th B.N.I., and was severely wounded on the head by a rifle ball, which deprived him of one of his eyes. On the capitulation of the garrison he, in common with the other surviving officers, fell into the hands of the enemy, with whom he remained, until rescued together with the other prisoners, when *en route* to Turkistan. His own corps (54th N.I.) having been destroyed in the catastrophe of last year, Captain Burnett volunteered his services, during the return of General Pollock's army, to the 16th N.I. Notwithstanding the triumphant career of that avenging army, some brisk onslaughts were made upon our retiring troops by the hardy and ruthless tribes whose defiles they traversed. On the 18th October 1842, in repelling one of these attacks, Captain Burnett was severely wounded at Jugdulloek—" *the last of three wounds honourably taken in action in Afghanistan.*" He lingered from that time till the 29th January following, when he died at Ferozepore, in his 38th year. It is worthy of remark, that on each occasion when Captain Burnett was wounded, he was serving as a volunteer. A monument was erected to his memory at Ferozepore, by his brother officers, " *to mark their sense of his bravery and worth.*" He held several medals commemorative of his services.

* "The great improvement which we have alluded to, as having taken place in the agricultural state of the parish, has been principally brought about by Mr. Burnett, to whom a third part of the property in it belongs. Besides greatly ameliorating his land by draining, in the most admirable manner, he has reclaimed an immense portion of waste ground, and planted more than two-thirds of the whole wood in the parish. The extensive farm of Haswellsykes, belonging to this gentleman, and farmed by himself, deserves to be especially noticed, as exhibiting, perhaps, the finest model of agricultural management which is to be seen in the county." —*Statistical Account of Manner, Peeblesshire, 1834.*

Mr. Burnett was much attached to the form of religion of his forefathers, and chiefly through his exertions an Episcopal Church was established in Peebles in 1827.

- III. CHRISTIAN CATHERINE—born 4th July 1806, died unmarried, at Mayville, Ayrshire, 15th April 1875.
- IV. JANET ANN ELIZABETH—born 6th September 1807—married, in 1839, to the Rev. James Cruikshank, (who died 17th October 1880), and had—
 HENRIETTA HAY—died in childhood.
 CHRISTIAN CATHERINE—married, in 1869, to the Rev. James Smith, Newhills, Aberdeen.
 JAMES BURNETT—died in Ceylon, 21st January 1877.
 JOHN ROBERT LEE, Civil Service, Demerara.
 Mrs. Cruikshank died at Stevenston, Ayrshire, 16th June 1877.
- V. WILLIAM—born 4th January 1810—Lieutenant-Colonel in the Militia of British Guiana (in which also he formerly held the appointment of Assistant Adjutant-General), and is a Justice of Peace for the county of Peebles. He married, in 1843, Elizabeth, second daughter of Charles Wilday, Colonial Registrar, and Secretary of the Supreme Courts of Justice of British Guiana, and has—
1. MAITLAND JAMES.
 2. KATE EGAN FULLARTON.
 3. VIOLET ANNA D'URBAN—married, in 1873, to John Ogilvie, the younger of Inshewan, county Forfar, and has a son, John Burnett.
 4. EDITH CARMICHAEL SMYTHE—married in Aug. 1878, to Thomas Henderson Orphoot, Advocate, Sheriff-Substitute of Peeblesshire, and has a son, Burnett Napier.
 5. ANNIE ELIZABETH BOYD—married, 15th July 1880, to William Anderson, Esq., of Hallyards, Peeblesshire, and Richmond, Surrey.
- VI. JOHN HAMILTON—born 10th February 1811—Captain in the 16th Bengal Native Infantry, Grenadier Regiment. He entered the Honourable East India Company's service in 1827, was Lieutenant in 1834, and Captain in 1843. He served under Sir John Kean at the storming and taking of Ghuznee (1839), and recapture in 1842; was with his regiment throughout the Afghan Campaign, and held the appointment of Brigadier Quartermaster under General Nott. On Colonel Maclaren (of the 16th B.N.I.) being promoted to the rank of Brigadier, 4th Brigade, he selected Captain Burnett from his own regiment as his Brigade-Major, to which he was gazetted on the 16th December, and fell at the battle of Ferozeshah on the 21st December 1845, in his 34th year. He had medals for Ghuznee, storming and capture, 21st July 1839—Candahar—Ghuznee, re-capture, 6th September 1842—Cabul—Maharajpore, 28th December 1843.
- VII. ELEANOR STUART—born 23rd July 1812, died unmarried at Mayville, Ayrshire, 18th April 1870.
- VIII. THOMAS YOUNG CRICHTON—born 12th September 1813—Merchant, and Justice of the Peace of Trinidad, West Indies, who was lost in the steamer Amazon, which was destroyed by fire in the Bay of Biscay, on the 3rd January 1852, in his 39th year.
- IX. MONTGOMERY—born 16th October 1814—Merchant, of Trinidad, West Indies, Member of the Corresponding Committee of the Society of Arts, and a Director of the Botanical Gardens, Trinidad—married in December 1858, Maraval Georgiana, second and only surviving daughter of the late Honourable Henry Fuller, for many years Attorney General, and subsequently Judge in the Supreme Courts, Trinidad.
- X. ARCHIBALD CAMPBELL—born 17th August 1817—Merchant, of Demerara—died at Mayville, Stevenston, Ayrshire, on the 24th January 1868, in his 51st year.

XI. FULLARTON CUNNINGHAM—born 5th June 1822—settled in the United States of America, where he married Mary Caroline Larkins, and had

JOHN STEWART. LYNN HALL. CHRISTIAN CATHERINE LEE.

He died at Lillington, Pender County, N. Carolina, on the 14th February 1876, in his 54th year.

James Burnett died at Mayville, Ayrshire, on the 20th June 1855, in his 80th year, and was interred in the family burial place, at Manner, Peeblesshire. His wife, Christian Catherine Lee, also died at Mayville, on the 21st February 1855, and was interred at Stevenston, Ayrshire. 1855.

It has already been shewn, that when Mr. Burnett took the management of the property into his own hands it was heavily encumbered, At that time, however, everything connected with agriculture was in a most prosperous condition, and was considered favourable for improving the estate, which had latterly been much neglected. Stimulated by the high prices in the early part of the present century, the general improvements in the county which had been begun about 1750 or 1760 were greatly extended; but these being effected chiefly by means of capital derived from professional pursuits, independent of rental, the result proved highly favourable to those proprietors who were in a position to await the issue of their outlay. Unfortunately, these favourable prospects did not continue long, for at the close of the continental war there was a great reaction, the value of agricultural products declined, in which rents, and everything connected with land, necessarily participated.

Mr. Burnett having, during the course of his operations, laid out large sums in building, enclosing, draining, and planting, and other necessary outlays, for which purpose, having little spare capital of his own, and not having any wealthy relatives, or connections (as the family had in former times) to aid him, he had to raise money on the estate, as the improvements progressed. In consequence of heavy interest, and other adverse circumstances, he found himself considerably embarrassed, and, in 1824, sold an outlying portion of the property (Bonnington), situated in the parish of Peebles, which temporarily relieved the estate of some pressing difficulties. These appear, however, to have been only tided over for the time, and in consequence of some unforeseen misfortunes, he found it necessary, with the advice of his friends, to place his affairs in the hands of trustees, in the hope that, by careful management, (his personal expenses being now much reduced, nearly all his sons having gone to push their fortunes abroad), the most pressing claims might be paid off. A sale was, however, forced in 1838, at a most unfavourable time, since which the value of landed property has continued to advance. 1838.

Thus, after many vicissitudes of fortune, the family of Burnett of Barnes ceased to be proprietors in Peeblesshire, where they had long filled a prominent position, and with which they had been connected for so many centuries.

The family of Burnett of Burnetland and Barnes is now represented by William Burnett, Hay Lodge, Peeblesshire, the third and eldest surviving son of the above James Burnett of Barnes, and Christian Catherine Lee, his wife.

A D D E N D A .

TH has been erroneously supposed by some recent genealogists that the names of Bernard, Burnard, Burnand, Burnart, Brenarde, and others, which were to be found in the South of Scotland in early times, were of the same family as the Burnetts of Barns in *Peeblesshire*; and that "William Brenarde of Barnis," whose name appears in 1585, was also of this family. There is nothing, however, to support such a theory, as none of the above names are found to occur in the Barns Papers, which date from the fourteenth century.

The "BURNET OF BARNs" in *Peeblesshire* in 1585 was served heir to his father (also William Burnet) on the 21st April 1575, and lived to a great age—until beyond the middle of the following century. In the extract from the Register of Retours of the County of Peebles he is described as "*Guilielmus burnet legitimus et propinquar hæres præfati quondam Guilielmus burnet de barnes patris sui,*" &c.

The Retour is made before "Guilielmus Murray de Romano, Vicecomitatem deputatum dicti Vicecomitatus de Peblis," in presence of the following witnesses:—"Jacobum patersoun de Caverhill, Guilielm Watch de Kingsyde, Jacobum dicksoun in Kirktoon, Jacobum hay tutorum de hayfield, Joannem Govan de Cardrona, Guilielmus Stewart de Caperstoun, Robertum dicksoun de Ormistoun, Thomam portionarum de, Joannem Cockburn de, Thomam Sandilands de Bold, Alexandrum Lauder de Haithpule, Joannem Wod, Joannem Bullo, Guilielmus Lewis, et patriciam Newton, Comburgenses de Peblis," &c.—*Barns Papers*.

"WILLIAM BRENARDE of Barnis" cannot therefore be identified as the William Burnet of Barns in *Peeblesshire* of that period. Neither can the designation "of Barnis" fix the locality, as the name of Barns is common in Scotland, and was formerly the designation of several families of importance there. I have now before me a list of twenty places of that name, which is derived from the Anglo-Saxon "Berern," a place where Bere (Barley) was stored. Such places are supposed to have formerly been church lands, and to designate the site of the Barns where the Monks stored their tithes.

SIR GEORGE MACKENZIE, in his *Science of Heraldry* (p. 91), writes:—"Thus the Laird of *Anstruther* gives two hands grasping a *Pole-axe*, with the word *Periissem ni periissem*; because his predecessor (as is commonly reported) did strike off the head of the Laird of *Barns* with a *Pole-axe*, when he was coming to his house with an intention to kill him." To which Laird of Barns it was to whom Mackenzie refers there is no information; but neither family tradition, nor family papers, record any such incident in the history of the Burnetts of Barns in *Peeblesshire*.

The name of the Barns family—so far back as it can be traced—is spelt *Burnet* or *de Burnetvilla*, until the seventeenth century, when another final *t* was added.



APPENDIX.

BESIDES the Burnetts of Barns, there were branches of the same family at different periods, proprietors in Peeblesshire and the neighbouring counties.

The following also appear, at different times, in the Scots Acts among the list of Commissioners of Supply, &c., for the County of Peebles.

In the first Parliament, Charles I., 1633 :—
Protestation—The LAIRD OF BARNs.*

In the first and second Parliaments, Charles II., 1661 :—
WILLIAM BURNET OF CRINGLETIE, &c.

Convention of Estates, 1678 :—
ROBERT BURNET OF LITTLE ORMISTON.
WILLIAM BURNET OF BARNs.

In the first Parliament, James VII., 1685 :—
WILLIAM BURNET OF BARNs.
WILLIAM BURNET OF KAILZIE.
ROBERT BURNET OF LITTLE ORMISTON, &c.

At a Meeting of Estates of the Kingdom of Scotland, holden by Letters Patent from the Prince of Orange, 30th March 1689—A Proclamation for calling together the Militia and Fencible Men of the Shire :—

WILLIAM BURNET OF BARNs.
WILLIAM BURNET OF KAILZIE.
ROBERT BURNET OF LITTLE ORMISTON.
And ARCHIBALD BURNET OF CARLOPS, for Edinburgh.

In the reign of William and Mary, 7th June 1690 :—
ROBERT BURNET OF LITTLE ORMISTON.

In first Parliament, William and Mary—Act in favour of
CAPTAIN WILLIAM BURNET (of Barns).

First Parliament, King William, 1690 :—
WILLIAM BURNET OF BARNs.

* A "Protestation for remeid of law" was an appeal to the old Scottish Parliament to have an award of the Civil Courts set aside or reversed.

In the reign of Queen Anne, 1704:—

WILLIAM BURNET OF BARNS, for Peebles.

ARCHIBALD BURNET OF CARLOPS, for Edinburgh; and on the calling out of the Militia in 1689, the same Archibald Burnet was Major of the Edinburgh Regiment.—*Scottish Acts of Parliament.*

WILLIAM BURNETT, TREASURER-CLERK.—His loyalty and strong attachment to the house of Stuart are shown in a Will which he made in April 1656, preparatory to going out as second in a duel for his cousin, Lord Linton. As this document bears upon that circumstance, and is also illustrative of the manner of "following" then prevalent in Scotland, some extracts from it, also copy of the original challenge, are here inserted:—

"For Mr. Murray, brother to my Lord Elibank.

"Sir,—Seeing you refused my last Commission to you, which was satisfaction to be taken and given by orselves, single allon, or double, with ane witness for aither off us. I have received your Commission from Mr. Windram, which, as for the manner off arms, and quality of persons, was att length fondly accepted off. Bot, finding myself disapoynted of those gentilmen I intended to make use of, I am resolved now, in this particular, to trouble friends no more, but to satisfy you and the world of my clearness and willingness to take and receive satisfaction, I doe heirby proffer, and, upon your acceptance, will make it good to meit you allon, with the same nature and quality off arms, on tuesday next, 29th of this Instant, att the same place spoken off 'twixt Mr. Windram and me, where we shall make a decision of the contraversie. And because the rest of your friends conceaves themselves a lyke interest in the matter, I doe heirby offer by myselff, a lyke satisfaction. In the first Tuesday off May, I doe ingadge to meit and answer ane off your number, and on the second Tuesday off May I shall attend ane other off yor number, and on the third Tuesday off May I shall attend the third off yor ingadgit freinds, at the same place, or elsewhere, as the party concerned, according to choice or lot shall think fitt, lyfe and health serveing. This single way of satisfaction, being the clearest construction of true honour and valor, least occasion of noyes, and losse of discourse. Iff it shall be refused lett the world judge, and all gentilmen off honor and arms whose the fault is, and I take my hazard, but iff accepted, I am, Your Servant,

LINTON.

"Traqr., Apryll 23."

On the back of the letter is written—"The principall challenge was carried by me to the said person, and a defiance maid by his brother, 25th Apryll 1656, and what follows Itt, God and the world will know.

W. BURNETT."

This "defiance" seems to have been considered as equivalent to an acceptance of the challenge, and as seconds in those days took a more active part in the duel than the "laws of honour" now require (generally themselves engaging as well as their principals), the Treasurer-Clerk set about putting his house in order, and the following are some extracts from his Will:—

"SEEING there is nothing more certain than death, and the hour uncertain, and I being about to hazard my life for the honour of the Lord Linton, and at his desire as his kinsman (which in worldly respects cannot be shunned); Therefore, if the Lord shall magnify himself in destroying me, a worm, and cast me away in the sin of presumption for this, and my other sins, I Will and Declare, to my wife and children, never to quarrell it, for it is without malice. Next, I Will and Declare, for my worldly estate, which is in a very sad condition, that she be sole Tutrix during her widowhood and

single life, and desires her to bring up my son William to be a Schollar; and the rest, to give them virtuous education according to her ability, and that (if she can) to this effect, would live single, and if not, that she marrie none to pray on her joynter, but such as is able of themselves to live, and help her and her children to live. *Item*, I appoint her sole Executrix, to intromit with and dispone upon my moveables so far as they will reach," &c. Then follows a list of debts due to and by him, which he instructs his Executrix to settle.

"*Item*, I Will my Brother to be kind and carefull of my wife and children, and my wife to be carefull of her children, and her children to be loving, obedient, and dutifull to their mother, and kind and charitable to all friends, as they would desire God his blessing, and bring honour and good report to themselves, and the memory of me, their Father. And if my eldest Son live to come to perfect years, I desire him be carefull to match him to a good sort of people, or honorable and honest family, for the recovery of his distressed fortune I may haply now leave to him, (which is more ancient than great,) and for relieff and provision of sisters; and, if he shall die, and be gathered with the saints of God's people departed, before that time, then I appoint my daughter, Henrietta, to marrie my brother's son William, and failzing of him, his brother James, and she and her said spouse (if so God provide) to provide her sisters to competent portions, viz., Christian to 4,000 mks., Agnes to 3,000 mks., Marie to 3,000 mks., and Margaret to 2,000 mks., extending in all to 12,000 or thereaways; my estate to go to the said Henrietta, or her next sister, failzing of her, upon the provision foresaid, and to marrie, if possible, one of my name and family most competent, and convenient at the sight of friends, for making it stand in the name, which is my most sincere desire (with submission to the will of my Creator, who hath measured out their lines, and letten this place to my predecessors and me above these thrie hundred years). *Item*, I Will and Desire my son and successor to follow the house of Traquair, so long as they stand to follow and seek God in his ways, and so far as they honour and stand for the Righteous King Charles the Second, Righteous heir by birth of Great Britain; and I desire him to forget to live, before he forget my principles in this matter, because he has the word of God for it, that kind of authority, and because the law of thir nations, and his birthright confirm, and I never followed those principles for gain worldly, or by respects, but for conscience sake; and if so he does, I trust God he shall reap in joy what I have sown in tears, and sufferings, when God shall return that race to their antient authority. *Item*, I Will and Desire my Lord Traquair and his successors to befriend and patronise my son and his successors, because of the many tyes of following, and tye of blood now we have had from them; and for this last following, if so it shall please God I be past away in my sin of presumption at this time in witnessing my Lord Linton's honour. And this I Will to stand, wishing all defects may be taken in good part, and all clauses needfull not here included, may be taken as expressed, and for more verification hereof, I have written and subscribed thir presents with my hand, at Barns, this last of Apryll, 1656. W. BURNETT."

"Memorandum, for my wife to compt with all my tennants, and what they have any discharge for to allow, for they got discharges for everything I received. Gavin Burnet has received severall sums from me and my tennants as his discharges will clear in my hand, and my tennant's hands, conforme to a compt made within this eight days at Bonnington, and conform to discharges under his hand in my letter case, which should be carefully preserved. *Item*, Carefully to keep Mr. Alexander Burnet's discharge in my letter case of eleven thousand merks, and to compt with him at my brother John his sight, and to get up the Bond out of his hand, for it was for thir sums I took off Gavin Burnet and my brother John. More I would add, but has not time."

JAMES BURNETT was proprietor of Barns in 1745, when Prince Charles's army passed through Peeblesshire, on their march to England. Most of his live stock had previously been removed into

Megget, and some of the remote districts of the county, in order to ensure its safety, and a solitary horse with a cart, being all they could fall in with capable of being easily transported, were carried off by the Highlanders. Mr. B. applied to a kinsman, then in the Prince's army, in order to have them restored, and the following is copy of his reply :—

“To James Burnet, of Barnes, at his house of Barnes.

“Dear Sir,—I've just now the pleasure of hearing of your being weel; as to my seeing you last night, I foresaw (as I told you) 'twould be impracticable, qlk it really was, but will make up that loss, if ever it please God I return.

“Ye may rely there is nothing more shocking to me than the daily loss the country sustains, in and through (I can call them nothing but Banditti.)

“None of my men had orders from me on you; and ye may believe y'ed been the last of five thousand I'd given orders on. If I can anywise see your horse in the army, he shall be sent; but in the utmost hurry I have only time to add, that with the greatest esteem and real truth, I am, Dear Chief, Your most obedient and obliged Servant,

JON: BURNET.

“Manse of Drummelzier, *Wednesday, 10 o'Clock.*”

This letter bears the following indorsation, in the handwriting of James Burnett, the then proprietor of Barnes :—“Missive, Captain John Burnet, dated at Drummelzier, when the Prince's armie past to England, November 1745.”

In *The Caledonian Mercury* of 13th January 1746, among the “List of Scots Rebel officers, taken at Carlisle, 1745,” there is Captain John Burnet, Colonel Grant's Regiment.

The following is a letter from him during his confinement in London :—

“To Mr. Burnet, of Barnes.

“Dear Sir,—'Tis thought necessary by my friends here, notwithstanding the attestations from the North in my favour, to see if I can vouch from any creditable people that I showed lenity to the king's subjects, qlk will much strengthen my defence, with respect to my being compelled into this unlucky affair.

“Your writing and mentioning (which is fact) of my returning horse, qlk others more sanguine took away from the subjects, or qt else your better judgment may dictate on my behalf, will be a means of preserving a life, which gratitude, as well as friendship, will tie me to make devoted to, Dear Sir, Your ever obliged and obt. humble Servant,

JON: BURNET.

“London, *30th August 1746.*”

“*N.B.*—Direct for John Burnet, of Campfield, care of Mr. Guthrie, Duke's Court, St. Martin's Lane, London. I must repeat I've a dependance on you, farewell, and expect you'll lose no time.”

To which the following certificate was returned :—

“These are declaring that when the Rebels were in this country, Mr. John Burnet, of Campfield, was along with them, who not only did all in his power to prevent the Highlanders from committing any abuses, but obliged them to pay for what they got; particularly they took both corn and straw from other Tennents, as well as me, for which Mr. Burnet procured payment. They likewise carried off some horses and carts, which the said Mr. Burnet caused to be returned. That his deportment in general was civil and obliging, and that the country was much obliged to him, is attested by

“THOMAS TWEEDIE, *Tennent in Kingledorse.*

“ANDREW MURDERSON, *in Drumelziar.*

"That Thomas Tweedie, Tennent in Kingledorse, and Andrew Murderson, in Drumelziar, are well affected to government in church and state, is attested by me, _____, minister of the gospel at Drumelziar, September, 1746."

Mr. B. was afterwards acquitted, and returned to the North in September, 1748.

Mr. Burnett, though taking no active part, appears to have been much interested in the political movements of his day. Among a great many letters on the subject—now interesting—are accounts by eye-witnesses of the battles of Falkirk, Prestonpans, Culloden, and other important events, too long for insertion here.

AN ACCOUNT OF SOME OF THE PRINCIPAL FAMILIES WITH WHOM THE
BURNETTS HAVE INTERMARRIED.

CAVERHILL.—There is a Charter, by Robert Duke of Albany, Earl of Fife and Monteith, to William, son of William Watson of Cranstoun, and Janet his spouse, daughter of John de Caverhill (John Caverhill of that Ilk), dated at Edinburgh, 14th March 1409.—*Registrum Magni Sigilli*.

GEORGE CAVERHILL, of that Ilk, obtains charter of the lands of Nether Crailing, with mill and mill lands, in the Barony of Crailing and Sheriffdom of Roxburgh, from Cranstoun of that Ilk, superior thereof, in October 1446.—*Barns Papers*.

On 14th August 1472, MARIOT CAVERHILL and George Davidson, her second husband, resign the same into the hands of Cranstoun of that Ilk, the superior, in favour of JOHN BURNET, son of the said Mariot, for a new infeftment in favour of her son, JOHN BURNET of Burnetland.—*Ibid*.

On 14th November 1498, Elspeth Caverhill and Patrick Dickison, her husband, give a tack of part of Caverhill and other lands in the Barony of Manner to her cousin, JOHN BURNET of that Ilk.

In April 1500, John Lowes of Castlehill gave a new tack of the same lands to JOHN BURNET, they having fallen into his (Lowes) hands by waird; and in August, the same year, William Ingles of Murdiston renews the tack to JOHN BURNET, his guidson, the lands having fallen into his hands by decease of Elspeth Caverhill.—*Ibid*.

On the 4th April 1559, JOANNES CAVERHILL, hæres JACOBI CAVERHILL de Foulecke patris (is infeft) in terris de Foulecke (or Foulage).—*Inquisitiones Generales*.

JACOBUS STEWART, hæres JEANNE CAVERHILL, matris (is infeft) in terris et annuis redditibus de Foulecke (Foulage).—*Ibid*.

On 22nd March 1633, William Govan of Cardrona, heir of John, his father, is infeft in (with other properties) the garden in the borough of Peebles called "CAVERHILLIS YAIRDS."—*Ibid*.

The name seems to disappear from the county after this time.

VEITCH.—"There is an ancient family with us, in the shire of Tweeddale, of the surname of Vach, pronounced now Veitch, designed of Dawick, the chief of the name." "It is said that one of this family was very much assistant to King Robert the Bruce in his extremities, by bringing into his camp a herd of cows from the enemy, for which he was called Vach.

"However serviceable he was to the King, I rather think that these arms (a cow's head erased) are carried as speaking to the name Vach, or Vacca, a cow. I have seen a Charter of Archibald Earl of Douglas, of the lands of North Sinton, which he grants 'delicto armigero nostro Barnabe le Vach de Danyk, anno, 1407.'"—*Nisbet*, Vol. i., p. 334.

The following tradition, connected with one of this family, is given in the Introduction to the *Minstrelsy of the Scottish Border*:—

"Veitch of Dawyk, a man of great strength and bravery, who flourished in the 16th century, was

upon bad terms with a neighbouring proprietor, Tweedie of Drumelziar. By some accident, a flock of Dawyk's sheep had strayed over into Drumelziar's grounds, at the time when *Dickie of the Den*, a Liddlesdale outlaw, was making his rounds in Tweeddale. Seeing this flock of sheep, he drove them off without ceremony. Next morning, Veitch perceiving his loss, summoned his servants and retainers, laid a blood hound upon the traces of the robber, by whom they were guided for many miles, till, on the banks of Liddel, he stayed upon a very large hay stack. The pursuers were a good deal surprised at the obstinate pause of the blood hound, till Dawyk pulled down some of the hay, and discovered a large excavation, containing the robbers and their spoil. He instantly flew upon Dickie, and was about to poinard him, when the Marauder, with the address noticed by Leslie, protested that he would never have touched a *cloot* (hoof) of them had he not taken them for Drumelziar's property. This dexterous appeal to Veitch's passions saved the life of the freebooter."

PROCLAMATION BY JAMES VI., KING OF SCOTLAND.—*Barns Papers* :—

"JAMES REX.—Right trustie and right well beloved Cousingills and Counsellors we Greet you weel : Whereas we understand that the deadly Feid betwixt Veitches and Tweedies is as yet unreconciled, and our peace kept betwixt them only by the means of renewing of assurances from time to time : But since we came so far by great pains in our person, enduring our stay there, and by our continual direction sensyne suppressed that monster within that kingdom, so wee do hardly think that there be any one Feid except this in all that kingdome unreconciled, and the wrongs and mischiefs done by either of them, as we understand to others being in such a proportion of a compensation as neither party can either boast of advantage, or otherwayes think himself too much behind—Therefore our pleasure and will is, that you call before you the principalls of either surname, and then take such course of the removing of the Feid, and reconciling, as you have been accustomed in like cases : And whosoever shall disobey your commands and direction you shall comitt them Prisoners, and certifie us thereof, to the effect we may return unto you our farther pleasure and will therein ; and so bid you fareweel. From our Court at Greenwich, tenth of March 1611.

"To our right trustie and well beloved Cousins and Counsellors—the Earle of Dumfermline, Lord Chancellor, and remanent Lords and others of our Privy Council, in our Kingdome of Scotland."

INGLES.—"In the 6th year of King Robert Third's reign, William Ingles got from that King the Barony of Manor, for killing Thomas de Struthers, an Englishman, as the charter bears :—' *In remunerationem facti nobilis, vizt., interfectionis Thomæ de Struthers anglici militis quem super marchiis in duello interfecit.*'"

"Thomas Inglis of Manor made an excumbion of his lands of Branksholm, Branshaugh, Goldylands, Quitlau, Quitrig, Todshawhills, and Todshaw-wood, which he held of the Douglases, with Sir Walter Scot of Murthoustoun, for the lands of Murthoustan and Heartwood, lying in the Barony of Bothwell, and shire of Lanark, as by the charter of excumbion, dated at Edinburgh, 23rd July, 1446, in which he is designed '*Nobilis Vir Thomas Ingles de Manners,*' and afterwards he and his family, in other writs, were designed *Domini de Murthoustoun*, or Murdiston."—*Nisbet*, Vol. i., p. 83.

HAY, formerly of Locharret and Yester, now represented by the Marquis of Tweeddale. The ancestor of this ancient family is said to have accompanied William the Conqueror from France, 1066. The name '*Sieur de la Haya*' is to be found in the list of followers of the Conqueror ; and a Lordship of the same denomination, also families bearing the name and arms of the Hays in Scotland, are to be found in Normandy.

This family got the lands of Neidpath, in Peeblesshire, by marriage with the Frazers, to whom it belonged, and remained in their possession until it passed into the hands of the Queensberry family in

1686. The Hays of Locharret and Yester were hereditary sheriffs of Peeblesshire till 1747, when hereditary jurisdictions were abolished. They were created Lord Hay of Yester in 1487, Earl of Tweeddale in 1646, and Marquis of Tweeddale in 1692.

RUTHERFORD.—The Rutherfords of Kidheugh were probably a branch of the Rutherfords of that Ilk.

ADAM RUTHERFORD of Kidheugh (or Kidhillhaugh) was succeeded by his son

WILLIAM, who, in 1546, redeems third part of Caverhill, Haswellsykes, Over Glack, and Sourlands, from Murray of Blackbarony, into whose hands they had fallen by waird; and in 1550 John Lowes and Margaret Lundie, relict of David Hoppringle, superior of the lands, grants Precept of Sasine for infefting the said William Rutherford in the above lands. He was succeeded by his son,

ROBERT, who was succeeded by

ADAM, son and heir of the above Robert. He married Janet, daughter of William Burnet of Barns and Isobel Hay his wife, who was infeft in the above lands in liferent in 1574.

JOHN, great-grandson of Robert, was infeft in the above lands, which, in 1628, he resigns into the hands of William Burnet of Barns and his son John, the immediate superiors.—*Barns Papers*.

STEWART.—“The first of the family of Stewarts of Traquair was James Stewart, son of James Stewart, first Earl of Buchan, who by marrying Catherine Rutherford, one of the daughters and co-heirs of Rutherford of that Ilk, in the reign of James IV., got the lands of Traquair and others.” “From him was lineally descended Sir John Stewart, created a Lord Baron in 1628, and afterwards, in 1633, Earl of Traquair and Lord Linton by King Charles I., he being that King’s High Treasurer, and afterwards High Commissioner to Parliament, 1639, &c., &c.”—*Nisbet*, Vol. i., p. 50.

SCOTT.—Robert Scott of Eskdale, afterwards designed of Thirlstane, “married a daughter of Johnston of that Ilk, now Marquis of Annandale, with whom he had five sons; John, who succeeded, second Scott of Hundleshope, in the shire of Tweeddale, of whom is descended the present Captain David Scott of Hundleshope.”—*Nisbet*, Vol. ii., p. 55.

“I have seen an act of curatory in the year 1625 for John Scott, son and heir of the deceased John Scott of Hundleshope, where Sir Robert Scott of Thirlstane, Knight, as nearest of kin on the father’s side, and William Burnet of Barns, on the mother’s side, are called with several other friends, and Sir John Stewart of Traquair, predecessor of the present Earl of Traquair, is chosen one of the Curators.”—*Ibid.*, Vol. i., p. 433.

WHYTFORD.—“Doctor Walter Whytford, a younger son of Adam Whytford of Milton,” (who was a branch from the Whytfords of that Ilk, and who first signalised themselves at the battle of Largs, in the reign of Alexander III.) “was first subdean of Glasgow, parson of Monkland and Calder, then parson of Moffat, and afterwards Bishop of Brechin; he married a daughter of Sir John Carmichael of that Ilk, by whom he had Colonel Walter Whytford, a brave gentleman, who was forced for his loyalty to fly to Holland, where he killed Dorislaus, a Dutch lawyer, who drew up the wicked indictment against King Charles I.”—*Nisbet*, Vol. i., p. 368.

“Walter Whitford, son of James Whitford of that Ilk, was first minister of Monkland and subdean of Glasgow, then rector of Moffat, and retained his deanery in Commendand. In 1620 he was made Doctor of Divinity, and in September 1634 he was consecrated Bishop of Brechin, in which see he continued until he was deprived by the Assembly in 1638, after which he fled into England, as being reckoned a forward man for the Liturgy and Book of Canons; and there he died in 1643.”—*Keith*, p. 167.

CHANCELLOR.—Jean Chancellor was daughter of Robert Chancellor of Shiellhill, and sister of James, his successor.—*Mar. Contr.*, 1663., *Barns Papers*. "John married Catherine, daughter of Gavin Hamilton of Raploch, and of Jean his wife, daughter and one of the co-heirs of Sir Thomas Dishington of Ardross, and with her had ROBERT, his son and successor, who signalised himself in loyalty for King Charles I. and II., and had the happiness to see the Restoration before he died in 1660, leaving issue by Jean his wife, daughter of Sir James Lockhart of Lee and Jean Auchinleck, daughter of Sir George Auchinleck of Balmano, an ancient family in Perthshire," &c.—*Nisbet*, Vol. i., p. 431.

BAILLIE.—The Baillies of Lamington trace their descent from John Baliol (as the name was formerly spelt), who was Lord of Galloway, and for some time King of Scotland.—*Nisbet*, Vol. ii., p. 128.

"William Baillie of Lamington being, among other Scots men of quality, taken prisoner at the battle of Durham, with King David Bruce, in the year 1346, in the list of captives he was designed William Baillie. This gentleman was, after his releasement, made a Knight by King David Bruce, in the year 1357, and having married the eldest daughter and heir of the renowned and ever justly celebrated patriot and hero, Sir William Wallace, governor of Scotland, and general of the army under King John, with whom he got the Barony of Lamington," &c.—*Ibid.*, Vol. ii., p. 128.

"Sir William is at the head of the family, and is laird of Lamington himself, when in the year 1492 he has a charter under the great seal to him and Merion Home his wife, in conjunct fee and infeftment. This lady was the daughter of Sir Patrick Home of Polwarth, comptroller of Scotland in the reign of James IV., ancestor to the Earl of Marchmont, by whom had William, his son and heir, and John, of whom descended the *Baillies of St. John's Kirk*, of whom are come the Baillies of Jerviswood and Walston."—*Ibid.*, Vol. ii., p. 130.

From the Baillies of St. John's Kirk are descended the Baillies of Jerviswood, Mannerhall, &c.—*Ibid.*, Vol. i., p. 230.

Baillie of Lamington was created Baron Lamington in 1880.

CHISHOLM.—In the third year of King Charles Second's reign the name of James Chisholm, of Hairhope, appears amongst the Commissioners of Supply for Peeblesshire.—*Scottish Acts of Parliament*.

DOUGLAS.—"James Douglas of Bads (or Baads), descended of the family of Dalkeith."—*Nisbet*, Vol. i., p. 78. This family is now (1837) represented by James D. S. Douglas, of Baads and Craig.

SCOT.—The Scots of Bonnington were a branch of the Scots of Harden, and acquired Bonnington in 1552. On the 9th of December of that year, Janet Wylie, daughter and one of the heirs of Martin Wylie, with consent of Richard Dickison of Mailinsland, her spouse, grants a Charter of her half of the two parts of the lands of Bonnington, with the pertinents called Bonnington Wylie, to Robert Scot in Aikwood, and Adam, his son and heir apparent. Precept and Instrument of Sasine by the said Janet, and by her sister Marieta, the other heir of Martin Wylie, with consent of her husband, John Lewis, in favour of Robert and Adam Scot, are dated 9th and 15th December 1552.

ROBERT SCOT, in Aikwood, married Helen Tweedie. They had a son and heir,

ADAM SCOT, who, with his father, is designed in Aikwood, and afterwards of Wamphray. Adam, who died in 1607, was succeeded by his son,

SIMON SCOT, who married Mary —— (?) (usually styled "Lady Bonnington"), and had an only daughter, Margaret, married in 1614 to John Burnet, apparent of Barns.

This Simon Scot appears to have been mixed up in some Border feud, and got *into trouble* in 1616. "Having to do with a strong partie, the gift of his lyfrent escheat was taken in the Erle of Annandailles name, who *was his neare kinsman*, and the said erle, his name, was borrowit in all his affaires." Simon Scot died in 1620, and his wife, who died in 1649, was infest in liferent in the lands of Bonnington and others.—*Barns Papers*.

In a contract (mentioned by Sir Walter Scott, then in his possession) betwixt the King and several of his subjects—"Noblemen, Barons, landit Gentilmen, and uthers under subscribing,"—by which they "renounced all border feuds and depredations for the future, dated at Jedburgh, 29th October 1612, among the names of subscribers are Robert Scot of Aikwood, *Sym: Scot of Bonnington*, Walter Scot of Harden, Scot of Dryhope, and many other borderers" (See Appendix VIII. to the *Border Minstrelsey*, Vol. i., pp. 284 to 291).

SANDILANDS.—The family of Sandilands was, at an early date, proprietors in Peeblesshire. In the year 1500, when Margaret Inglis, daughter of William Inglis of Murdiston, as relict of John Burnet of Burnetland, was served to her reasonable tierce of the lands of Barns, Caverhill, and Burnetland, James Sandilands, of Bold, was one of the witnesses.—*Nisbet*, Vol. i., p. 396; also *Original Document*.—*Barns Papers*.

NISBET OF NISBET (or of that Ilk).

PHILIP DE NISBYTH is witness to a grant by King David I. to the Abbey of Coldingham.

WILLIELMUS DE NISBYTH is witness to a Charter in the reign of King Malcome.

PHILIP DE NISBET is mentioned in the Bond of Submission by the Barons to Edward I. of England, anno 1296.

ADAM NISBET gets Charter from Robert Bruce of the lands of Knocklies. He was succeeded by PHILIP NISBET, 1373. And he by his son;

ADAM NISBET, designed of West Nisbet (Charter, 1420). He was succeeded by his grandson, — NISBET, designed, in a Charter from King James IV. in 1506 to him and Helen Rutherford his wife, "de eodem," or of that Ilk. He was succeeded by

ALEXANDER NISBET, and he by

GEORGE NISBET, anno 1513. He was grandfather of

PHILIP NISBET of that Ilk, married to a daughter of Haldane of Gleneagles, and had Alexander, who succeeded.

— (from whom are descended Thomas and Philip, merchants in London).

Thomas, married to Agnes Purves, father and mother of Philip Nisbet of Ladykirk, a man eminent for his learning and loyalty, grandfather of Margaret Nisbet, married to John Veitch of Dawick, chief of the name.

SIR ALEXANDER NISBET succeeded his father, and married Catherine, daughter of Swinton of Swinton. He was conspicuous for his loyalty to King Charles I., and had

Philip, who joined the army of Montrose, and being taken at Philiphaugh, was executed at Glasgow, 1646.

Alexander, } both Captains, and were killed in the field, following Montrose.
Robert, }

John, married in England, and died there.

Adam, married Janet, grandchild of David Aikenhead, Provost of Edinburgh, father and mother of the author of the *System of Heraldry*, the representative of the ancient and honourable house of Nisbet (1722).

Upon the death of Alexander Nisbet (author of the *System of Heraldry*) without issue, the family was represented by Sir John Nisbet of Dean.

There were of old several good families branched from the house of Nisbet, now extinct:—

NISBET OF PAXTON.

NISBET OF SPITTLE.

NISBET OF SWINEWOOD, in Berwick; and

NISBET OF DALZIEL, in Lanark, which flourished from the reign of David II. to the reign of Charles II.

The most eminent families of the name now standing are:—

NISBET OF DEAN.

NISBET OF CRAIGENTINNIE.

NISBET OF DIRLTON—being all three come of one Harry Nisbet, merchant in Edinburgh, descended from Nisbet of that ilk. —*Abridged from Nisbet's Heraldry.*

LEE.—The surname of Lee is ancient in Scotland, and is probably derived from the Barony of Lee in Lanarkshire, which was possessed by a family of that name previous to its coming into the hands of the family of Lockhart, now designed "of Lee."—*Nisbet*, Vol. i., p. 318.

The name is also common in the County Palatine of Chester, in England, and was the surname of the former Earls of Litchfield (now extinct), with other considerable families in England, and is derived from the Lordship of Lee, in the County of Chester.—*Ibid.*, Vol. i., p. 244.

LEE OF DEANFIELD, County of Renfrew, N.B.

The first of this family (of the Naval profession) came from England, and settled in the west of Scotland in the latter part of the 17th century. They claim to be descended from the Lees, Earls of Litchfield, now extinct:—

- I. JAMES LEE, married Christian Corbet, and had a son Andrew, born in 1700, who was designed "of Deanfield," Co. Renfrew.
- II. ANDREW LEE, of Deanfield, married, on 9th June 1721, Christian Græme, of the family of Kilmordinnie (niece of Sir Hugh Montgomery of Skelmorlie), and had—
 1. James, born 6th May 1722 (of whom no trace).
 2. Christian, born 13th September 1723, and died 29th September.

His wife, Christian Græme, died on the 6th February 1724, and was buried in the North-west Churchyard, Glasgow. He married, secondly, on 31st January 1728, Helen, daughter of Sir Robert Stuart of Tillicoutrie, Co. Clackmannan (second son of Sir James Stuart, Sheriff of Bute), one of the Lords of Session, created a Baronet 29th April 1707. Sir Robert represented the County of Bute in Parliament, and was one of the Commissioners for the Treaty of Union. He resigned his legal appointment in favour of his nephew, Dugald Stuart, who was father of the first Earl of Bute, and ancestor of the present Marquis. She was also related to the Lord Belhaven who made the memorable speech against the Union in the Scottish Parliament in 1706. This Andrew Lee and Helen Stuart had—

1. Robert, born 29th August 1729, who carried on the line of the family.
2. Jean, born 5th February 1731; died 30th September.
3. Cecile, born 2nd June 1732; died 28th October 1740.
4. Christian, born 24th February 1734.
5. Andrew, born 30th January 1736.
6. Mariane, born 12th December 1737; died 26th October 1740.
7. Walter, born 24th June 1745.

III. ROBERT LEE, eldest son of the foregoing, married Christian, daughter of Robert Donald, merchant, Greenock, and had—

1. Eleanor Stuart, died, unmarried, in Rothesay in 1840.
2. Robert, who carried on the line of the family.
3. James, died in Jamaica.
4. Christian Catherine, married, in 1803, to James Burnett, younger of Barns.

Robert Lee, on the death of his first wife, married ——— Donald, but left no issue.

IV. ROBERT LEE, eldest son of the above, married Jane, daughter of ——— Hunter, merchant, Greenock, of the family of Hunter, now of Hafton. They had—

1. Rosina Christian, married to David Crawford, Writer, Greenock.
2. Eleanora Stuart, died, unmarried, in 1873.
3. Jimmima, married to the Rev. Charles Stuart, and died in November 1876. S.P.
4. Robina, married to John Shedden Patrick of Hazelhead, Ayrshire.

—*Lee Family Papers.*

BURNET OF CARLOPS.—The first of this branch of the family is supposed to have been Alexander Burnet, Advocate, son of William Burnet of Barns, who held the office of Treasurer-Clerk of Scotland in the reign of Charles I. from early in the 17th century until 1639.

In family documents, dated 10th December 1656, "Alexander Burnet, eldest son and executor of Alexander Burnet of Carlops, and Margaret Hay, his mother and tutrix," are mentioned. The same names frequently occur in family papers between that date and 1680.

Doctor Alexander Pennicuik, in his "Description of Tweeddale," published in 1715, writes (p. 9, old edition):—"Then Carlops, belonging to Archibald Burnet, eldest son to the deceased Alexander Burnet, and grandchild to Mr. Alexander Burnet, Advocate, whose purchase it was from Menzies of Weem."

On the calling out of the Militia in 1689, Archibald Burnet of Carlops was Major in the Edinburgh Regiment; and the name of Archibald Burnet of Carlops appears in the list of the Commissioners of Supply for the County of Edinburgh in the reign of Queen Anne, in 1704. Mr. Burnet of Carlops joined "the risings" in favour of the Stuarts in 1715, but met the fate of many other brave and devoted men who risked life and fortune for the cause.

The following are extracts from a history of the period, also of a paper left by Mr. Burnet before he was executed for being in arms at Preston in the Jacobite cause:—

"The Earl of Islay, in pursuance of his firm zeal for the present establishment of the Protestant succession, had been all this while exerting his vigilance to the utmost at Edinburgh in dispersing and seizing all he could meet with that were known to be disaffected to his Majesty's person and government; and but some short time before this, had the good fortune to baffle an attempt that was made by about 200 armed Jacobites to seize the Town-guard, and put the city in confusion, by getting hold of *Burnet of Carlops* and some other of the ringleaders at the place of rendezvous, but a few hours before the plot was to be put in execution."—*History of the Rebellion raised against his Majesty King George by the Friends of the Popish Pretender, &c., printed at Dumfries by Robert Rae, 1718, p. 233.*

"The Rebels having arrived at Langholm that evening (Sunday, 30th October 1714), sent off in the night time a strong detachment, consisting of about 400 horse, commanded by the Earl of Carnwarth, who arrived at Ecclefechan on Monday, the last of October, long before day, with orders to go and to dismount at Ecclefechan till further orders; which were brought them soon after by *Mr. Burnet of Carlops*, and then they took quarters."—*Ibid.*, p. 275.

"The Court sate at Liverpool on the 20th of January, when the tryals began, and by the 9th of February the seventy-four persons in the following list were try'd, in the same order as they are here set down—(follows the names, among which are)—"Mr. Burnet of Carlops," &c.

"In the above account I have designed none of the Scots but *Carlops*, not knowing their designations or place of their abode. About 17 of these, and 12 of the English, were gentlemen. Some of 'em made speeches at the place of execution. Moncaster's was very penitent, but the speeches of most of the rest were of a piece with their former practice."

"The first of these were executed at Preston on the 28th January, and Shuttleworth's head set upon a poll there and the Town Hall, &c., and finally they ordered *Mr. Burnet*, *Mr. Collingwood*, *John Hunter*, and another, to be executed at Liverpool.."—*Ibid.*

"A paper left by Mr. Burnet of Carlops, sometime before he was executed for being in arms at Preston, with a letter from him to his friend the publisher":—

"10th January 1715/16.

"My dear Comrad,—I find your friendship and good wishes have not abandoned me in my distress; but I am afraid the method you kindly advise me to follow in order to a pardon, will neither answer your expectation, nor my labour. You say the Government will find it its interest in making friends by clemency; no doubt you judge right in the main, but perhaps you mistake the peculiar complexion of this Government.

"Powers founded on justice may flourish in clemency, but those acquired by force, or fraud, are commonly maintained by violence. In the case of a Rightful sovereign, he comes into the world the common father of his people. He has no conquest to make of their affections. His breath and their own interest entitles him to it. Natural Right is secured by regular and gentle means. But in the case of Usurpation, a sovereign is no other than the head of a faction, forced upon the whole. The faction alone which made him are his people. The unnatural means of his accession give him but a very remote prospect of the people's affections, and therefore must drive him into irregular arts, to secure by Violence, what he has got by Injustice. And (as all the world must observe, in the present state of these unhappy nations) a factious handfull of men governs the whole faculties of the sovereignty both in Cabinet and Parliament, without the least regard to the body of the nation.

"For these reasons, my Dr. friend, I have laid asyde all thoughts of pardon in this world, and that I may not by my silence at this time seem to acknowledge the charge laid against me and my friends of being engaged in an unnaturall Rebellion (as some call it) with a design against the Protestant religion, I have here sent you the Inclosed,* containing the motives which governed me in this affair, earnestly begging, as the last favour, you will publish it with your conveniency. A man who is going to make his account to God, ought to be allowed to make his Vindication to man.

"Neither my parts, nor my education, can qualify me to say anything of this nature which can be of use to persuade others—and too many men of this age have so far plunged themselves into impious pride and luxury, that they have bid defiance to conviction. But I hope the words of a dying man will vindicate my own sincerity, which is all I intend by it, and will obtain the charitable opinion of good men, that they who have lost, and ventured their lives, in asserting the Rights of their own Lawful Innocent Prince, and their Injured Constitution, have been engaged in an Honourable Cause, and not in an Unnatural Rebellion.

"I recommend you, My Dear friend, and all my Countrymen, to the protection of that Great God, whose Justice will reach the obstinate, and whose Mercy accepts the Penitent."—*Barns Papers.*

The *Carlops* property seems to have been saved from forfeiture, or restored.

Captain Alexander Burnet, of *Carlops*, died in July 1743, and his brother William, Lieutenant in Pulteney's regiment of foot, was served heir to him.

* The paper being too long for insertion here, the letter only is given.

Carlops was purchased by the Burnets from Menzies of Weem in the 17th century, and sold by them to John Forbes, Advocate, and now forms part of the estate of Newhall.

In 1657, the rental of the part in Peeblesshire was valued at £160 scots, or £13, 6s. 8d. sterling. In 1863 it was valued at £951, 10s. (This was probably the whole estate, part being in the County of Edinburgh.) In 1783 it was sold, along with the estate of Newhall, for £14,000, of which Carlops was valued at less than half.

MORTIFICATION by JOHN BURNET OF BURNETLAND of certain Houses and Lands in Peebles belonging to him to the Altar of the Holy Cross of Saint Gorgone of Menner, and Perpetual Letter of Patronage of the said Altar to him, 23rd December 1497.

“Be it kend tyll all men be thir p^{nt}-tres, we John Burnet of yat Ilk, and fr John Hamylyn Vicar of Menar, principal servour of the chaplanry of the Altar of ye Haly Crucifix, situat in the parich Kirk of Sanct Gorgone of Menar wⁱⁿ the dioc^r of Glasgow, till haif gevyn grant and confirmt, in honor of God Almychty and his blissit glorious virgin moder Sanct Mary and to ye said Alter of the Crucifix, and to the chaplans doand and for to do dailie mess and divine suite at ye said alter for eii in vera fie purpetual almes for the hele of our soules, of the soules of Umquhil Sibilye Vaich, spouse of ye said John, of des^d Gilbert Dick archdeacon of Glasgow, our fader and modars, and of all gude cristyns soules, all and haill ye land tenements and byggins wt ye pertinents lyand in ye south syd of the Croce gait of Peebles, betwix ye land of Balcaskye on the vest p^{te}, and the land of George Davidson on the est p^{te}, and also the landes, tenements, biggyns bernys & kyl with the pertinents lyand on the south syde of the Alde toun of Peblis betwix ye landes pertaining to ye Croce Kirk, and to the Croce of Peblis one the vest p^{te}, and ane comon Venale strekand to the Vat of Twede on ye est p^{te}. And ane anual rent of sax shillings and acht pennys usual mone of Scotland zerlie, to be raisit & takyn of the land and byggin of umq^l Thomas Young, lyand on the vest syde of the North gait of Peblis, betwix the lands of John one the north p^{te} and the lands of John Ker one ye south p^{te} as into ye charters & sasings maid yrupon to the Chapland of ye said Alter at length is contenit and mair clerlie pp^{ortit}. W^{ch} gane standing, we mak, constitut deput & ordan be yir p^{nt}-tres ye said John Burnet and his airs verra lauthful and irrevocable patrones, tutours, and datur of ye said Chaplanry of ye Alt. of the Crucifix, for now and eii, giffand, grantand & comittand to ye said John and his airs verra hale fou & irrevocable power to p^{nt} possess institut & admit sufficiand chaplan & chaplans of gude fame in & to ye said chaplanry and Alt. wⁱⁿ fourty dais next follow and efter ye said chaplanry sall happin to be, & is vacand, and destitut of ane chaplan. The quhilk chaplan or chaplans sall admist and do dailie mess & divine suite at ye said altar in yr pp^r p^{son} quhen yai sal be direct yr^{to}, for ye saules above exp^{mit}. And gif it happins ye said John Burnet or his airs (sal fail ?) to p^{nt} possess institut nor set any lauthful sufficiand chaplan or chaplans in & to ye forsaid chaplanry and alter wⁱⁿ fourty dais next followand efter ye samyn chaplanry sal happin to be vacand as said is; than & therfor it sal be lauthful & to ye said Vicar of Menar and his successors Vicars ye quhilk sal be for ye tym, wⁱⁿ twentie dais next followand efter ye forsaid fourty dais be bypast, to p^{nt} possess, institut, and admit lauthfullie sufficiand chaplan or chaplans of gude fame, in & to ye said chaplanry and alt^r quhilk sal admist. yrat and do dailie mess and divine suite as said is. And also we ordain yat gif ye said chaplan ye quhilk sal happin for ye tym to haif oyer suite or to be pmottet or possessed to ane other chaplanry nor suite nor benefice swa yat he may not admist in his own pp^r p^{son} dailie at ye said alt., then ye said chaplanry sal be vacand and (power ?) sal be to ye said John, his airs, or to ye Vicar of Menar to p^{nt} possess ane oyr^r chaplan to ye said chaplanry & alt. in man^r & forme above expressed. And also we ordan, yat ye said chaplan ye quhilk sal be for ye tym, sal uphald all ye said lands, tenements bernis and kyl, in thak, in tymbours, and all oyr^r p^{rtis} yr^{ot}. And

gif yai uphald no ye samyn, we ordan the said John Burnet & his airs, to uptak as meikle of ye mails & profitts of ye forsaid lands & byggins and yar w^t to amend ye samyn in all p^{ts} & places nedful without impediment or again calling. And also we ordan yat nowther ye said John Burnet, nor his airs, nor zit ye said Vicar of Menar, nor yar successors sal uptak resaif or haif any mailles nor perquisites of ye said landes nor byggandes, nor zit intromit yr^{wt} be na man^r of vay in tym to come, bot allenarlie to uphald ye said landes as said is. The quhilk all said things, to do obserf foufil and keep lelely and treulie in all, and be all forme main^r & effect, as is above writen, we grant verra ful and irrevocable power to ye said John Burnet and to his airs, and to ye Vicar of Menar & his successors as said is be yir p^{nts} as yai will respond and anser herupon to God Almyty upon ye terribil day of doum.

"In witness of ye quhilk thing to yir p^{ntres} of patronage for ever til judg^{mt} we haif hn gin or pp^r selis at Peblis ye xxiii. day of December, ye zeir of God ane thousand four hundreth ninete sevin zers."—*Barns Papers.*

RENTAL OF THE ESTATE OF BARNES, DATED LEITH, 13TH APRIL 1687.

The Lands of Barnes and Haswellsykes yearlie,	gold Merks,	400	0	0
The Lands of Overglack yearlie,	gold,	100	0	0
With half a disson of kain fous, and ane disson of carriages.				
The Lands of Kirktoone,		0	0	0
Eighteen bolles and ane firloft of beare, thirteene bolles meal, two bolles pease, ane disson kain fous, and ane disson of carriages.				
The Lands of Halmeadow and Horsewaird,	gold,	80	0	0
Ane disson of kain fous, and ane disson of carriages.				
The Quarter Lands of Woodhouse, yearlie,	„	106	13	4
Sax kain fous, and sax carriages.				
The Lands of Town of Manner,	„	180	0	0
Sax kain fous, sax carriages of failes (turf) and the part of the ?				
The Lands of Templehouse,	„	22	0	0
Two kain fous, and two carriages.				
The Lands of Woodgrievington,	„	180	0	0
Ane disson of kain fous, and ane disson of carriages.				
The Lands of Bonnington,	„	266	13	4
Four disson of kain fous, and four disson of carriages.				
		Merks,	1,335	6 8

This is the true rental payable to the Maister, out of which he pays King's cess and supplies. The tennents payes, also the foresaid rent. The Minister and Vicarages as followes, viz. :—

For Barnes and Haswellsykes	66	13	4
For the Lands of Glack,	26	13	4
For the Quarter Lands of Woodhouse,	26	13	4
For the Lands of the Town of Manner,	40	0	0
For the Lands of Woodgrievington,	pays in kind.		
For the Lands of Bonnington,	ditto.		

In testamonie q^{rof}, I William Burnett of Barnes have subscribit thir p^{nts} day and place above

mentioned, before John Frank, Writer to his M^{tes} Signet, writer thereof, and William Burnett, my cousin.

WILL BURNETT.

John Frank, *witness*.

William Burnett, *witness*.

The Rental in 1687 appears very small compared with that of the present day.

In 1687 the Rental of the estate of Barns was, in money, as per foregoing statement, not including <i>payments in kind</i> , Merks, 1,335, or, Sterling,	£74	4	0
The total Rental of the <i>County</i> was, at the Valuation of 1657, only	4,328	0	0
In 1802, according to Findlater,	26,000	0	0
In 1863 it had risen to	90,927	0	0
And by the Parliamentary return of 1872-3, to	142,614	0	0

PROGRESSIVE RENTAL.

BARNs property in money was, in 1687, as above, Merks, 1,335, or	£74	4	0
In 1760, including Glenrath and other additions to the property, £3,931 scots, or	327	11	8
In 1812, from which property-tax has to be deducted, about 10 per cent,	1,207	0	0
In 1819, do. do. do. do.	1,262	0	0
In 1820, do. do. do. do., many old leases having fallen in,	1,931	0	0
In 1823, improvements beginning to yield a return,	2,359	0	0
In 1877, after sale of Bonnington, 1824, exclusive of shootings, thinning of woods, &c.—the latter considerable,	2,532	0	0



ERRATA.

Page 13, Line 4, for *ancestors* read *ancestor*.

„ 14, „ 32, for *soms* read *some*.

„ 15, „ 39, for — Burnet read *John Burnet*.

„ 23, „ 39, for *Slierfippeld* read *Slipperfield*.

„ 27, „ 1, for *William Burnet* read *Burnett*.

„ 29, „ 39, *delete* that (fifth word in the line).

„ 31, „ 11, *delete* yours (second word in the line).

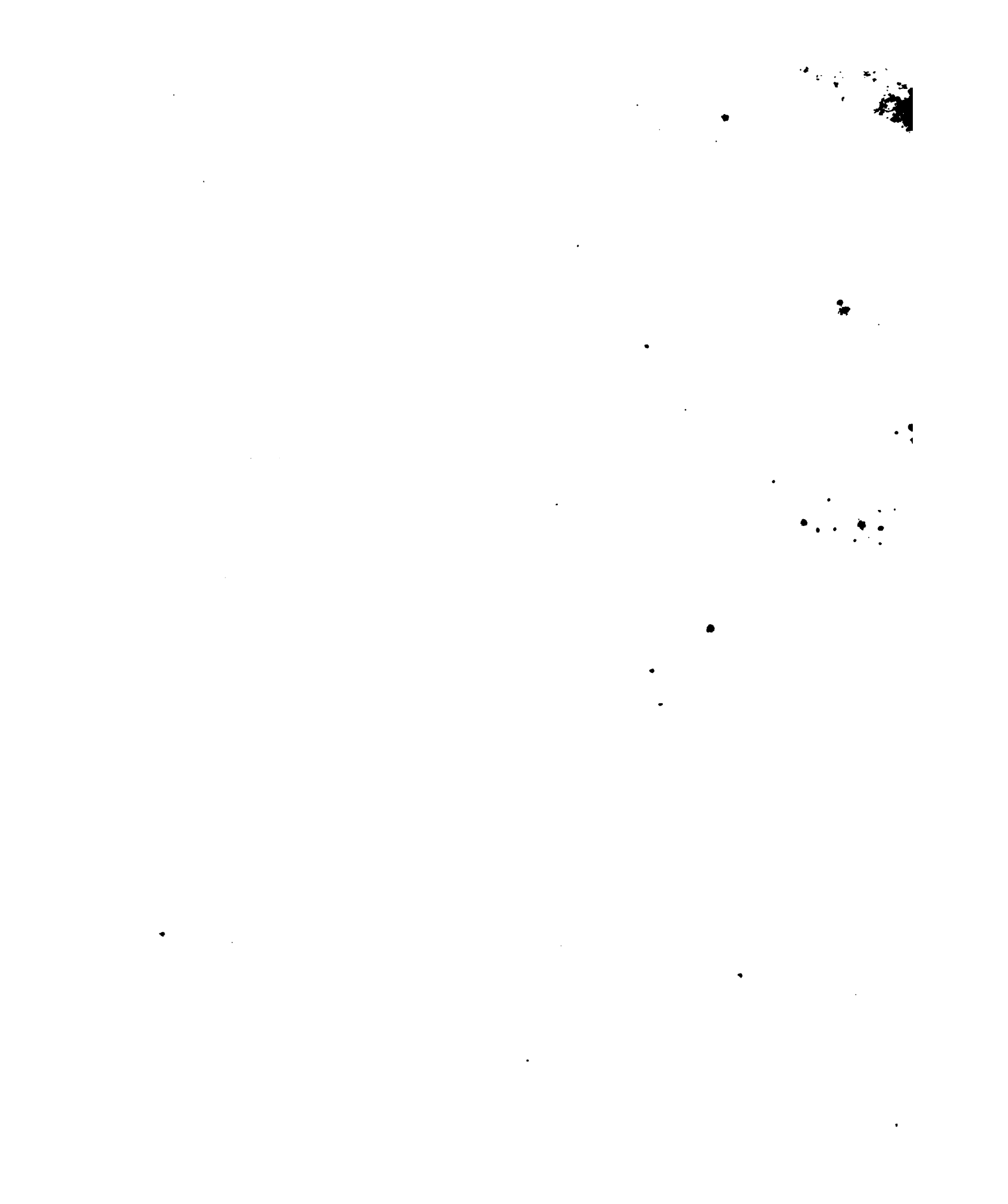
„ 33, „ 37, for *John Veitch of Dawyck, Knight*, read *Sir John, &c.*

„ 37, „ 4, for *Stewart* read *Stuart*.

„ 37, „ 22, for *Guznee* read *Ghuznee*.

„ 54, „ 10, *hn gin* is a contraction for *hingin*, or *hung*.

Page 19.—The family name of the Earls of Traquair should be spelt *Stuart*, not *Stewart*. On Queen Mary's return from France this spelling was adopted, and has been retained by all the old families of the name ever since.—*Finlayson's Surnames and Sirenames*, p. 31.





Small, faint, illegible marks or characters at the top left.

A single small black dot.

A single small black dot.

A single small black dot.

A small cluster of black dots.

A single small black dot.

A small cluster of black dots.

A single small black dot.

A single small black dot.

A single small black dot.

A single small black dot.

A single small black dot.

