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ALEXANDER FRASER, 17TH LORD SALTOUN

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THE
FRASERS OF PHILORTH

BY

ALEXANDER FRASER
OF PHILORTH
SEVENTEENTH LORD SALTOUN

IN THREE VOLUMES: VOLUME II.



EDINBURGH—MDCCCLXXIX.

Contents of Volume Second.

	PAGE
TITLE-PAGE.	
GENERAL TABLE OF CONTENTS,	i-iv
THE ABERNETHIES OF ABERNETHY AND OF SALTOUN, AND LORDS SALTOUN,	I
APPENDIX OF CADET FAMILIES,	74
THE FRASERS OF OLIVER CASTLE,	74
WILLIAM FRASER, BISHOP OF ST. ANDREWS,	97
THE FRASERS OF DRUMELZIER,	116
THE FRASERS OF MAKARSTOUN,	120
UNCONNECTED INDIVIDUALS OF THE NAME OF FRASER,	123
SIR ANDREW FRASER, BROTHER OF SIR ALEXANDER THE CHAM- BERLAIN,	124
SIR SIMON FRASER, BROTHER OF SIR ALEXANDER THE CHAM- BERLAIN,	125
SIMON FRASER, ELDER SON OF SIR SIMON FRASER,	130
ALEXANDER FRASER, YOUNGER SON OF SIR SIMON FRASER,	131
DUNCAN FRASER OF TULIFOUR,	132
SIR JAMES FRASER, BROTHER OF SIR ALEXANDER THE CHAM- BERLAIN, AND THE FRASERS OF FRENDRAGHT,	135
CADETS OF FAMILY OF COWIE, DURRIS, AND PHILORTH,	139
THE FRASERS OF FORGLEN AND ARDENDRACHT,	139
THE FRASERS OF DURRIS,	141

	PAGE
THE FRASERS OF FOREST,	145
THE FRASERS OF MEMSIE,	146
THE FRASERS OF TECHMUIRY,	146
THE FRASERS OF STRICHEN (first Family of),	147
JOHN FRASER, RECTOR OF THE UNIVERSITY OF PARIS, 1596,	150
THE FRASERS OF QUARRELBUSS,	151
THE FRASERS OF RATHILLOCK,	151
THE FRASERS OF TYRIE,	152
THE FRASERS OF FRASERFIELD,	152
THE FRASERS OF LONMAY,	155
THE FRASERS OF PARK,	155
THE FRASERS OF BROADLAND,	157
THE FRASERS OF HOSPITALFIELD,	157
ABERNETHY CADETS,	158
THE FRASERS OF CORNETOUN, LORDS FRASER,	165
THE FRASERS LORDS LOVAT,	167
REMARKS ON BRUCE'S CAMPAIGNS DURING THE YEARS 1307-8,	183
APPENDIX OF CHARTERS, ETC.,	195
ABSTRACT OF CHARTERS IN APPENDIX,	308
SEALS OF FRASERS AND FRASER CONNECTIONS,	328
SIGNATURES OF FRASERS, ABERNETHIES, ETC.,	331

ILLUSTRATIONS IN VOLUME SECOND.

I.—PORTRAITS.

	PAGE
ALEXANDER FRASER, SEVENTEENTH LORD SALTOUN,	<i>Frontispiece</i>
SIMON FRASER, LORD LOVAT (1747),	<i>between 180 and 181</i>

II.—CHARTERS, BUILDINGS, ETC.

The Round Tower of Abernethy,	<i>6 and 7</i>
Letter from William Fraser, Bishop of St. Andrews, to King Edward the First, 7th October 1290,	<i>194 and 195</i>
Letters of Sale by William Fraser, Lord of Philorth, to William de Hay, Lord of Errol, of the Baronies of Cowie and Durris, 10th October 1413,	<i>200 and 201</i>
Charter by Robert, Duke of Albany, Governor of Scotland, to William Hay of Errol, Constable of Scotland, of the lands of the Barony of Cowie, 14th May 1415,	<i>202 and 203</i>
Charter by James de Douglas, Lord of Abercorn and Aberdour, to William Fraser, of the lands of Over Pettouly, etc., 25th October 1408,	<i>220 and 221</i>
Charter by Walter de Lesley, Lord of Ross, to Andrew Mercer, of the lands of Faithlie, 18th August 1381,	<i>236 and 237</i>
Confirmation of the immediately preceding Charter by King Robert the Second, 14th February, eleventh year of reign [1381],	<i>238 and 239</i>
Charter by King David the Second to William de Abernethy, of the lands of Rothiemay, 22d November 1345,	<i>296 and 297</i>

ILLUSTRATIONS IN VOLUME SECOND—*continued.*III.—ARMORIAL SEALS. *Woodcuts of—*

	PAGE
Sir Alexander de Abernethy, 1292,	27
Sir George Abernethy, Fourth of Saltoun, <i>circa</i> 1360,	33
Alexander Abernethy, afterwards Fourth Lord Saltoun, <i>ante</i> 1512,	52
Sir Simon Fraser, Filius, 1297,	95
Banner of Sir Simon Fraser, Filius, 1300,	95
William Fraser, Bishop of St. Andrews (1279-1297), Metropolitan,	115
William Fraser, Bishop of St. Andrews (1279-1297), Episcopal,	115
William Fraser, 1296,	119
Sir James Fraser, 1371,	138
James Fraser, 1402,	138
Janet Dunbar, Countess of Moray, 1454,	138
Hugh Fraser, First of Lovat, 1377, and <i>circa</i> 1390,	182
John Dunbar, Earl of Moray, <i>circa</i> 1390,	182

PART V.

THE ABERNETHIES
OF ABERNETHY AND OF SALTOUN,
AND
LORDS SALTOUN.

THE origin of this family is veiled in the obscurity that shrouds all early Scottish history ; but in the twelfth century its representatives occupied the position of Lay Abbots of the Culdee Monastery of Abernethy, in Strathearn, and it therefore may be concluded that they were not among the Saxon or Norman immigrants who, at various periods, entered Scotland from the south, but were descended from some ancient Pictish or Scottish source, or from some adventurous early Scandinavian settler from the north.

There is also much doubt respecting the origin and character of the Culdee establishments in Scotland, and very diverse opinions have been advocated by authors who have touched upon the subject. The derivation of the name has also been a matter of dispute, though, from its appearance in old charters under the form Keledei, that from the Gaelic words "Celidhe De" (servants of God), seems the most reasonable.

Accompanying translations of Fordun's History, and of the Life of St. Columba by Adamnan, recently published, there are, however, some remarks made by the editor, Mr. W. F. Skene, in the historical introductions and notes, which, with the first volume of another work at present in course of publication by him,¹ throw considerable light upon the early course of events in Scotland,

¹ *Historians of Scotland, Fordun and Translation*, edited by Mr. W. F. Skene ; and "Celtic Scotland," written by him.

and afford some assistance in forming an idea of the career of the Christian Church in that country for some centuries after its first establishment there.

It seems very clear, from Mr. Skene's analysis of authorities,¹ that although the Scoti or Scots, who came from Ireland, had often previously invaded and ravaged Britain, about 498-500 may be accepted as the time of their first permanent settlement in Scotland, and their establishment in the small kingdom of Dalriada, nearly coterminous with the present county of Argyll; and that the Scoti, to whom St. Palladius was sent as bishop by Pope Celestine, about 430, were not the inhabitants of Dalriada, as Fordun mistakenly says, but those resident in Ireland before their migration, and this leads to the conclusion that the first introduction of the Christian faith among the northern Pictish tribes of Scotland was effected by the agency of St. Columba, who, with twelve companions, went from Ireland to Dalriada in 563 (the date fixed by Mr. W. F. Skene),² and the same year passed across "Drumalban," the mountainous backbone of Scotland, to the neighbourhood of Inverness, on his mission to Brude, the king of the Picts.

The success that attended his efforts and those of his followers in spreading the light of Christianity among those heathen tribes is well known, and need not be related here, and the Church established by them seems to have flourished for about one hundred and fifty years, until 717, when, according to Tighernac and Bede, quoted by Mr. Skene, there took place the expulsion of the family of Iona (the Columban clergy) across Drumalban by king Nectan, who had conformed to the rule of the Anglican Roman Church, and had decreed that all in his dominions should do the same, an order which they refused to obey.³

The Columban clergy, however, did not find a secure asylum in Dalriada for any length of time, for about 726 Alpin, the Scottish King, attempted to make himself master of the Pictish throne, to which he had some claim, but was defeated by Angus, the son of Fergus, who, after subduing some other competitors, and establishing his own authority over the Picts, attacked Dalriada in 736, and conquered that country,⁴ which remained a province of the Pictish kingdom until about 830-840, when Kenneth MacAlpin, a prince of Scottish race, but connected with the Pictish royal family, obtained the kingdom of Dalriada, and some years later, about 844, succeeded in bringing

¹ Celtic Scotland, vol. i. p. 139. ² *Ibid.* p. 137. ³ *Ibid.* p. 284. ⁴ *Ibid.* pp. 287-291.

under his sway that of Pictavia, which had been much weakened by a terrible defeat inflicted by the Danes in 839.¹

It is probable that the Columban or Scottish clergy retired into Ireland during the subjugation of Dalriada to the Picts, for any that remained there would have been deprived of authority and subjected to danger; but their successors seem to have recovered their position in some degree when Constantin, King of the Picts, founded the Church of Dunkeld between 807 and 820, and would gladly return, when a prince of their own race obtained the sovereignty of both Dalriada and Pictavia, which were then united into one kingdom, and soon afterwards, before 900, the larger and more fertile portion, that had borne the name of Pictavia, was for a time called Albania, but from the increasing predominance of the Scots, about the end of the tenth century, assumed the name of Scotia, which had been previously applied only to Ireland.

The Culdees are found in Ireland at an early date; instructions as to their life and duties form part of a rule left by St. Carthach, who died in 636, and their own rule in 787 is still extant.²

Their rule differed from that of St. Columba, and no mention of Culdees is made by him or his successor Adamnan; it may therefore be surmised that they had no share in his mission to the Picts, or in the Church established by him and his successors in Pictavia.

On the other hand, their doctrine and tenets appear to have been the same as those taught and held by the Columban or Scottish Church, of which some of the regulations in the rule of the Irish Culdees in 787³ afford evidence, and the difference between them and the Scottish Church seems to have been confined to matters of discipline.

It is, therefore, in no degree improbable that, upon its expulsion from Pictavia, and in all likelihood from Dalriada also, the Scottish Church may have received help from the Culdees of Ireland, and may have entered into friendly relations and communion with their order; and even if the two Churches had not amalgamated, when the course of events permitted the

¹ Celtic Scotland, vol. i. pp. 307-309.

² O'Curry's Lectures on MSS. materials for Irish History, p. 374.

³ *Ibid.* p. 375.

Scottish Church to return to Dalriada and Pictavia, it may have been accompanied or followed by the Culdees in such numbers that eventually their rule of discipline superseded that left by St. Columba in many, if not all, of the religious establishments in those countries.

Upon its return, the Scottish Church appears to have abandoned or mitigated its opposition to the Roman rule respecting Easter, and on other points, and in a great degree to have regained possession of the lands and emoluments it had enjoyed before its expulsion, constituting for each religious community its Abthania, a name proved by Mr. W. F. Skene to have no connection with Thane or Thanage, as Fordun supposed, but to be "the Latinised form of the Gaelic word Abdhaine, which is the equivalent of the Latin Abbatia, and signifies both the office of abbot and the territory belonging to the Monasterium or Abbacy."¹

It is impossible to say what the state of discipline in the Church may have been at the time of its return to Pictavia about 840-850 ; but there can be no doubt that very serious irregularity and disorder, with a great and general relaxation of all rule and discipline, supervened during the next two or three hundred years, and that about the end of the eleventh century it was in a state of grievous degeneracy.

The Culdee Monks had very generally become married men, a condition fatal to all monastic rule and order of life. They were idle, ignorant, and too often dissolute, and the church lands had fallen into the possession of Lay Abbots, who held them by hereditary tenure.

These Lay Abbots in some instances may have sprung from Churchmen of that rank, who in the general disorder had contrived to transmit the authority they held over their monasteries and church lands to their descendants; but it is more probable that in the majority of these cases some neighbouring noble or powerful person had originally farmed the Abthania of each monastery, as a vassal of the Church, and that his posterity, acquiring power as the Church lost it, threw off that subjection and held the lands without any further connection with the Church than the title of Abbot, which they adopted or received on account of their possession of an Abthania, or any clerical duty except that of providing for Divine service in the churches and

¹ Fordun and Translation, edited by Mr. W. F. Skene, p. 413.

chapels attached to the Abthania, for the performance of which they paid the priors and colleges of Culdee priests out of its revenues.

Some of the Lay Abbots doubtless held other properties besides their church lands, but by the end of the eleventh century, from the vicissitudes of that disturbed age, many of these families had become extinct, others had lost their possessions, or had ceased to use the title and to pay the clergy, and the Culdee establishments languished in proportion. The sons of St. Margaret, Edgar, Alexander I., and David I., who successively ascended the throne of Scotland, may have made some attempts to introduce a better state of things among them—at all events some grants from those princes to them are upon record;¹ but in all probability any thorough reformation was found to be hopeless, and each of those monarchs turned his attention towards supplanting the Culdees by the more energetic and useful orders of ecclesiastics,—a course followed by their successors on the throne,—so that by the end of the twelfth century, from these various causes, only a few of the Culdee establishments are found still in existence, of which the most important were those of St. Andrews, Lochleven, Monimusk, Brechin, and Abernethy, and with this last the family of that name was connected.

The foundation of the ecclesiastical establishment of Abernethy was very ancient, and various dates have been assigned for that event, of which the earliest is the year 458, when, according to an old legend, King Nectan gave to God, and St. Bride, Abernethy with all the bounds thereof; but this legend cannot be accepted as authentic, for Christianity was certainly not introduced among the northern Picts before the mission of Saint Columba in 563, and Fordun's statement, which ascribes the foundation of Abernethy to the Pictish king Garnard (or Gartnaidh), successor to the Brude whom Saint Columba converted to Christianity, is probably more correct.

“Isti quoque regi Brudeo successit Garnard, filius Dompnach, et regnavit annis xx. Hic fundavit Abirnethy.”²

In the *Scotichronicon*, Bower has copied this statement, but has amplified it, and has introduced a legend of Saint Patrick having brought Saint Bride and her nine maidens to Scotland, and having given them the church and domain of Abernethy, where the nine maidens died within five years,

¹ Reg. Priorat. St. Andrews.

² Fordun, lib. iv. cap. xii.

and were buried to the north of the church;¹ but this fable, which he says is taken from a chronicle of the church, is at variance with the fact he copies from Fordun that Garnard was the founder, and evidently owes its origin to the tradition of the foundation about the year 458.

Bower goes on to say, "Et in illa Ecclesia fuerunt tres electiones factæ, quando non fuit nisi unus solus Episcopus in Scotia."

"Tunc fuit locus ille sedes principalis regalis, et pontificalis, per aliquot tempora, totius regni Pictorum."

"Ipsa autem Ecclesia fundata erat, ante Ecclesiam Dunkeldensem, ducentis viginti septem annis, novem mensibus et sex diebus. In alia chronica reperi ipsam præfundatam fuisse Ecclesiæ Dunkeldensi cæxlv annis."

"And in that church three elections were held when there was only one bishop in Scotia. That place then was the principal royal and pontifical seat of the whole kingdom of the Picts for some period of time."

"This church was also founded two hundred and twenty-seven years, nine months and six days before the church of Dunkeld."

"In another chronicle I have found this foundation to have been two hundred and forty-four years before that of the church of Dunkeld."

Between these two statements there is a discrepancy of rather more than sixteen years, but Fordun seems to have been mistaken in the date 573 assigned by him for the accession of Garnard, which Mr. Skene, quoting Tighernac, places in 584,² so that, as he died in 599, he only reigned eleven years instead of twenty, which renders the above 244 years an impossibility; for between 584 and 820, the year in which Constantin, the founder of Dunkeld, died, there are only 236 years.

The reverend author of the *Ecclesiastical History of Scotland* protests against the claim of Abernethy to the dignity of the primatial seat of the Pictish kingdom, which he says took its rise from a hint in Fordun, amplified and improved by Boece; and he adds, "Forteviot, not Abernethy, was the abode of the Pictish kings."³

Fordun himself, however, says nothing upon the subject, and the passage

¹ The nine maidens are commemorated in local names in various parts of Scotland. The Nine Maiden Hill, near Fraserburgh, and the Church of Touch in Strathdee, dedicated to the nine maidens, are examples.

² *Celtic Scotland*, vol. i. p. 235.

³ *Ecclesiastical History of Scotland*, p. 131.



THE ROUND TOWER OF ABERNETHY.

in the pages of Bower's *Scotichronicon* is assuredly no hint, but a distinct statement of fact, which it seems to refer to a time when there was only one Episcopate in Scotia, and the elections of three of the bishops that successively held it took place at Abernethy.

Mr. Skene's early history of the country, of which so much use has already been made, may help to solve this difficulty also, for on the first establishment of the Columban Church, and for some time after, it is very possible that there may have been only one Episcopal see in Pictavia; and Abernethy may have been the royal and pontifical seat during a portion, though not the whole, of the one hundred and fifty years that elapsed before the expulsion of that church in 717.¹ Various causes might lead to the transference of the royal seat to Forteviot, as a more central position, before its final settlement at Scone, and Kenneth MacAlpin, or one of his immediate successors, appears to have fixed the primatial seat at St. Andrews after the return of the Scottish or Columban Church.

The establishment at Abernethy, like many of the Culdee foundations, seems to have been partly monastic and partly scholastic, for mention will be found further on of Berbeadh, rector of the scholars at that place.

Scarce a vestige of the monastery remains, except one, and that a very remarkable one, its Round Tower.

These round towers, which are found on the sites of the ancient Culdee religious houses, are very common in Ireland, but there are only two in Scotland, the one above mentioned, and another at Brechin. The purpose for which they were erected has been the subject of much discussion, but the most reasonable explanation seems to be that they were intended for places of refuge, into which the valuable effects of the community of monks might be conveyed, and some, if not all of the members, might find shelter in case of any sudden attack by small parties of Danes, Norwegians, or other roving and predatory tribes.

The height of the tower at Abernethy is about 80 feet, and the wall is very solidly built of a stone not found in the neighbourhood. It is divided into several stories, between which there is communication by means of

¹ The fact of a place near the Round Tower at Abernethy being called "The Bishop's Yard," seems to lead to the inference that a bishop had resided there at some time or another.

ladders and trap-doors. The outer door is several feet from the ground, and only about 2 feet 8 inches wide, and altogether it appears well calculated to resist any sudden assault from a body of men provided only with the arms and implements of that early age.

Little is upon record concerning Abernethy during subsequent ages ; it is named as the place of meeting when peace was concluded between Malcolm Ceanmore and William the Conqueror, on the invasion of Scotland by the latter in 1072,¹ and in the twelfth century it appears as a Culdee monastery, under an hereditary succession of laymen, who are sometimes designated Lords, at others Abbots, of Abernethy.

In the Cartulary of the Priory of St. Andrews² there are several old documents that refer principally to the Culdee monastery of Lochleven, and it may be gathered from them that it had not fallen into the hands of a Lay Abbot, for in one, relating to the settlement by David I. of a dispute between the monks and "Robertus Burgonensis, miles," in which the former were victorious, "Dustah, sacerdos et abbas," is mentioned.

In another of these documents of a rather earlier date, as it appears to be prior to the accession of Alexander I., his and his brother David's confirmation of their elder brother Ethelred's gift of Admore to the Culdees of Lochleven was granted in the presence of Constantine, Earl of Fife, characterised as a most discreet man, and of Ness ; and Cormac, the son of MacBeath, and Malnethte, the son of Beollan, priests of Abernethy, and Mallebride, another priest, and Thuadel, and Augustine, a priest of the Culdees, and Berbeadh, rector of the scholars of Abernethy, and of the rest of the whole community of Abernethy.

The Lords or Abbots of Abernethy are mentioned by Wyntoun as members of the great family of which Macduff, the Thane (progenitor of the Earls) of Fife, was the head. He relates three requests made to Malcolm Ceanmore by the Thane, after the overthrow of the usurper Macbeth, in whose defeat he had played an important part. The first, that he and his posterity should have the privilege at coronations of conducting the king from the altar to the throne, and seating him thereon to be crowned.

¹ Chronicle of Melrose, p. 56. Celtic Scotland, vol. i. p. 424, quoting the Saxon Chronicle, and Florence of Worcester.

² Reg. Priorat. St. Andrews, pp. 115. 117.

The second, that he and his descendants should command the van of the royal army.

And the third, in which the Lord of Abernethy was interested, is thus related by the poet—

“Eftyr this the thyrd askynge,
That he askyt at the Kyng.
Gyve ony be suddane chawdmellé,¹
Hapenyd sua slayne to be
Be ony of the Thayny’s kyne
Of Fyf, the kinryk all wythin ;
Gyve he sua slayne were gentilman,
Foure and twenty markis than,
For a yhwman, twelf markis ay
The slaare suld for Kynbut pay ;
And have full remyshyowne
Fra pine, for all that actiowne.
Gyve ony hapnyd him to sla,
That to that Lawch were bunden swa,
Of that priwylage evyrmare
Partles² suld be the slaare.
Of this Lawch are three capytall,
That is the black Prest of Weddale,
The Thane of Fyf, and the thryd syne
Quha ewyre be Lord of Abbyrnethyne.”³

The armorial bearings of the two families support this connection recorded by Wyntoun. Those of the Earl of Fife were Or, a lion rampant, gules ; and the Abernethy bearings were the same, with the addition of a bend dexter sable, evidently assumed as a difference.

The first of these Lords or Lay Abbots whose name appears in any document that has been preserved to the present time was

HUGH,⁴

Who lived during the reigns of Alexander I., David I., and perhaps Malcolm the Maiden, but seems to have died about the middle of the twelfth century, leaving a son,

¹ Brawl.

² Without benefit.

VOL. II.

³ Wyntoun, lib. vi. cap. xix.

⁴ Reg. Priorat. St. Andrews, pp. 130, 132.

ORM DE ABERNETHY,

Who is found under that designation, and also as Orm, the son of Hugh, and was a person of considerable wealth and influence during the reigns of Malcolm iv. and William the Lion.

He must have been born during the first half of the twelfth century, for he was a witness to a charter by Ernulphus, or Arnold, bishop of St. Andrews, granted before 1164,¹ as Herbert, bishop of Glasgow, who was also one of the witnesses, died in that year.²

He is said to have received from King William the Lion a charter of confirmation of the lands of Glendroggyn and Balmadethyn,³ which he had acquired from Duncan, Earl of Fife, in exchange for those of Balbrennin, which charter was witnessed by Nicol, Chancellor of Scotland, who flourished A.D. 1165-1171.⁴

During the chancellorship of the same Nicol, Orm de Abernithi was also a witness to another charter by William the Lion,⁵ and he appears to have died between the years 1180 and 1190, leaving a son, Lawrence, and a daughter, who is said to have been married to Henry Rule of Balmerino.⁶ Afterwards will be noticed the possibility of Orm having given his name to Ormiston, an estate next on the west, save one other estate, to that of Saltoun, in East Lothian, and he is the earliest of the race found bearing the territorial appellation "de Abernethy," and is thus styled in the charter referred to above, and also in one by his son,

SIR LAURENCE DE ABERNETHY,

Who was probably born about 1160-70, and styled himself Laurentius, filius Orm de Abernethy, and is designated in the same manner as a witness to an agreement in which the Culdees of St. Andrews were concerned.⁷

It was in his time that the suppression of the Lay Abbots of Abernethy took place, he having been the last that bore the title and enjoyed the

¹ Reg. Priorat. St. Andrews, p. 130.

² Chronicle of Melrose, p. 79.

³ Douglas Peerage, quoting Cart. Fam. de Douglas.

⁴ Chronicle of Melrose, p. 84.

⁵ Lib. Eccl. St. Trinitat. de Scon, No. 34.

⁶ Douglas Peerage.

⁷ Reg. Priorat. St. Andrews, No. 318.

emoluments of that office; and two charters referring to that event are extant, from which some information as to the nature of the transaction may be gleaned.¹

The Culdee establishment of Abernethy was situated at no great distance from Aberbrothok, or Arbroath, where William the Lion, in 1178, founded a monastery of Tironenses, bringing the monks from the Abbey of Kelso, which abbey, however, abjured all supremacy over the younger foundation. At a later period, of which the exact date is not certain, but must have been between 1189 and 1198,² and probably towards the end of those nine years, the king gave to the lately founded Abbey of Arbroath the church of Abernethy, with its pertinents, viz., the chapels of Dron, Dunbulċ, and Erolyn, the lands of Beluċh and Petinlouer, together with one-half of all the tithes forthcoming out of the moneys of the Abbot of Abernethy, "of which the Culdees of Abernethy shall have the other half;" and with all the tithes of the territory of Abernethy, and all just pertinents of that church, except the tithes that belong to the churches of Flisk and Cultram, and the tithes of the "dominium" (lordship) of the Abbot himself, which the Culdees of Abernethy were wont to have, viz., those of Mukedrum, Kerpul, Balchirewell, Balecolly, and of Innernethy, on the east side of the stream. The witnesses to the charter were Hugh the Chancellor, A. Abbot of Dunfermyne, Earl Duncan the Justiciar, Earl Gilbert, Richard le Prebend "clerico meo," Radulph and Walter "capellanis meis," W. Cumyn, W. de Haya, Radulph Rufus, Robert de Berkely, Roger de Mortimar, Merleswain, and Herbert the Mareschal, and it was granted at Perth.

About the same time, apparently,³ Laurentius, son of Orm de Abernethy, quitclaimed, or relinquished to the monks of Arbroath, for himself and his heirs, all right that he had or might be able to claim in the advowson of the

¹ Reg. Vet. de Aberbrothok, Nos. 34, 35.

² The tenure of office, simultaneously, of two of the witnesses, Hugh the chancellor, and A. (Archibald) Abbot of Dunfermyne, lies between these years, in the first of which the former was appointed chancellor, and in the last the latter died.—Lives of Officers of State, and Cart. Dunfermyne.

³ The first five witnesses are the same as those in the royal charter; of the remainder, the two royal chaplains, with Robert de Berkely, Roger de Mortimar, and Herbert the Marischal are omitted, and the names of Bricius the judge, Makbeth, vicecomes of Scone, Thainus de Strathard, and Constantin, judge of Strathern, are added.

church of Abernethy and its pertinents, viz., the subjects granted by the king, which he recapitulated in the same terms, and with the same exceptions, only calling the tithes, moneys, and "dominium," that in the royal charter are said to belong to the Abbot of Abernethy, his own and his heirs, and as such, for himself and his heirs, relinquishing some to the Monks of Arbroath, and reserving others for the Culdees of Abernethy, as in the royal charter.

These documents completely establish the identity of Laurence de Abernethy with the Lay Abbot of that place; and it is upon him and not upon the Culdees that the reforming hand of King William seems to have fallen most heavily, for the latter appear to have had a great portion, if not all, of the emoluments they were accustomed to receive reserved for them; and it seems to have been the part which the Lay Abbot was in the habit of appropriating to himself that he was then obliged to surrender to the monastery of Arbroath, together with the advowson of the church and its attendant chapels.

The Culdees of Abernethy made repeated attempts to regain these possessions, which they perhaps thought, in justice, should have been given to them when taken from the Lay Abbot. At times they were partially successful, but judgment being more often given against them by the Bishops to whom they appealed, and in some instances by the Pope, when their case had been carried to Rome, they gradually lost influence and position before the more educated and energetic brethren of the regular order. A principal grievance of the Culdee clergy in general appears to have been their exclusion from the body of canons, and from a share in the election of the bishops, which they seem formerly to have possessed, but of which they had been deprived, probably on account of their irregularities, as may be inferred from Pope Eugenius, about the middle of the twelfth century, when confirming the privileges of the Canons of St. Andrews, and recognising their right to elect the bishop, having directed "the Culdees of St. Andrews to be received, provided they are worthy to become canons."¹

Two documents referring to the Culdees of Monimusk may here be noticed, as throwing a little light upon the condition of that body about this

¹ Ecclesiastical History of Scotland, p. 263.

period, and it is curious to observe in them the care taken to prevent, as much as possible, any fusion of their order with those of the more regular monastic institutions.

In consequence of a complaint from William Malvoisin, Bishop of St. Andrews, that the Culdees of Monimusk were acting in a manner prejudicial to his diocese, Pope Innocent III., in the year 1211, desired the Abbots of Melrose and Dryburgh, and the Dean of Glasgow, to inquire into and settle the matter, and by their authority a convention or agreement was entered into between the bishop and the Culdees, of which the following is a translation from the original Latin :—

“Thus it is amicably agreed between William, Lord Bishop of St. Andrews, with the assent of his Deans and Chapter of St. Andrews, and the Culdees of Monimusk; to wit, that the Lord Bishop of St. Andrews granted that in future the said Culdees should have one refectory and one dormitory in common, and one oratory without a cemetery; that the bodies of the Culdees, and of the clergy and laymen staying with them, should receive burial with holy rites in the cemetery of the parish church of Monimusk as freely as hitherto they were wont to be buried, saving in all things the rights of the mother church. That also there shall be twelve Culdees in that place, and a thirteenth, Bricius, whom the Culdees themselves shall present to the Lord Bishop of St. Andrews, that he may be their master or prior; but on his resignation or death, the Culdees shall choose three of their co-Culdees by common consent, and shall present them to the Bishop of St. Andrews, whoever he may then be, in order that the bishop, of his own will and disposition, may select one out of the three, who shall have the priorship or mastership, and the House of the Culdees shall be as faithful to him as to its founder. And in the election of the prior or master of the Culdees, thus it shall be enacted for ever by this addition, that it shall not be lawful for the said Culdees to profess the life or order of monks, or of canonical brethren in that place, without the consent of the said bishop or his successors; nor to exceed the above-named number of Culdees; and that every Culdee shall swear to the present Bishop of St. Andrews, or to the person deputed by him for that purpose, that, as much as in him lies, he will observe and keep the above agreement faithfully, and without deceit or evil intention.

“And, in future, the said Culdees shall possess for ever the half carucate of land, Eglismenythok by name, which they received by the gift of Robert of good memory, Bishop of St. Andrews, as freely, thoroughly, and quietly as they have possessed it from the time of the said Bishop Robert to this time. They also

shall have the fourth part 'ouencionum,' which are given in common to the Culdees '· clericis · percis et ferdys ·' by those who desire sepulture in that place, and the portion that pertains to them of the common alms which are called 'sauchbarian,' and the part that pertains to them of the benefit which is termed 'thomneom tharmund,' freely and quietly according as they had them from far back ancient times to this time, saving in all things the right of the parson and of the mother church. But the lands which the said Culdees received from the gift of Gilchrist, Earl of Mar, without the consent of the said bishop, to wit, Dolbethok and Fornathy, they have resigned into the hands of the said bishop, so that in future they shall claim no right in them unless by the grant of himself or his successors. They have also faithfully promised that they will in future receive no lands that are known to belong to the Bishop of St. Andrews, from the gift of the said Earl, or of any other person, without the consent of the said Bishop of St. Andrews, nor do anything that may tend to the prejudice of his dignity, or the liberties of the church of St. Andrews, or to the detriment of the parish church of Monimusk. Also, when the Bishop of St. Andrews shall happen to visit Monimusk, the said Culdees shall receive him solemnly with a procession.

"William, Lord Bishop of St. Andrews, also has promised, for himself and his successors, that they will aid and maintain the said Culdees as their own people; that moreover this agreement shall for ever continue valid and unimpaired in future times by the protection of the present document; and it has been confirmed (say the abbots and the dean) by affixing our seals as well as the seals of the parties, and by the interposed oath of Bricius and Andrew of the Culdees, for themselves and their co-Culdees."¹ The witnesses are Thomas, Prior of St. Andrews; Magister John, Dean of Lothian; Peter, Edward, and Godfrey, chaplains of the Bishop of St. Andrews; Gervas de Geaffe; Robert de Haya; Magister Adam Ovide; Magister Michael, and Magister Peter of Dryburgh, clerks of the Bishop of St. Andrews; Magister Bricius, and Magister Andrew of Monimusk, with many others.

The other document is a circular from the same Bishop William to the ecclesiastical authorities of the diocese, probably written a little later, which may be thus rendered into English:—

"William, by the grace of God, Bishop of St. Andrews, to the Abbots, Priors, Deans, Officials, and all Rectors of Churches, as well as all their subordinates, clerical and lay, throughout his diocese, eternal health in God. It is certain that those who, relinquishing the world on account of religion, assume the regular habit and

¹ Antiquities of Aberdeenshire, vol. i. p. 174.

utter the vow of profession, if they revert to the ordinary conversation of men, shut the door . . . and return against themselves, and still more that he [who after] the adoption of the regular habit and profession made, shall have rashly presumed to recede therefrom, as a dog returning to his vomit, or a washed sow to wallowing in the mire, is to be held worthy of contempt and of the abomination of God and men. Therefore, moved by the just supplication of our beloved sons the Prior and Culdees of Monimusk, we command all of you beforehand that you shall not presume to admit any one of the brethren of the said place, who shall have assumed the habit of religion and shall have made profession there, to dwell among or have communion with you; but rather that you shall regard him as a sinner and publican, until, led by penitence, he shall the more quickly return to his own house and brethren, more fully to make satisfaction for his transgressions, and to receive canonical discipline according to the institutions of their rule. Farewell.”¹

At page 169 of the work from which the above extracts are taken, it is stated that the Culdees of Monimusk were changed into Augustinian canons by William Lamberton, Bishop of St. Andrews, in the year 1300; but it would appear that this alteration had taken place before that date, for in 1245 Pope Innocent addressed to the Prior and Convent of Monimusk of the order of St. Augustin, in the diocese of Aberdeen, confirmations of their lands, among which appear not only Dolbethok but Eglismenythok, mentioned in the former agreement as belonging to the Culdees.² It is possible, however, that they may have remained separate for a considerable time after their lands had been taken from them.

In the case of the Culdees of Abernethy they lingered on as a separate body until the year 1272, when they became canons-regular.³

The Lay Abbot, who does not appear to have been deprived of the “dominium” or lordship which he held as abbot, and who probably possessed other considerable estates, gave up that title, but retained his position as dominus or lord of Abernethy, in which he and his descendants will hereafter be found.

During the gradual change in the lowlands of Scotland from Celtic manners and institutions to those of Saxon, or eventually of Norman origin,

¹ Antiquities of Aberdeenshire, vol. i. p. 176.

² *Ibid.* pp. 177-8.

³ Scotichronicon, lib. x. cap. xxxiii.

many, indeed most of the principal Celtic families either became merged in those belonging to the two supplanting races, or were pressed back into the mountains and wilder districts of the country; but there were a certain number who, from their native vigour, or perhaps from their original Scandinavian descent rendering the change more easy to them, maintained their ground, and adapted themselves to circumstances. Among these was the family of Abernethy, for after this period no difference is perceptible between them and the Scoto-Saxon or Scoto-Norman barons and knights with whom they associated.

As a scholastic institution, the College of Abernethy seems to have survived the extinction of the Culdee monastery, or to have been re-established at a later date, for impressions of the seal of that community, in 1557 according to Mr. Laing, are extant. The seal is circular, having on one side a shield, bearing the arms of the Abernethy family, a lion rampant surmounted with a bend dexter, and around it the inscription "S. Commune Collegii de Abernethy;" on the reverse a figure of St. Bridget, holding a crozier in her hand, with the figure of a cow at her feet, and the inscription, "In domo Dei ambulavimus cum consensu."¹

The names of Laurentius de Abernethi and his wife Devorguile are recorded as visitors to the shrine of St. Cuthbert at Durham early in the thirteenth century, and a few pages later his name again occurs in that register;² but there is no clew to be found to the family of which the lady was a member.

He granted, with consent of his son and heir, Patrick, an annual payment of ten shillings out of his lands of Balnebreig to the canons-regular of St. Andrews;³ and his name is also found as a witness to a charter by Roger St. Michael, during the reign of William the Lion.⁴

He witnessed a charter of the lands of Gillicameston,⁵ granted to the monastery of North Berwick, by Malcolm, son of Duncan, Earl of Fife, before 1227, in which year the grantor died.⁶

In 1233 he was a witness to two charters by Alexander II., one of the

¹ Laing's Scottish Seals, vol. i. p. 172, Nos. 976, 977.

² Liber Vitæ, pp. 94, 112.

³ Cart. St. Andrews, p. 268.

⁴ Reg. Vet. de Aberbrothok, No. 81.

⁵ Charter communicated by William Fraser.

⁶ Wyntoun, lib. vii. cap. ix.

lands of Nigg, near Aberdeen, to the Abbey of Arbroath,¹ the other of some lands to M., formerly "Thein of Calentyr;"² and he sold the lands of Cultran, Balnedan, Balnedard, Corteby, and Balmurenach³ to the monastery of Balmerinach (Balmerino) for 200 marks paid him by the executors of William the Lion's widow, Queen Ermengarde, who had founded it, and this transaction could not have taken place before 1233, when she died.

He held a position of considerable importance in the State, for in 1244 he accompanied his sovereign to the meeting with Henry III. of England at York, and was one of the barons that swore to the observance of the peace then concluded between the two kingdoms.⁴

He died soon afterwards at a very advanced age, having had issue, certainly one son, Patrick, who may be the same person that appears in the *Liber Vitæ* of Durham, five places below the second entry of his father's name, as "Patricius filius Laurentii."

PATRICK DE ABERNETHY.

THE only records extant of this individual are those already noticed in the account of his father, one of which proves him to have been the son and heir of Sir Laurence de Abernethy.⁵

Patrick de Abernethy may have died before his father, at all events the great age to which the latter lived, and the vigour which he seems to have retained to his latest years, must have tended very much to keep his son in the background, and to prevent his name appearing often in the records of that age.

Nothing more, however, is known of him than that he died before the year 1257, and appears to have left several children.

Hugh, who is found as head of the family at that date.

William, who acquired the lands of Saltoun, in Lothian.

¹ Reg. Vet. de Aberbrothok, No. 101.

² Book of Carlaverock, by William Fraser, vol. ii. p. 405.

³ Cart. Balmerino, No. 7.

⁴ Rymer's *Fœdera*, vol. i. p. 428.

⁵ Reg. Priorat. St. Andrews, p. 268.

Margery, married, in 1259, to Hugh, son and heir of Sir William de Douglas; and perhaps

Henry, who witnessed a charter in 1260.¹

SIR HUGH DE ABERNETHY.

AFTER the accession of Alexander III. (then a boy of eight years old) to the throne in 1249, Walter Comyn, Earl of Menteith, Alexander Comyn, Earl of Buchan, William, Earl of Mar, and Robert de Ross were appointed his councillors,² through the influence of Henry III. of England, whose daughter the young King married, and who took a kindly interest in the affairs of Scotland; but in the course of a few years, on account of their tyranny and maladministration, they were dismissed from their offices, also by the advice and interference of Henry; and Richard, Bishop of Dunkeld, was appointed Chancellor, David de Lindsay Chamberlain, and Allan Durward High Justiciary, for seven years, and these formed a new council.

The former councillors were called to account for their misdeeds, and were several times summoned before the King and his new council, but as they dared not venture to appear and stand their trial, they determined to take strong measures to secure their own safety, and, if possible, to defeat their adversaries.

The three Earls of Menteith, Buchan, and Mar, together with John Comyn, Hugh de Abernethy, David de Lochore, Hugh de Berklay, and others, surprised the young King at Kinross during the night, and carried him off to Stirling, on the 29th of October 1257; and they also took away by force the great seal from the custody of William de Stutewill, Dean of Dunkeld.

Fordun, in his account of the transaction, bestows some hard epithets upon the conspirators, calling the Earl of Mar a man of great shrewdness in evil deeds; John Comyn a man prone to robbery and rashness; Hugh de Abernethy, David de Lochore, Hugh de Berklay, and many others, "hangers on of these disaffected men" (rather a feeble translation of "malignorum satellites"), who did all as they pleased, and naught that was lawful, and

¹ Reg. Priorat. St. Andrews, p. 269.

² Fordun, Gesta Annalia, l, li, lii, lvi.

reigned over the people right or wrong;¹ but the King, who was then about sixteen years old, appears to have been a not unwilling captive, for the Earls of Mar and Buchan were high in his service after he came of age,² and Sir Hugh de Abernethy was one of the Magnates Scotiæ appointed in 1260,³ who, in the event of the absence or the death of Alexander III., were to receive the child of his Queen Margaret, whose accouchement, when it should occur, was by treaty arranged to take place at her father's court.

On the occasion of his sister Margery's marriage to Hugh, son and heir of Sir William de Douglas, in 1259, Sir Hugh de Abernethy gave her a twentymerk land in his own town of Glencorse, or in the feu of Chamberlain Newton,⁴ and in the years 1268-69 he granted various donations to the monastery of Cupar.⁵

On Trinity Sunday 1261, Alexander Comyn, Earl of Buchan, Justiciary of Scotland, Hugh de Abernethy, Master W. Wischard, Chancellor, Fergus Comyn, William de Abernethy, William de Lysuris, and Nicholas de Rutherford composed a court held at Edinburgh, before which the lands of Tulicultry were resigned in the hands of Alexander III. by Alevinus de Mes, the son of Alevinus de Mes, in consequence of his default in the service due for them;⁶ and the King afterwards gave these lands to William, Earl of Mar, by a charter, dated at Forfar 21st December, A.R. 14 (1262).

Hugh de Abernethy was a witness to a charter by Alexander III. to the monks of Coldstream in 1276,⁷ and he held the appointment of Vicecomes, or Sheriff, of Roxburgh for some time.⁸

Upon the untimely and unfortunate death of the good king, Alexander III., in 1285, a regency was formed to govern the country until the arrival of his heir, the Maid of Norway; and Duncan, Earl of Fife, was appointed one of the six guardians, in whose hands that power was placed.

Three years afterwards, on the 7th of September 1288, the Earl was way-laid and murdered at Petpollok (Pitteloch), by Sir Patrick de Abernethy

¹ Historians of Scotland. Fordun, *Gesta Annalia*, translation by Felix J. H. Skene, p. 293.

² The Earl of Menteith was then dead.

³ Rymer's *Fœdera*, vol. i. p. 715.

⁴ Original Marriage Indenture in the Douglas Charter-chest.

⁵ Cart. Cupar.

⁶ *Antiquities of Aberdeenshire*, vol. iv. p. 697, quoting Macfarlane's Collection, p. 117, Advocates' Library.

⁷ Cart. Coldstream.

⁸ Chamberlain Rolls, vol. i. p. 34*.

and Sir Walter de Percy, instigated—as Fordun¹ and Wyntoun² both state—by Sir William de Abernethy, who guarded another route by which the Earl might possibly travel.

These two authors also agree in their accounts of the speedy vengeance that overtook the criminals, whom Sir Andrew Moray of Bothwell vigorously pursued, and capturing Sir Walter de Percy and Sir William de Abernethy at Colbaniston, in Clydesdale, immediately executed the former and two squires, his assistants in the actual deed of violence, and consigned Sir William de Abernethy to imprisonment in Castle Douglas, under the custody of Sir William de Douglas, where he remained for the rest of his life. Sir Patrick de Abernethy escaped to France, where he died.

Thus Fordun and Wyntoun. But documents, which they had no opportunity of consulting, show that, though Sir William de Abernethy may have been a party to the Earl's assassination, and may have been punished for it, his elder brother, Sir Hugh de Abernethy, was the person imprisoned in Castle Douglas on that account, and as the head of the family, he was doubtless the chief instigator of the outrage.

The first of these documents is a letter from Sir Hugh de Abernethy to the King of England in 1288, requesting his intercession with the Pope respecting certain affairs to be laid before him by the bearer of the letter, the Bishop of Brechin,³ which evinces Sir Hugh to have been in some grievous trouble; and the second is more positive evidence, being an order from Edward I., dated 28th June 1291, for the transference of Hugh de Abernethy to the king's prison from that of William de Douglas, where he was confined on account of the murder of the Earl of Fife.⁴

The causes that led to the perpetration of this atrocity by the Abernethies are unknown; but it is possible that some dispute respecting the lands exchanged between the two families in a former generation, or perhaps some question of tribal privilege or rank, still in force at that date, in which they conceived themselves wronged by the Earl, may have originated a deadly feud between them.

¹ Fordun, *Gesta Annalia*, p. lxxxii.

² Wyntoun, *lib. viii. cap. ix.*

³ *Historical Documents of Scotland*, vol. i. p. 69.

⁴ *Rotuli Scotiae*, vol. i. p. 2.

Sir Hugh de Abernethy seems to have died in prison, for no further mention of him occurs, and in 1293 his widow was the Countess of Malise, sixth Earl of Strathearn,¹ for at John Baliol's first Parliament, held in that year, she is designated as "Maria Comitissa de Strathearn, que fuit uxor Hugonis de Abernithin," and summoned to give certain evidence. She was again a widow in 1296, and in that year had her lands in the counties of Forfar and Perth restored to her by order of Edward I., under the designations of "Maria que fuit uxor Hugonis de Abernyth," and "Maria que fuit uxor Malicii Comitis de Stratherne."² She is said to have been an Englishwoman, but the surname of her family has not been ascertained.

Sir Hugh de Abernethy left a son,

SIR ALEXANDER DE ABERNETHY.

THE summons from John Baliol's Parliament in 1293, already referred to as addressed to Maria, Countess of Strathearn, who was the wife of Hugh de Abernethy, was to the effect that she should declare whether she knew of anything that ought to prevent Alexander, the son of Hugh de Abernethy, from obtaining possession of the lands of Ballintrey, in Fife, and of the barony of Baltrody, and Kirpol, in Perthshire.³

In the same Parliament,⁴ the lands of Alexander de Abernethy were given into the custody and ward of Alexander de Menethet (Menteith) until he should be of age. He was therefore born after 1272; but whether he was the son of the above-mentioned Maria, or of a former wife of Sir Hugh, cannot be ascertained.

Alexander de Abernethy swore fealty to Edward I. on the 10th of July 1291, at St. Andrews;⁵ but he was too young to take any part in the pro-

¹ Placit. Parl. Regis Johannis. Acts of the Parliaments of Scotland, vol. i. p. 90.

² Rotuli Scotiæ, vol. i. p. 26.

³ Placit. Parl. Regis Johannis. Acts of the Parliaments of Scotland, vol. i. p. 90. It is probable that Sir Patrick de Abernethy, whose share in the murder of the Earl of Fife, escape to France, and death there, are above

related, was an elder son of Sir Hugh, who must have been well advanced in years when his son Alexander was born; but he appears to have left no issue, and Alexander was Sir Hugh's successor.

⁴ *Ibid.* p. 91.

⁵ Rymer's *Fœdera*, vol. ii. p. 570.

ceedings at the competition for the Crown, or to be one of the auditors for the rival candidates, and indeed it is possible that the heinous crime of which his father and uncle had been guilty, and their imprisonment, had in some degree destroyed the influence of the family, for none of the name are found among the barons present at that famous controversy.

He was probably protected from the vengeance of his enemies during the reign of John Baliol, by the connection of his family with the Comyns and the Earl of Strathearn, the powerful supporters of that king; and he is next found, on the 28th of August 1296, acknowledging a debt of one hundred marks due from him to Henry de Percy.¹ The share of Sir Walter de Percy in the murder of the Earl of Fife, and his consequent execution by Sir Andrew Moray, may have had something to do with this debt, but it is more likely to have been Alexander de Abernethy's ransom, and that Percy had taken him prisoner during Baliol's ineffectual resistance against Edward I.

In 1301 he again appears on the side of Scottish independence,² for a letter from the keeper of the castle of Lochmaben to Edward I. mentions him as being at Stanhouses, in company with Sir Simon Fraser and others, whom the keeper purposes to disperse, if the king sends him reinforcements; but he very soon deserted that party, possibly on account of the enmity of many of the Scottish nobles, which his father's crime had provoked, and from which the power of the English king protected him, and became liegeman to Edward I., by whom he was favoured and trusted, as appears from a letter written from Kinghorn, 3d March 1304, of which the following is a translation:—³

“The king to Sir Alexander de Abernithyn, greeting.

“We have carefully read your letters, by which you have informed us how you are remaining to watch the people on the river Forth, which pleases us much. And therefore we order you to employ all your pains therein, and all the diligence possible, and send to William Bysset, our Sheriff of Clackmannan, to assist the said watch if you see it to be necessary. For it is our wish that neither for the Parliament,⁴ nor for any other business, you should

¹ Historical Documents of Scotland, vol. ii. p. 82.

² *Ibid.* p. 431.

³ *Ibid.* p. 470.

⁴ A Parliament ordered to meet at St. Andrews on Monday in Midlent. Historical Documents of Scotland, vol. ii. note at p. 471.

leave the country where you are until you have sent us further news of those parts, and until we have sent you back our pleasure thereupon.

“And in reply to the matter, wherein you have asked us to let you know whether it is our pleasure that you should hold out to William le Waleys any words of peace, know this, that it is not our pleasure by any means that, either to him or to any other of his company, you hold out any word of peace, unless they place themselves absolutely and in all things at our will, without any exception whatever.”

In a letter from Edward I. to the Prince of Wales,¹ dated Wemyss, 5th March, in the same year, the Prince is ordered without delay to “reinforce the company of Sir Alexander d’Abernethy, and of our other good people who are employed in keeping the fords and the passages towards Drripp and those parts;” and in another paragraph the King says, “For if the company of the said Alexander be well and sufficiently reinforced without delay, we understand, for a certainty, that we shall speedily have good news of our enemies, by the help of God.”

Another order from King Edward,² dated at Westminster, 16th October 1305, decrees the repayment to Sir Alexander de Abernethy of the expenses of his government of the country between the Forth and the mountains, which had been committed to his charge at Michaelmas 1303.

In 1306, when Robert Bruce asserted his right to the throne, and was crowned King of Scotland, Sir Alexander de Abernethy did not join him, but adhered to the English interest, and became one of his most strenuous opponents.

In 1307 he was one of those to whom Edward II. issued orders to repress the rebellion;³ and in 1308 he became security, with the Earl of March and others, for the fidelity of Malise, Earl of Strathearn, to the English monarch;⁴ and on the 3d of December in that year he was ordered to send supplies to the castle of Forfar, of which Henry de Winton was governor.⁵

In 1309 Edward II. again issued orders to him, among others, to resist Robert Bruce and his companions;⁶ and in 1310 he still held the post of

¹ Historical Documents of Scotland, vol. ii. p. 472.

² *Ibid.* p. 490.

³ Rymer’s *Fœdera*, vol. iii. p. 14.

⁴ *Rotuli Scotiæ*, vol. i. p. 59.

⁵ *Ibid.* p. 61.

⁶ Rymer’s *Fœdera*, vol. iii. pp. 161-2.

Warden of the country between the river Forth and the mountains,¹ to which he had been appointed in 1303,² but which had become a somewhat hazardous office, for King Robert had then reconquered the whole open country of that district, a few towns and places of strength garrisoned by the English only holding out.

In the same year he received authority to accept the submission of Sir David de Brechin,³ which proves that Sir David, after swearing fealty to Bruce when taken prisoner in his castle of Brechin, as related by Barbour,⁴ again revolted, and joined the English, and his having done so may afford some clew to the severity with which he was treated by Bruce when convicted of misprision of treason in 1320.⁵

In 1310 Edward II. gave Sir Alexander de Abernethy a grant of the manor of Clackmannan, until such time as the king should be able to confer upon him lands to the value of two hundred "libratas" out of the estates of his Scottish enemies;⁶ but the increasing success of Bruce's cause rendered his tenure of that manor very transient; and in the succeeding year, 1311, he was desired to take measures for the safety of the town of Dundee, which, however, was soon afterwards reduced by Sir Edward Bruce.

When the authority of King Robert I. was established, the possessions of Sir Alexander de Abernethy in Scotland were forfeited in consequence of his persistent rebellion, though some large grants or sales that he had made to Sir John Moray of Tullibardine, and to Sir John de Wemyss, appear to have been allowed to stand good,⁷ and he became altogether an Englishman.

The following passage occurs in "A brief Account of the Family of the Frasers of Philorth," printed in 1720, but by whom or when written it is impossible to say:—⁸

"There is also extant his" (a Sir Alexander Fraser's) "letter, complaining that the Lords of Abernethy of Saltoun had done so much in the interest of King Edward the First of England."

If any such letter were extant at the time this was written it has since

¹ Rymer's *Fœdera*, vol. iii. p. 211.

² *Rotuli Scotiæ*, vol. i. p. 82.

³ *Ibid.* p. 106.

⁴ The Bruce, cap. Ixix.

⁵ *Ibid.* cap. cxxxviii.

⁶ *Rotuli Scotiæ*, vol. i. p. 85.

⁷ Robertson's Index, pp. 43, 72, 158, Nos. 23, 29, 53.

⁸ It certainly is not the ms. account by Thomas Fraser, to which Crawford refers.

been lost, at least the writer of the present history has not been able to discover it; but though the "brief account" is utterly erroneous and unworthy of credit, containing ninety-nine per cent. of absolute fable to one of truth, yet it seems impossible that the writer should have invented that statement about the letter, for there is nothing to lead to it, and it has no bearing whatever on the other parts of his narrative, and it can only be accounted for by his having seen some such document, though he greatly mistook its contents, for there were no Lords Abernethy of Saltoun at that day, and the Abernethies, father and son, successive domini de Saltoun, were upon Bruce's side.

It has, however, been seen that Sir Alexander de Abernethy was the English Warden of the country between the Forth and the mountains from 1303 to 1310; and in 1304 he was watching the passages of the Forth, near Dripp, one of the estates of the family of Touch-fraser, also in that neighbourhood, and it is very possible that the Alexander Fraser, afterwards Chamberlain, and King Robert's brother-in-law, may have made a complaint against him for outrages committed during his government, and may have asked for compensation from his forfeited property.

Sir Alexander de Abernethy attained to considerable distinction in the service of the English King, and seems to have been as much employed in a diplomatic career as in that of a soldier, for in 1312 he was one of "nous foyals et loyals," of whom the others were David de Strathbogie, Earl of Athol, and Sir Adam de Gordoun, appointed by Edward II. plenipotentiaries to treat with Robert de Bruce,¹ to whom the pride of the English monarch would not accord the title of King, a contumely that rendered all attempts at negotiation abortive.

In the same year, 1312, he was one of the ambassadors sent to King Philip of France at Boulogne,² and still later in that year, in company with Bertrand de Salviaco, Count of Campania, the Pope's nephew, and Master Walter de Maydenstane, he went on a mission from Edward II. to Pope Clement v.³

After this, in 1313, he was employed, with Henry de Belmont, on

¹ Rymer's *Fœdera*, vol. iii. p. 300. Rotuli Scotiæ, vol. i. p. 107.

² Rymer's *Fœdera*, vol. iii. p. 320.

³ *Ibid.* p. 339.

another embassy to the King of France,¹ and for his good services he received a grant of the manor of Wylughton (Wyleighton), with its castle, from King Edward,² but before the end of the year a Papal Bull,³ commanding the King to restore all the former Templars' lands to the Hospitallers, obliged him to give up the manor, which had belonged to that order, but he doubtless obtained compensation for the loss of it.

At this period he was certainly not idle, for he and Henry de Belmont went on a second mission to the King of France in 1313;⁴ and in the same year he was again sent to Pope Clement v.,⁵ to whom his credentials authorised him verbally to explain certain matters, which he appears to have accomplished successfully, for in the succeeding year the King wrote a letter of thanks to the Pope respecting the affairs treated of in that embassy.

There is no record of the death of Sir Alexander de Abernethy; the latest mention of him is found in 1315, when he witnessed a charter granted by the Countess of Athol,⁶ if indeed it were he, and not another of the name, for the charter is dated at Arbroath, and a forfeited rebel could scarce have got a safe-conduct, but he probably did not long survive that year, dying while still a comparatively young man, for it is not likely that so active a career as his would have suddenly ceased from any other cause.

The name of his wife is not known, and he left no male issue; but although, as already stated, his lands in Scotland had been forfeited, and were granted to Robert Bruce, Earl of Carrick,⁷ the King's natural son, after the death of that Robert at the battle of Dupplin, the three daughters of Sir Alexander, who married Scotchmen, seem to have regained the greater part, if not the whole, of his estates, which were divided among them.⁸

These three daughters were—

Margaret, for whose marriage with Roger de Mobray, as conducive to concord between England and Scotland, a Papal dispensation was requested

¹ Rymer's *Fœdera*, vol. iii. p. 394.

² *Ibid.* p. 404.

³ *Ibid.* p. 456.

⁴ *Ibid.* p. 408.

⁵ *Ibid.* p. 436.

⁶ *Antiquities of Aberdeenshire*, vol. ii. p. 313.

⁷ Robertson's Index, p. 15, No. 3.

⁸ This fact, in conjunction with the charter of 1315 being dated at Arbroath, might infer the possibility of Sir Alexander de Abernethy having made his peace with King Robert, and returned to Scotland, but there is no record of his having done so.

by Edward II. in 1311-12;¹ but this union seems never to have taken place, and she eventually married John Stewart, Earl of Angus, about 1329, and after his death, in 1331, appears in numerous charters during the reigns of David II. and Robert II. She had a son, Thomas, second Earl of Angus, through whose daughter the lordship of Abernethy, and other large possessions passed to the family of Douglas, Earls of Angus.

Helen (by some called Mary), married Sir David de Lindesay, ancestor of the Earls of Crawford, to whom she brought the lands of Downie, in Angus; Cairney, Dunboig, and Countryhills, in Fife; Chamberlain Newton, in Roxburgh; and perhaps Ormiston, in East Lothian.

Mary, married Sir Andrew de Leslie, ancestor of the Earls of Rothes; she had Ballinbreich, in Fife, and other lands for her portion, and Ballinbreich became one of the minor titles of honour of the Earls of Rothes. Walter de Leslie, who married Euphemia, elder daughter of William, Earl of Ross, was a younger son of this marriage.

The three families descended from the de Abernethy co-heiresses, Douglas, Earl of Angus, Lindesay, Earl of Crawford, and Leslie, Earl of Rothes, quartered the Abernethy arms; Or, a lion gules surmounted with a bend dexter sable; but it is needless here more particularly to follow the division among them of the possessions of the eldest male line of the Lords of Abernethy, which terminated at the decease of Sir Alexander.

An impression of the seal of Sir Alexander de Abernethy, 1292, is preserved in the Record Office, London. The shield is placed in front of an eagle displayed, and the arms are those above described. The inscription is "S. Alexandri de Abernethi."

¹ Rymer's *Fœdera*, vol. iii. p. 320.



Seal of Sir Alexander de Abernethy.

THE ABERNETHIES OF SALTOUN, LORDS SALTOUN.

THE eldest male line of the family having failed, as related in the preceding pages, the representation of the name devolved upon the descendants of William, the second son of Patrick de Abernethy, to whom it is necessary to return.

SIR WILLIAM ABERNETHY, FIRST OF SALTOUN.¹

THE records of this line are very meagre for several generations, and only occasional notices of the successive representatives of it are found; yet these are sufficient to enable the descent to be traced with tolerable accuracy.

All record of the means by which the Abernethies acquired the estate of Saltoun, in East Lothian, or of the date at which it came into their possession, has unfortunately perished; but they appear to have held it before the time of this Sir William Abernethy; and he probably obtained it, as well as Glencorse (which had belonged to his elder brother, Hugh) and Ulkestone, or Ugistone, in Berwickshire, as his appanage. In the beginning of the twelfth century Saltoun was part of the vast estate of the powerful family of Morville, and probably the Abernethies were their vassals for it, but in

¹ Although the "de" before the surname "Abernethy" was used for many generations by the family of Saltoun, yet in accordance with modern custom it gradually became discontinued. The elder line were "domini de Abernethy," and had no other surname down to their extinction in the male line; but the junior race were never "domini de Abernethy," but "domini de Saltoun," before

obtaining the peerage, and therefore employed the former appellation as a surname proper. For this reason the present period has been chosen to mark the change, which, though it took place far later, was so gradual as to render it very difficult to fix any time for it; and the "de" before the name is hereafter only used when Latin quotations necessitate its retention.

process of time freed themselves from the superiority of that family, or of their successors, the Lords of Galloway, and held it as tenants-in-chief of the Crown by the middle of the thirteenth century. Contiguous to Saltoun lies the estate of Ormiston, and it is probable that this estate took its name from the Orm de Abernethy of 1164-90, both from the contiguity of the property to that of Saltoun, and from its having passed, about the beginning of the fourteenth century, into the hands of the Lindesays, who, by marriage with a daughter and coheiress of Sir Alexander de Abernethy, inherited many of the family estates.¹

As previously noticed, Sir William Abernethy, in company with his elder brother, Sir Hugh, Alexander Comyn the Justiciary, the Chancellor, and other men of rank, was a member of the Court, in presence of which Alevinus de Mes resigned the lands of Tulicultry into the king's hands in 1261.

Sir William Abernethy granted a donation of two marks out of the profits of his mill at Ulkestone, in Lauderdale, to the Abbey of Dryburgh, in 1273.²

The murder of the Earl of Fife, in 1288, and the participation of Sir William Abernethy in that crime, as related by Fordun and Wyntoun, have already been noticed; but it has also been shown that the guilt of having instigated that outrage, which they have laid upon him, more properly belonged to his elder brother, Sir Hugh, as head of the race at the time. The statement of those authors, however, that he was captured by Sir Andrew Moray of Bothwell, and imprisoned in Castle Douglas, is very positive, and, it is probable enough that both brothers were confined there; but if this were so, it may be inferred that Sir William was dead in 1291, when Edward I. ordered Sir Hugh to be transferred to the royal prison, as, had he been still in the custody of Sir William de Douglas, it is probable that his name would have been included in the mandate; and he certainly died before 1296, for in that year his widow, Margaret, of whose surname no trace has been found, received a pension from the family estates by order of Edward I.³

He left one son.

¹ There is another Ormiston in Roxburghshire. Orm was not an uncommon name in those days. A splendid specimen of the yew-tree, of very great size and immense age,

and apparently still vigorous, stands in the garden of the Haddingtonshire Ormiston.

² Cart. Dryburgh, No. 175.

³ Rotuli Scotiæ, vol. i. p. 26.

SIR WILLIAM ABERNETHY, SECOND OF SALTOUN.

LIKE nearly all the barons of Scotland, he swore fealty to Edward I in 1296,¹ and his possessions, situated in the sherifdoms of Roxburgh, Banff, Berwick, Lanark, Edinburgh, and Fife, were then restored to him by that monarch's order;² but when the War of Independence broke out, or during its continuance, he appears to have joined the standard of Robert Bruce, and he was one of the barons who, in 1320, sent the celebrated letter to Pope John XXII., in which they declared their determination never to submit to the power of England; and if it were indeed the animosity engendered in the minds of many of the Scottish nobles by the murder of the Earl of Fife that drove Sir Alexander de Abernethy into the service of the King of England, the fact that it did not prevent this Sir William from being a faithful subject of King Robert I. would seem evidence that his father's guilt, in relation to that crime, was not considered so great as that of Sir Hugh.

Towards the end of the thirteenth century Sir William was a witness to a charter granted by William, Lord of Douglas;³ and during the reign of Robert I.,—though, from the charters bearing no date, the exact year cannot be determined,—as dominus de Saltoun, he granted a messuage and a brew-house, formerly held by William, called Wolf, “in villa de Saultone,” with seven acres of arable land and some pasturage, to the Abbey of Dryburgh,⁴ and confirmed a gift of four acres made by John Bengilloune of Saulton to that Abbey.

Henry Style de Saultone, by permission of his superior, Sir William Abernethy, also gave to the Abbey one acre and four roods of land adjoining the seven acres granted by his lord,⁵ for which Thomas de Leys, baillie of Saulton, became security; and it may be inferred that Sir William enlarged the donation of two marks from the mill of Ulkestone, made by his father, into a grant of the whole mill to the monks of Dryburgh, for though that charter is not extant, it was confirmed by his son and successor.

¹ Pryne, vol. iii. p. 656.

² Rotuli Scotiae, vol. i. p. 32.

³ Reg. Hon. de Morton, vol. ii. p. 10, No. 13.

⁴ Cart. Dryburgh, No. 304.

⁵ *Ibid.* No. 301.

He appears to have died towards the end of the reign of Robert I. and left two sons—

William, his successor,

Lawrence.¹

SIR WILLIAM ABERNETHY, THIRD OF SALTOUN.

No account remains of the early career of the third William Abernethy of Saltoun, but he probably followed, like his father, the fortunes of King Robert I., and after the death of that great sovereign, when the successful invasion of Edward Baliol had once more opened the way to English conquest, his name is found in the list of those that served in the second division of the Scottish army at the battle of Halidon Hill, in 1333, from which bloody field he was fortunate enough to effect his escape,² and doubtless bore his part in the long struggle that followed, until its termination in the restoration of Scottish independence, for in 1345, David II., in recompence of his friendship and good service, conferred upon him the manor of Rothiemay,³ in the sheriffdom of Banff, which had been forfeited by David de Strathbogie, Earl of Athol.

Willelmus de Abernethy, miles, filius et heres quondam domini Willelmi de Abernethy, militis, confirmed his father's grant of the whole mill of Ulke-stone, in Lauderdale, to the Abbey of Dryburgh,⁴ and though the confirmation is without date, the names of the witnesses, Patrick de Dunbar, Earl of March, Robert de Keth, Adam de Haliburton, Alexander de Scton, Robert de Lowedir, knights; John Mautalent, dom. de Thyrlestane, Robert his son, Robert his brother, etc., show that it could not have been of the date suggested at No. IX. of the Appendix to the Dryburgh Cartulary, viz., 1380, for there was no Patrick, Earl of March, in existence then, nor any Robert de Keith old enough to be a witness, and indeed, as Sir Robert de Keith the Marischal was killed at the battle of Durham, any charter witnessed by him could not have been granted after 1346.

The name of Sir William Abernethy is found among those of the witnesses to a charter from Sir William de Livingstone to the monks of Newbottle in 1338,⁵ and to one from Sir John de Maxwell to the Abbey of Dryburgh

¹ See Appendix.

⁴ Cart. Dryburgh, No. 312.

² Hailes, Annals, vol. iii. p. 90.

³ Original Charter in Philorth Charter-room.

⁵ Cart. Newbottle, No. 44.

in 1343, and also to the confirmation of this last by William, prior of St. Andrews,¹ and to various other charters, sometimes accompanied by that of his brother Sir Laurence.²

The date of his death is uncertain, but it probably took place about the middle of the century.

He left a son,

SIR GEORGE ABERNETHY, FOURTH OF SALTOUN.

IN the account of this family given in Douglas Peerage, the name of George Abernethy is said to be mentioned in a charter to the Monastery of Dryburgh, granted by Walter, the Steward of Scotland, who died in 1326;³ but if that document was extant when the peerage was written, it has since been lost, for a search through Macfarlane's collection of original writs, in which it is stated to have been found, shows only one charter from Walter the Steward to Dryburgh Abbey, and in that the name does not occur. It is quite possible, however, that the statement in Douglas may be correct, for George Abernethy was probably born during the first fifteen years of the fourteenth century, and with his father supported the cause of David II. through the second war of independence.

He accompanied King David on his invasion of England in 1346, and at the battle of Durham was taken prisoner by Thomas de Rokeby the younger, and with others sent to the Tower of London for safe custody, by order of Edward III.⁴

How long he remained a prisoner, and what was his future career, cannot be ascertained. A charter was granted by Georgius de Abernethy, miles, dominus de Saltoun, to John de Kench, recognising his right to a tenement in the town of Nether Saltoun, and ratifying his license to grind corn grown within the same tenement at the mill of Saltoun, as established by the verdict of an assize of honest men, presented "in plena curia mea ibidem tenta;"⁵ and though the charter is without date, it appears to have been given

¹ Book of Carlaverock, by W. Fraser, vol. ii. pp. 409, 410.

² Cart. Newbottle, Nos. 43, 55, 208; and Carta Originale at end of Newbottle Cartulary.

³ Douglas Peerage, vol. ii. p. 468.

⁴ Rotuli Scotiæ, vol. i. p. 678. Rymer's Fœdera, vol. v. p. 534.

⁵ Original Charter at Salton Hall [Mr. Fletcher].

about the middle of the century, certainly before 1367-8, for the witnesses are "dominis Willelmo de Ramsay, vicecomite Laudoniæ, Willelmo de Ballivo, Alexandro de Haliburton, militibus, Ectore de Laweder, Alexandro de Lindsay, Thoma de Hop-pringill, Johanne Lawys, et multis aliis;" and Symon de Preston was sheriff of Lothian on the 13th of January in that year, and held the same office on the 23d February 1369-70,¹ while Alexander de Lindsay, who was not a knight when he witnessed the charter, had attained to that dignity before the 6th of March 1368.²

Sir George Abernethy was one of the witnesses to the contract of marriage between John, son of Alexander de Cockburn, by his first wife, and Johneta, daughter and heiress of Alexander de Lyndesay de Ormystoun, which was confirmed by David II. 23d February 1369-70.³ His seal is still attached to the charter in favour of John de Kench, and bears a lion rampant without the surmounting bend dexter, which seems to have been an omission on the part of the engraver, as it appears on the earlier seal of Sir Alexander de Abernethy in 1292, and also on subsequent seals of the family.

He left two sons,

George.

John.⁴



Seal of Sir George Abernethy, fourth of Saltoun.

SIR GEORGE ABERNETHY, FIFTH OF SALTOUN.

THE paucity of record renders it difficult to distinguish this individual from his father, but it is more probable that it was he that attended the coronation of Robert II. on the 27th of March 1371, and then swore fealty to him.⁵

¹ Robertson's Index, p. 79, No. 135, p. 84, No. 184.

³ Robertson's Index, p. 84, No. 184.

⁴ See Appendix.

² Acts of the Parliaments of Scotland, vol. i. p. 148.

⁵ Acts of the Parliaments of Scotland, vol. i. p. 181.

Georgius de Abernethy, miles, dominus de Sawylton, was a witness to a charter of the lands of Lochirmagus (Longformacus) from George, Earl of March to Sir James Sinclair, on the 22d June 1384;¹ and on the 8th November 1391, Robert III. confirmed to Sir William Stewart of Jedworth certain lands and tenements in the territory of Minto, together with the advowson of the church, resigned in his favour by Sir George de Abernethy.²

Froissart, in his account of the battle of Otterbourne, fought between James, second Earl of Douglas, and Sir Henry Percy, in 1388, in which the former was killed and the latter defeated and taken prisoner, gives the name of the Seigneur de Faucon among those of the combatants on the Scottish side whom he mentions.³ There is, however, no person of that name to be met with in any other record or document. Translators and commentators have rendered the name as Lord Saltoun,⁴ and if they are right, it must have been this Sir George Abernethy, dominus de Saltoun, who took part in that desperate encounter.

He died towards the end of the fourteenth century, leaving a son,

SIR WILLIAM ABERNETHY,
SIXTH OF SALTOUN.

LADY MARIA STEWART,
DAUGHTER OF THE REGENT ALBANY.

SIR WILLIAM ABERNETHY succeeded his father about the end of the fourteenth century. He had married a daughter of Robert, Duke of Albany, afterwards Regent of Scotland, a connection that doubtless increased his power and influence. He probably was the person who witnessed a charter granted by Sir James de Douglas, Lord of Dalkeith, in 1388.⁵

He served in the army commanded by the Regent's son, Murdoch, and Archibald, fourth Earl of Douglas,—nicknamed Earl Tineman, from the numerous defeats it was his bad fortune to suffer, although a most valiant warrior,—and at the battle of Homildon, lost by those leaders in 1402, he was taken prisoner by the English.⁶

On the 21st of August 1404, Robert III. granted a charter of the barony

¹ Douglas Peerage, quoting Cart. penes Jno. Sinclair. Robertson's Index, p. 144, No. 20.

² Robertson's Index, p. 157, No. 33.

³ Buchan's Edition of Froissart, vol. ii. p. 730.

⁴ Johnes' Translation of Froissart, vol. iv. p. 18.

⁵ Reg. Hon. de Morton, vol. ii. p. 165.

⁶ Scotichronicon, lib. xv. cap. xiv.

of Rethie and Kynyaultie, in Forfarshire, to Sir William Abernethy of Saltoun, and Maria his wife, upon his resignation of it in the royal hands;¹ and the king also confirmed Sir William's gift of the lands of Kynaltie in that barony to a John de Abernethy.²

By a notice in Robertson's Index of Charters³ it appears that, on the 25th of April 1403, an indenture was made between William de Fentoun of Baky on the one part, and Margaret de le Ard of Ercles and Thomas de Chesehelme, her son and heir, on the other part, dividing between them certain lands of which they were heirs-portioners; the first named among these lands was the barony of Rethy in Forfarshire, and the indenture was confirmed by the Regent Albany; and if the record of this indenture be correct, it would seem that the mother of Sir William de Abernethy must have been a lady of one of these families, and that she either inherited or received as her portion the barony of Rethie, which at her death descended to her son, but no further information has been obtained as to which of those families she belonged.

Sir William was one of ten knights who became hostages for the Earl of Douglas, then prisoner to Henry IV., on his being allowed to go to Scotland for a time; and the safe-conduct for Sir William, dated 30th September 1405, states that he, with one servant, may reside in any castle, fortified town, or other fortress, without being incommoded in any way, except as a hostage for the Earl, and that, so soon as the Earl returns to Durham, or to the King of England, wherever he may be within that realm, or if the Earl shall die before his return, Sir William shall be free and quiet from all action as a hostage for him, and shall have forty days' grace to return to Scotland.⁴

During the disturbances that occurred in the northern parts of the kingdom about 1411, Sir William's large possessions in those districts, no less than his close connection with the Regent Albany, made him a prominent supporter of the legitimate authority, then seriously threatened by the rebellion of the Lord of the Isles; and with all the force at his disposal he joined the army that the gallant Earl of Mar assembled to oppose that chieftain, accompanied by his eldest son, William, whose death took place during those important events.

¹ Antiquities of Aberdeenshire, vol. ii. p. 227.

³ Robertson's Index, p. 167, No. 21.

² Robertson's Index, p. 137, No. 1.

⁴ Rymer's Fœdera, vol. viii. p. 417.

As already noticed in the account of Sir Alexander Fraser of Cowie, Durris, and Philorth, Euphemia, eldest daughter of William, Earl of Ross, married Sir Walter de Leslie, afterwards styled Lord of Ross,¹ and, in pursuance of the terms of the charter granted by David II., which prohibited partition of the earldom and estates, succeeded her father as Countess of Ross.

She had a son, Alexander de Leslie, who succeeded her as Earl of Ross ; and a daughter, Margaret, who married Donald, Lord of the Isles.

Alexander de Leslie, Earl of Ross, married Isabel, eldest daughter of Robert, Duke of Albany ; and dying in the prime of life, left an only daughter, Euphemia, who succeeded him as Countess of Ross.

She is said by some authors to have been deformed and sickly ; however this may have been, she avowed her predilection for a conventual life, and took the veil.

Upon Euphemia becoming a nun, or perhaps even before that event, her aunt Margaret asserted her right to the earldom as next heir, according to the charter by King David II., and her husband, Donald, Lord of the Isles, supported her claim ; but the Regent Albany, who had his own designs upon the title and property in question, peremptorily refused to listen to their pretensions.

The Lords of the Isles were very powerful barons ; descended, according to tradition, from the great Somerled, one of the Scandinavian adventurers who settled in the Hebrides and adjacent mainland, they had been at times subject to the Scottish Crown, but more often had arrogated to themselves the title of King of the Isles, and had treated with the English monarchs on the footing of independent sovereigns.

Donald himself had thus treated with King Richard II. in 1388, and burning with resentment at the refusal of the Regent Albany to listen to his wife's claim on the earldom of Ross, he determined to obtain by force what he could not get by favour.

Assembling his hereditary vassals of the Isles, and backed by many in the earldom who favoured his cause, he speedily subdued the whole north-western district, as far as Inverness.²

¹ Reg. Mag. Sig., Lib. liii.

² Scotichronicon, lib. xv. cap. xxi.

Had he been content with thus regaining the possessions, which were undoubtedly those of his wife by right, failing her brother's direct issue, little fault could have been found with him considering the manners of the age; but elated by success, he aspired to further conquest, and proceeded on through the counties of Moray and Banff, ravaging, burning, and devastating the land, and approached the town of Aberdeen, with the intention of reducing it and of making it the base of his operations for the subjugation of the whole district north of the river Tay.

Meanwhile, upon the news of these serious events reaching them, Alexander Stewart, the heroic Earl of Mar, and Sir Alexander Ogilvy, the gallant and good Vicecomes of Angus, who, "semper et ubique justiciam dilexit,"¹ resolved to do their best to oppose the invasion, and at any rate to save Aberdeen, and the district around and to the south of that town, from destruction, and proceeded to collect such force for that purpose as could be got together on somewhat short notice.

Many barons of the counties of Aberdeen, Banff, Kincardine, and Forfar joined their standard, and among them Sir William Abernethy and his eldest son, William. A large body of the citizens of Aberdeen, under the leadership of the brave Provost, Sir Robert Davidson, also came forward to share in the defence of their native town; but such was the rapidity of the invader's march, that he had reached Harlaw, a few miles north-west of Aberdeen, ere the Earl of Mar was able to oppose his further progress.

At Harlaw, with an army inferior in numbers, but highly efficient according to the tactics of that age, consisting of knights and men-at-arms, with the sturdy foot-soldiers of the royal burgh, the Earl of Mar encountered the host led by the Lord of the Isles, which amounted at the least to above ten thousand men, and by some accounts has been swollen to twenty thousand, composed principally of the Highland and Island tribes, that devotion to his cause, or the desire of plunder, had attracted to his ranks.

The battle was long and bloody; for a whole summer day the band of heroes, commanded by the Earl of Mar, resisted the assaults of their brave but undisciplined enemies; and although the inferiority of their numbers, and the loss of many of their best leaders, prevented them from pursuing any

¹ Scotichronicon, lib. xv. cap. xxi.

advantage they might gain, at nightfall they still held their ground, and had checked the torrent that threatened destruction to them and their country.

Both armies rested for the night in the positions they had occupied in the morning, anticipating a renewal of the fearful struggle with the return of day.

But it was not so to be; during the night dissensions arose among the chiefs of the Highland tribes, many of whom, according to their general custom, wished to retire to their fastnesses with the booty they had already obtained, rather than risk the loss of it and their lives together; and Donald himself, having seen his numerous host repulsed and all but defeated by a comparatively small body of troops, could scarcely avoid the conviction that he had undertaken an enterprise beyond his power, or be free from apprehension as to what might be the result when his adversaries should receive reinforcements, or when he should encounter the whole force of the kingdom.

On the morrow, instead of renewing the combat, the Lord of the Isles commenced his retreat, which he effected without interruption, his opponents having suffered so severely as to be unable to pursue him; but he was quickly abandoned by most of the Highland tribes, and his army was almost dispersed.

Such was the battle of Harlaw, fought on the eve of St. James the Apostle's day, in July 1411, of which event some historians appear not to have understood the importance, for had the Lord of the Isles been able to continue his victorious career, and to penetrate into the heart of the kingdom, the consequences might have been very serious at that time, when King James I., as yet a minor, was a prisoner in England, and the government was in the hands of the sagacious but unpopular Regent Albany; and Scotland owes a deep tribute of gratitude to the memory of the brave men who repelled an invasion, the success of which might have retarded the civilisation and prosperity of the country for many a day.

But the victory was not gained without severe loss among the conquerors, and the voice of lamentation was heard in many a home, whether of the proud nobles of the land or the humbler citizens of Aberdeen. Of these latter, who had proved themselves worthy to fight side by side with the best warriors of their day, five hundred, with their gallant Provost, Sir Robert Davidson, at their head, were slain; and in the list of the dead, in company

with the names of Sir James Scrymgeour, Constable of Dundee, Sir Alexander Irvine of Drum, Sir Robert Malvil, Sir Thomas Moray, Alexander Straiton, and many others, occurs that of William Abernethy, son and heir of the Lord of Saltoun, and "nepos Gubernatoris" grandson of the Regent.¹

This William Abernethy had married Margaret, a daughter of Sir William Borthwick,² who after his death became the wife of Sir James Douglas of Dalkeith, and by her he had at least two sons—

William, who succeeded his grandfather.

Laurence, who succeeded his brother. And probably a third,

Oswald.³

After the loss of his eldest son, Sir William Abernethy survived for nine years, until 1420, when his death, from the pestilence called "le Dubrow," is recorded by Bower,⁴ who terms him a magnanimous knight.

By his wife, Lady Maria Stewart, he had issue two sons—

William, killed at Harlaw.

Patrick.⁵ And perhaps a third,

John.⁶

SIR WILLIAM ABERNETHY, SEVENTH OF SALTOUN.

IN consequence of his father's death at the battle of Harlaw, William Abernethy became heir to his grandfather, to whom he succeeded in 1420.

In 1423 his name appears as one of the Magnates Scotiæ who went to meet King James I. at Durham,⁷ to assist in the negotiations for his release from captivity, and to congratulate him upon his marriage; and in the following year he was one of the hostages delivered to the English monarch for payment of the ransom of his sovereign,⁸ at which time his estates were valued at an annual rental of 500 marks, a considerable property in those days.

His life was but short, and he died before 1428, in which year his brother Laurence appears as Dominus de Saltoun, which is evidence of his having left no issue.

¹ Scotichronicon, lib. xv. cap. xxi.

² Robertson's Index, p. 167, No. 29.

³ See Appendix.

⁴ Scotichronicon, lib. xv. cap. xxxii.

⁵ See Appendix.

⁶ *Ibid.*

⁷ Rotuli Scotiæ, vol. ii. pp. 244, 245, 252.

⁸ *Ibid.* p. 248.

SIR LAURENCE ABERNETHY,
EIGHTH OF SALTOUN AND FIRST LORD SALTOUN.

By all genealogists this Laurence has been termed son of Sir William Abernethy, seventh of Saltoun; but a consideration of the ages of two or three of his immediate predecessors will show this to have been impossible.

The Sir William Abernethy, sixth of Saltoun, who was husband of the Regent Albany's daughter, and died in 1420, could not have been born much earlier than 1355 or 1360; and his son William, who fell at Harlaw in 1411, would have been born about 1378 or 1380; and the birth of William, the seventh of Saltoun, may therefore with reason be placed about 1400.

But in 1428 Laurence Abernethy, Dominus de Saltoun, is found transacting business as a grown-up man,¹ for he was one of the "consale" or friends and supporters of John the Sancier (Sinclair), Lord of Hyrdmanstoun, at the settlement of a dispute between him and Sir Herbert of Maxwille, Lord of Carloverock, respecting a portion of the lands of Pencaitland, which was effected by the verdict of an assize held at Edinburgh on the 2d of June in that year.

He therefore could not possibly be the son of a person who, if he had lived till then, would have been only about twenty-eight or thirty years of age; and it is evident that he must have been brother to William, the seventh of Saltoun, and therefore a younger son of the William Abernethy killed at Harlaw.

From the above it appears that he had succeeded his brother in the family possessions by the year 1428, and he was evidently a person of considerable power and influence.

Soon after his return from captivity in England, King James the First instituted the rank of Barons as Peers of Parliament, a dignity prior to that time unknown in Scotland, though it had been long in use in the neighbouring kingdom, and Sir Laurence was one of the first selected for that honour by King James II.

Although there is sometimes considerable difficulty in ascertaining the exact date of the creation of the earliest Scottish baronies of Parliament,

¹ Book of Carloverock, vol. ii. p. 429.

yet in this instance the date is fixed by the transactions at the ranking of the nobility of Scotland in 1606, by order of James VI., when the Lord Saltoun of that day produced an instrument under the hand of George Schorswald, bearing that the king, on the 28th June 1445, created Laurence de Abernethy of Rothiemay a Lord of Parliament, and ordained him to be styled Lord Saltoun of Abernethy.¹

Sir Laurence, however, does not appear to have at once assumed this designation, possibly from its novelty, for on the 13th March 1447-8, as "Laurentius Abernethy ex eodem de Rothiemay, Miles," he granted to John, son and heir of Philip de Auchanayouche, the lands of that name, in the barony of Rothiemay.²

His wife, however, seems to have been more conscious of her increase of dignity, for on the 28th October 1448, Margaret, Lady Saltoun, obtained a notarial transumpt of a charter, granted in 1443 by John de Haliburton of Sawlyne, in Fife, to his son and heir, Alexander de Haliburton, and Katherine his spouse, in conjunct fee, of his lands called the Bordlands, in the barony of Sawlyne.³

If the record be correct, that the abbot and monks of Deir feued their lands of Barre, in Strathisla, to the Lord Saltoun of Rothiemay in 1449,⁴ it was Sir Laurence who obtained that addition to his property in Banffshire.

Much irregularity seems to have existed at first in the designation of the newly created peer and his successors, and for the next two generations the titles of Lord Saltoun, Lord Abernethy,⁵ Lord Abernethy of Rothiemay, appear

¹ Rec. Parl., p. 39. George Schorswald may have been the George of Schoriswood, Bishop of Brechin, and Chancellor of Scotland, 1456 to 1460. *Origines Parochiales*, vol. i. p. 175.

² *Antiquities of Aberdeenshire*, vol. ii. p. 228.

³ Original Charter at Salton Hall.

⁴ *Antiquities of Aberdeenshire*, vol. ii. pp. 420, 426.

⁵ On the 9th June 1455, in the arraignment of James, Earl of Douglas, for high treason, one of the crimes with which he was charged was the ravaging and spoliation of the Grange

of "Henricus dominus Abernethy, Justiciarius Regis;" and a Lancelot de Abernethy was the king's prolocutor in that process. *Acta Parl. Scotiæ*, vol. ii. p. 76. It is not easy to say who this Henry Lord Abernethy was. His title of "Dominus" may have been applied on account of his justiciarship, or he may have been one of the family of Douglas, Earls of Angus, who had inherited the barony of Abernethy, in Fife, from Margaret de Abernethy, Countess of Angus, the eldest daughter of Sir Alexander de Abernethy; or, possibly, Henricus may have been written by mistake for Laurencius.

to have been used indifferently, the two latter being more usually found, until gradually supplanted by the former; and in the years 1483 and 1493, the names Lord Abernethy in Rothiemay, and Lord Saltoun, were applied to the same individuals in documents, to which reference will be made hereafter.

It is difficult to ascertain the attendances of the first Lord Saltoun in Parliament, but he may have been the Lord Abernethy whose name, on the 10th October 1456, appears first on a list of barons chosen to administer justice during a pestilence that then raged in Scotland.¹

There is no record of the date of his death, but it must have occurred before the 13th March 1460, when his son and heir, William, obtained sasine of the barony of Saltoun.

Unfortunately the surname of his wife cannot be traced, but they had issue—

William, who succeeded him.

James, who succeeded his elder brother.

George.²

Archibald.³

Christiana, married Sir John Wemyss of Strathardill.

Elizabeth, married John Gordon, eldest son of John Gordon of Scardargue.

WILLIAM ABERNETHY, SECOND LORD SALTOUN.

By authority of a brief from the King's Chapel, William Abernethy, son and heir of the late Sir Laurence, Lord Abernethy in Rothiemay, received sasine of the barony of Saltoun at the hands of Patrick de Cockburn of Newbegyn, Sheriff-depute of Edinburgh, on the 13th of March 1460.⁴

He resigned the whole of his possessions into the hands of King James the Third at Edinburgh, on the 28th of January 1463,⁵ and the king thereupon granted him a new charter of them. The same ceremony was repeated on the 4th of August in the next year, at Inverness, probably on account of one of his estates, the barony of Corncairn, having been omitted in the former charter.

¹ Acta Parl. Scotiæ, vol. ii. p. 46.

² See Appendix.

³ *Ibid.*

⁴ Original Sasine at Salton Hall.

⁵ Reg. Mag. Sig., Lib. vi. Nos. 79, 114.

These estates consisted of the baronies of Rothiemay and Corncairn, in Banffshire; of Rethie, in Forfarshire; of Glencorse, in the county of Edinburgh; of Plenderlaith, in Roxburghshire; and of Saltoun, in Haddingtonshire; with the lands of Dalgetty, in Fife; of Dalders, in Stirlingshire; and of Lyelstoune and Ugistoune, in Berwickshire,—all considerable properties in eight different counties.

The charters are somewhat of the nature of an entail, for the subjects dealt with are settled first upon William, Lord Abernethy, and his heirs-male; and then upon his brothers, James, George, and Archibald, and their heirs-male in succession; all of whom failing, the destination was continued to their cousin John, son of the late Oswald de Abernethy. In the second charter there is inserted a reservation of the tierce of Lord Abernethy's wife, should she survive her husband, which does not appear in the first, and seems to indicate that his marriage took place between the dates of the two documents.

He once more resigned all his estates into the hands of the king, by whom they were regranting to him on the 10th of January 1482, and erected into one free barony of Abernethy in Rothiemay, with similar destinations to those in his two former charters, except that his brother Archibald having died, his heirs-male are substituted for him.¹ The reservation of the tierce of Lord Abernethy's wife being omitted, appears to point to her having been also dead, though if that were the case he married a second time, for he left a widow.

In this charter he and his successors are to do service for the whole barony of Abernethy in Rothiemay, at the court of the sheriffdom of Banff only, instead of at those of the several sheriffdoms in which the lands were situated, from which services they are exonerated; and this concession was probably obtained on account of his having made Rothiemay his principal residence. He was styled "consanguineo nostro" by the king in the two former charters, but in this last his designation is "consanguineo, et consilario, nostro," showing that he had become one of the royal council.

It is difficult to ascertain with precision his attendances in Parliament, but, as William, Lord Abernethy, he was present in 1464, when an Act was

¹ Reg. Mag. Sig., Lib. x. No. 52.

passed revoking certain alienations and leases of Crown lands granted by the late King James II.;¹ and also in 1469, when he was a member of the court that tried Alexander Boyd of Drumcoll for high treason.² There are two other notices in the Parliamentary records that can only apply to him, though the Christian name is not mentioned, viz., the attendance of Lord Saltoun on the 18th February 1471, and the absence of Lord Abernethy in Rothiemay on the 20th of November 1478.³

During his life, however, there are nine other instances of attendance on the part of "Dominus," or Lord Abernethy, noted, without any Christian name, viz., one in 1469, two in 1471, one in 1474, one in 1476, three in 1478, and one in 1482;⁴ and there is also a notice of the attendance of Georgius dominus Abernethy on the 6th of May 1471, when he was chosen commissioner for the judges on the articles.⁵

Some of the above notices may apply to the "Henricus," the king's Justiciary, already mentioned in note (⁵) to the account of the first Lord Saltoun; and the George may have been the second Lord's brother of that name, who may have borne the title of dominus from some office held by him; but on one of these occasions, the 20th February 1471, when the annexation of the Earldom of Orkney and the Lordship of Shetland to the Crown was enacted, it seems that it must have been the Peer himself that was present.⁶

A Lancelot de Abernethy appears as prolocutor for the Crown at the arraignment of James, Earl of Douglas, in 1455, and again at the trial of Alexander Boyd of Drumcoll in 1469.⁷ He seems to have been an eminent lawyer, and as early as 1440 is found as one of the commissioners of burghs; but there is no trace remaining of his relationship to Lord Abernethy, however (while there exists so little information about the junior branches, that it is impossible to say who he, or the Henricus and Georgius, domini Abernethy, may have been) the succession from Sir Lawrence, created Lord

¹ Acts of the Parliaments of Scotland, vol. ii. p. 84.

² *Ibid.* p. 186.

³ *Ibid.* pp. 102, 120.

⁴ *Ibid.* pp. 93, 102, 108, 113, 116, 117, 119, 142.

⁵ Acts of the Parliaments of Scotland, vol. ii. p. 98.

⁶ *Ibid.* p. 102.

⁷ *Ibid.* pp. 76, 186.

Saltoun of Abernethy in 1445, to his sons William and James, is distinctly proved by the sasine of the one in Saltoun as heir to his father, and the retour of the other as heir to his brother.

William, Lord Abernethy, was one of the witnesses to a bond of manrent given by Lord Forbes to the Earl of Huntly on the 8th of July 1468, and also to the charter of the lands of Abergardine, in Aboyne, with those of Tulyfour and Tulykery, granted in return by the Earl to Lord Forbes.¹

In 1471 he became lawborough or security for Walter Stewart of Morfy, who, with some of his associates, had committed certain depredations upon the property of Ninian and Robert Bonar, for which they were ordered to make restitution, and the Lord of Oliphant becoming lawborough for these latter, the quarrel appears to have been settled.²

In 1483, as William, Lord Saltoun, and again in the same year as William, Lord Abernethy,³ an action was brought against him, as heir of the late Laurence, Lord Abernethy, by John Oliphant of the Dron, heir to Thomas Oliphant, for twelve score marks, the price of the "maritagium" of the Laird of M'Karstoun, purchased by George Ormiston, for whom his father had been security, but it being proved that George Ormiston had paid the money in question to Thomas Oliphant, he was assoilzied, and the complaint dismissed.⁴

The Ormistons, father and son, do not appear to have been connected with the estate of that name in East Lothian, which had passed to the Cockburns in the previous century, by marriage with the heiress of Sir Alexander de Lindesay; but they probably belonged to a family that bore the name as early as 1316-26, and took it from the Ormiston in Roxburghshire.⁵

Unfortunately neither of the family names of Lord Saltoun's two wives, if, indeed, he was twice married, are upon record. His widow is styled Isabella, Lady Abernethy in Rothiemay; and in 1489 and 1492 she had several lawsuits with persons of the names of Christian Pratt, John and Alexander Gordon, and John Currou, respecting their unlawful occupation

¹ Antiquities of Aberdeenshire, vol. iv. pp. 403, 405.

² Act. Dom. Audit., p. 18.

³ Act. Dom. Audit., pp. 133, 143.

⁴ Act. Dom. Concil., p. 96.

⁵ Origines Parochiales, vol. i. p. 352.

of various lands, and as regards the last of them for his spuilzie of the place of Inchetomoch, in which transactions she appears to have been pretty successful.¹

William, the second Lord Saltoun, died in an eventful period of Scottish history, in June 1488, when the battle of Sauchieburn was fought between King James the Third and his eldest son, the Prince of Scotland, afterwards King James the Fourth. The second Lord Saltoun left no issue. He was succeeded by his brother James. In his retour on 10th October 1488, it is stated that William, the second Lord, died about four months previously.²

JAMES ABERNETHY, THIRD LORD SALTOUN.

UPON the decease of the second Lord, without issue, his brother James was served heir to him in accordance with the destination in the charters already mentioned, and on the 17th of October 1488 he took his seat in Parliament;³ but his attendance there does not seem to have been frequent, for the only other instance found in the records is on the 18th of November 1505, when the following passage occurs in the proceedings:—"And attour continewis the action, the matter of the Innes, and the Lord Saltoun, touching the slaughter and mutilation is continewed to monũ the . . . day of November instant, with continewation of dais and this day and the laiff of the dais quhill monũday to pass and be comptit as the Parliament held ever ilk day."⁴

This matter does not seem to have been again before Parliament, at all events there is no further notice of it, and no trace can be found of the circumstances under which the slaughter and mutilation referred to took place. The late Mr. Cosmo Innes does not mention anything about it in the history of the Innes family edited by him, and the affair is altogether a mystery.

It has already been noticed that for some generations after the creation of the peerage, the titles of Lord Saltoun and Lord Abernethy were employed indiscriminately, and the second Lord is seen to have been styled by both in the same action at law in 1483.

¹ Antiquities of Aberdeenshire, vol. ii. pp. 109, 248.

² Original Retour at Salton Hall.

³ Acts of the Parliaments of Scotland, vol. ii. p. 212.

⁴ *Ibid.* p. 259.

In the following bond or obligation the indiscriminate employment of these titles is more pointedly shown by their being applied to the same individual, the third Lord, in different parts of one document, of which the date is 1493.¹

“In presence of the Lords of Consale George Robinson has bundin and oblist him to stand and abid at the deliverance consale and ordinance of the Lord Abirnethy in Rothiemay, or what other persous Master Walter Abirnethy preist of Dunbertane will uem and assigne to the saide lord anent the xvi oxin, five ky, four stirks, four score twa scheip and breking of the saide Master Walter’s chawmer, and taking out of the samyn twa fedder beds a double curlet of sey, a pare of ffustiaue blauketis, a baukure, four cushings, twa graphis of silver, a sponne ower gilt and certane othir gudes And as the said Lord Saltoun and the persons lymit and assignit to him by the said Master Walter deliveris in the said matter the said George to pay to the said Master Walter and letters to be written to distrēye the said George for samekle as thai ordand him to pay to the said Master Walter.”

Upon the 16th of October 1493, James Lord Abernethy attended before the Lords of Council to excuse his absence from the royal army during an expedition to the Westeru Isles,² which was probably that directed against John Lord of the Isles, who had been Earl of Ross, after his treasourable correspondence with the King of England in 1481 was discovered. He protested that, having been summoued, and having appéared, first at Stirling and a second time at St. Andrews, having produced a copy of the summons, and declared himself ready to auswer it, and no one having come forward to produce the original summons, or to prosecute him, a note of these facts should be made, and that “it suld turne him to na prejudice quhill he were orderly jorneyit.”

In the Accounts of the Lord Treasurer, there is the following entry on the 5th of October 1496 :—“Item, to the Lord Saltounis man that brocht peris (pears) to the king, ix s̄.”

For some years prior to 1498, he and his son and heir, Alexander, were engaged in litigation against Adam Hepburn of the Craigs, and his wife, Elizabeth Ogstoune, together with Sir John Wemyss of Strathardill and his

¹ Act. Dom. Concil., p. 315.

² Act. Dom. Concil., p. 302.

spouse, Christiana Abernethy, who claimed some right of inheritance in the moveable property and in some of the landed estates of the deceased William, second Lord.¹

The claim on the part of Christiana Abernethy and her husband is intelligible enough, as she was a daughter of Lawrence the first Lord, and therefore sister to the second and third Lords, against the latter of whom she brought her action; but that of Elizabeth Ogstoune is more obscure, though she may have been the child of another daughter of the first Lord. She was the coheirss of Walter, Laird of Ogstoune, or Ogistoune, who also held the lands of the Craigs, or Cragy, in the east of Aberdeenshire;² but if any such alliance took place between his family and the Abernethies, all record of it has been lost.

This lawsuit was, however, terminated on the 1st of July 1498, by a reference to a court of arbitration, consisting of Robert, Archbishop of Glasgow, Andrew, Bishop of Moray, John, Prior of St. Andrews, George, Earl of Huntly, Patrick, Earl of Bothwell, Lord Hailes, Patrick Home of Fastcastle, and Master Richard Lawrence, clerk of justiciary, by whom it was settled, and the sums due to the ladies—probably daughters' portions—were appointed to be paid to them, which, in the case of Adam Hepburn and Elizabeth Ogstoune, amounted to nine hundred marks, for which they granted a receipt on the 28th of August of the same year.

The date of the third Lord Saltoun's death is uncertain, but it occurred before the year 1512, when his son and heir appears in possession of the title and estates.

No mention is found of the name or family of his wife, but he had issue one son, at least, and three daughters.

Alexander.

Margaret, married John Stirling of Craighernard.³

Janet, married Alexander Ogilvie of Deskford.⁴

Elizabeth, married Alexander de Hay of Ardendracht.⁵

¹ Act. Dom. Concil., pp. 326, 332.

³ Douglas Peerage.

⁴ *Ibid.*

² Antiquities of Aberdeenshire, vol. iii. p. 170.

⁵ Antiquities of Aberdeenshire, vol. iii. p. 506.

ALEXANDER ABERNETHY, FOURTH LORD SALTOUN.

THE first appearance of the fourth Lord Saltoun occurs in 1490, during the life of his father, when, as Alexander, Master of Saltoun, he obtained a decret from the Lords of Council against Alexander, Master of Huntly, Lord Gordon, ordering him to restore to the Master of Saltoun the teinds and profits of the kirk of Rothiemay, which he had wrongfully usurped and taken.¹

About the year 1491, his father infefted him in the baronies of Saltoun and Glencorse, and all his other possessions, reserving his own liferent, and the tierce of his wife if he should have one ; and this gift was confirmed by a charter under the great seal of King James IV.²

He had succeeded his father in or before 1512, for as Alexander, Lord Saltoun, he was present at a decision given in that year to fix the marches or boundaries between the lands of Slains, belonging to the Earl of Errol, and those of his brother-in-law, Hay, Laird of Ardendracht ;³ but as he was infeft along with his father in all the family estates before his succession, he appears to have shared in the management of the property for some years prior to the decease of the former.

It is probable that he served in the royal army during the invasion of England by King James IV. in 1513, and was at the battle of Flodden ; but he had the good fortune not to share the fate that overtook his king and so many of the best and bravest of his compatriots.

During the years 1514-17, he purchased from Alexander Innes of Innes and from Sir John Ogilvie of Scattertie, the lands of Quorsque (Corskier) and Knockorthy, Auchindaveris, and Romore, Ardmale, Torax, and Muiralehouse, all in the barony of Aberkerdor and county of Banff, of which acquisitions he obtained charters in 1533 and 1538 under the great seal of King James V.⁴

From the paucity of record it is impossible to say with certainty to which party he belonged during the stormy minority of that king, but the great power of his neighbour, the Earl of Huntly, in the north of Scotland, renders it probable that he adhered to the cause of the Queen Dowager, which probability is strengthened by his absence from the Parliament convened by

¹ Act. Dom. Concil., p. 145.

² Reg. Mag. Sig., Lib. xii. No. 342.

³ Antiquities of Aberdeenshire, vol. iii. p. 154.

⁴ Reg. Mag. Sig., Lib. xix. Nos. 71, 119, 120, 143 ; Lib. xx. No. 9.

the Earl of Angus in 1526, and by his first attendance having been in September 1528, when, the king having escaped from the semi-captivity in which he was held, and assumed the reins of government, that Earl, with his brother, George of Douglas, and Archibald Douglas of Kilspindie, were attainted for high treason, and incurred forfeiture.¹

This is the only occasion upon which his name is found in the Parliamentary Records; he is styled Lord Saltoun, and his death occurred very soon afterwards, for the Dowager Lady Saltoun, daughter of James, Earl of Buchan, the uterine brother of King James III., who must have been his widow, is said to have built the house of Park, in Banffshire, in 1530.²

The seal of Alexander Abernethy, during his father's lifetime, before his succession as Lord Saltoun, of which a woodcut is annexed, is the earliest of which an impression remains extant, bearing in the second and third quarters, argent, three passion nails, or piles, gules, quartered with the Abernethy lion first and fourth.³

These passion nails, or piles, were the insignia of Wishart, a name of very ancient standing in Scotland, and from their being quartered by the Abernethy family, it is probable that they represent a marriage with an heiress of that race; but there is no record of such an event having taken place, and the date of it, together with the identity of the Abernethy, who was the husband of the Wishart heiress, can only be approximately established by circumstantial evidence.

The Wisharts were eminent in early Scottish history; several of the race were bishops of Glasgow and of other Sees. Nisbet, on the authority of Sir James Dalrymple's collections, says that there was an Adam Wishart of Logie in 1272;⁴ and Wishart of Pittarrow was also a very ancient family, probably dating from almost as early a period; while William Wishart received a charter of the lands of Plenderlathe from King Robert I., *i.e.* before 7th June 1329, the date of that monarch's death.⁵

¹ Acts of the Parliaments of Scotland, vol. ii. p. 322.

² Antiquities of Aberdeenshire, vol. ii. p. 108.

³ Laing's Scottish Seals, vol. ii. No. 25.

⁴ Nisbet's Heraldry, vol. i. p. 201.

⁵ Robertson's Index, p. 27, No. 8². In

the margin of Robertson's Index Plenderlathe is said to be in "in vic. Angus," but this must be an error, for there is no such place in Forfarshire, and the only Plenderlathe, or Plenderleith, is that in Roxburghshire.

It seems to have been with this last family that the alliance took place, and it occurred before 1463, for among the possessions of William de Abernethy, second Lord Saltoun, enumerated in the charter which he received from King James III. on the 28th of January in that year, is found the barony of Plenderleith, in Roxburghshire.

The seal of Sir George Abernethy, fourth proprietor of Saltoun, of which a woodcut has been given, does not bear the Wishart quartering, and it may, therefore, be inferred that the marriage in question had not taken place before his time, viz., 1330 to 1370.

The marriage of Sir William Abernethy, the sixth of Saltoun, to Maria, a daughter of the Regent Albany, and that of his son William, killed at Harlaw, to Margaret, a daughter of Sir William de Borthwick, are upon record; and Sir William, the seventh of Saltoun, appears to have been unmarried, at all events he died without issue at an early age, and there is no mention found of his wife. It also appears probable that the marriage of William, ninth of Saltoun, and second Lord Saltoun, occurred in 1463-64, after the date of his first charter, in which Plenderleith is found.

The number of those who could have contracted such an alliance, therefore, appears to be limited to three: Sir George, fourth of Saltoun; his son, Sir George, fifth of Saltoun; and Sir Lawrence, eighth of Saltoun, and first Lord Saltoun; the names of whose respective wives are not upon record. But in the account of Sir William, the sixth of Saltoun, it has been already noticed that his mother, and, consequently, the wife of his father, Sir George, the fifth of Saltoun, was probably either a member of the family of Fentoun of Baky, or of that styled De la Ard of Erceles, or Chisholm, and brought the barony of Rethie to her husband's family.¹

There is nothing found in the account of Sir Lawrence, eighth of Saltoun, and first Lord Saltoun, to lead to the inference that it was he who married one of the Wishart family; and Sir George, fifth of Saltoun, is the earliest of the Abernethy name that appears in connection with Roxburgh, for in 1391, as already mentioned, he resigned certain lands and tenements, together with the advowson of the church of Minto situated in that county; and as it was

¹ Most probably of that of Fentoun, as, in the division of property, 1403, Rethie fell to the share of that family.

by no means necessary in that age that the husband of an heiress should assume her arms, though their children would do so, it appears most likely that his father, Sir George Abernethy, fourth of Saltoun, was the individual who married the heiress of Plenderleith, in which case, as he was probably born during the first fifteen years of the fourteenth century, and would have been married about 1330 or 1340, she may have been the daughter of the William Wishart who received that estate from King Robert I.

Alexander, fourth Lord Saltoun, left issue, at least, two sons and one daughter—
William, who succeeded him. Laurence.¹

Beatrix, married to Alexander Forbes of Pitsligo.²

And perhaps a second daughter—

Agnes, for whose marriage to William Innes of Innes, in 1528, a Papal dispensation was obtained.³



WILLIAM ABERNETHY.

FIFTH LORD SALTOUN.

ELIZABETH HAY,

DAUGHTER OF JOHN, SECOND LORD YESTER.

FROM his mother being called Dowager Lady Abernethy in 1530, William Abernethy must then have succeeded his father, the fourth Lord.⁴

He married Elizabeth Hay, daughter of the second Lord Yester, in or before the year 1512; but either from the youth of the bride, or from some other cause, his son and heir was not born for many years after his marriage. His father settled the estate of Dalders, in Stirlingshire, and a part of Rethie, in Forfarshire, upon the young couple.⁵

In 1536, as William, Lord Saltoun, he and his wife obtained a charter under the Great Seal, and received sasine of the lands of Park of Corncairn,

¹ See Appendix.

³ History of the Family of Innes of Innes, p. 127.

⁴ Antiquities of Aberdeenshire, vol. ii. p. 108.

² Reg. Mag. Sig., Lib. xx. No. 73.

⁵ Reg. Mag. Sig., Lib. xviii. No. 76.

in Banffshire, with the mansion thereof, upon his resignation of those subjects in the royal hands; and this would lead to the inference that his mother, the Dowager, who had built Park House six years before, was then dead.¹

He also had confirmations, under the Great Seal, of Corskie, Cromby, and other lands in Aberdeenshire and Banffshire, in 1538.²

He bought the estate of Whelplaw, in Berwickshire, from George Clephane of Carslogie, in 1542, for 2000 marks, which purchase was confirmed under the Great Seal of Queen Mary in the same year;³ and in 1540 he obtained a tack or lease, for nineteen years, of the rectory and vicarage of the church of Keith, in Aberdeenshire, from the Bishop of Moray, for a rent of 50 marks, in which lease the name of his son and heir, Alexander, Master of Saltoun, was associated with his own.⁴

His attendances in Parliament were not much more numerous than those of his father. In August 1536, he was summoned to sit on the trial of a case between Lord Gray and James Scrimgeour, Constable of Dundee. His second attendance was in March 1542, when John, Lord Glamis, brought an action for the recovery of his estates against the Assize or Court that had adjudged his forfeiture; and the third was in December 1543.⁵

Upon one of these occasions he is styled Lord Abernethy of Saltoun, but on the other two Lord Saltoun.

In 1543 he became one of the supporters and adherents of the Earl of Huntly, at that time probably the most powerful noble in the north of Scotland, and bound himself to his party in the following terms:—"Be it kend to all men be thir present letters, me, Wilzame Lord Saltoun of Rothiemay, to be bundin and ablist, and be thir present lettres be the faith and treuth in my bodyie lelely and treulie byndis and oblis me, to ane rycht noible and potent Lord, George Erle of Huntlie, Lord Gordone and Badzenocht (etc.), that I be my self, my kin, frendis, adherentis, assistaris, and parttakaris, sall ryid and gang with him in the Queen's graice and my Lord Gouvernoris seruice, and all utheris his lefull besynes and effairs con-

¹ Antiquities of Aberdeenshire, vol. ii. p. 229.

² Reg. Mag. Sig., Lib. xxvi. No. 217.

³ Acts of the Parliaments of Scotland, vol. vii. pp. 154, 155.

⁴ Reg. Episc. Morav., p. 410.

⁵ Acts of the Parliaments of Scotland, vol. ii. pp. 409, 410, 411, 428, 443.

cerning his Lordship, and sall tak his anefald treu part (etc.). In witnes of the quhilk thing to thir my lettres subscriuit with my hand my seill is affixit, at Edinburgh, the xxvii day of Marche the yeir of God ane thousand fyve hundreht fourtie-three yeris, befor thir witnes, Allexander Innes of that Ilk, James Ogiluy of Cardell, Master Jhone Abirnethyie, and Master William Gordone, witht uthyeris diuerss. WILYIAM LORD SALTOUN."¹

Shortly after this he appears to have been at feud with the Crichtons of Fren draught (though, unfortunately, there is no record of the cause of quarrel), for on the 15th of March 1543-4, William, Lord Abernethy of Saltoun, Alexander Abernethy of Nathirdall, and forty four others, were called to account for art and part in the convocation of the lieges, armed in warlike manner, with a great force in ambush ("cum magno exercitu le Buschment"), in the houses, outhouses, and barns of the place of Fren draught, for the slaughter of George Crichton of Conzie, and James Crichton, and of Robert Crichton, with a gun ("cum uno maganole lie gwnne").²

It is possible that Lord Saltoun may have been wounded in this affray, for his death must have occurred within a few days after the above date, as in a lawsuit brought by Innes of Innes against his son, the sixth Lord, he is mentioned as deceased on the 4th of April 1544.

He left issue two sons—

Alexander, his successor.

William.³

ALEXANDER ABERNETHY,

SIXTH LORD SALTOUN.

LADY ALISON DE KEITH,

DAUGHTER OF FOURTH EARL MARISCHAL.

THE first notice found of the sixth Lord is the association of his name, when Master of Saltoun, with that of his father, the fifth Lord, in the lease of the rectory and vicarage of the church of Keith from the Bishop of Moray in 1540.⁴

The next occurs in a lawsuit brought against him by the Laird of Innes to recover the lands of Muiralehouse and Torres, in the barony of Aberkedor, which were part of those acquired by his grandfather, the fourth Lord, about 1517, and which were now alleged to have been sold, subject to redemption ;

¹ Spalding Club Miscellany, vol. iv. p. 206.

² Pitcairn's Criminal Trials, vol. i. p. 104.

³ See Appendix.

⁴ Reg. Episc. Morav., p. 410.

but the only points of interest in the transaction are that, on the 4th of April 1544, his father, the fifth Lord, is mentioned as deceased ; that he himself is termed “adolescentem,” or a youth ; and that his mother, Elizabeth Hay, and Laurence Abernethy, his uncle, a brother of the fifth Lord, are also mentioned in the proceedings.¹

Upon the invasion of Scotland by the Protector, Duke of Somerset, in 1547, after the decisive victory of Pinkie, in which the Scottish army was defeated with enormous loss, the English took possession of the house of Saltoun, then a place of some strength, a few miles to the south of the battle-field ; but very soon afterwards it was retaken by the Regent, Earl of Arran, as notified in the following letters, dated March 1st and 2d, in that year, or according to present reckoning 1548, from Lord Grey to the Lord Protector, which seem of sufficient interest to be inserted at length :—

It maie please your Grace : After my retorne home the Governour cam to Salton, one of the houses I gatt at my beyng in Skotlande, and commytted to the gardinge of the Larde of Ormestone ; the same he undermynded, by force at lengthe wau it, did sle fyve men that stod in defence, and tooke other fyve wiche he hanged out of hande, onely one was saved ; they war of the Larde of Ormestons best chosen men. The Governour tooke also Ormestons owne house, burnt and spoyled all that he had, and within it the cheife substance of the Larde of Brympstone. The gentilmen are undon, but yf it please your Grace to consyder them. And where I determynd before to lett eche of them to whom I gave charge of any strengthe, have to entertayne fyftie men, and Sir George Douglas one hundred, for the comferte of others, for there owne contentementes, and a gayne for the advaancement of the service, I remayne, till your Graces further resolucion be knowen, in my former mynde. And they all ar ordred to lye at Dalketh with their bandes, promysing so to annoye the Governour and all the ennemyes as the revenge of there owne parties should appeare, and your Grace shall have not to thinke it myspeint wiche thus shall be employed, the profe whereof in one moneth maie procede, wiche mesemeth can be no loste chardge. Neverthelesse the hoole for that to com lyeth under your Graces direction. And f[or] these incourses, seyng we leave at our retrayte no power to assyste the frende and repulce the ennemye, nor have not place of any strengthe sufficient wherein to do it, whereby the countrey bende allwayes to the master of the felde, it is thought rather to hynder than farther

¹ Spalding Club. Family of Innes, pp. 109, 110, 111.

the advauncement of the service ; and when Sir Robert Bowes, I, and others, have in our meane consideracions pondered the matter, there is nothing semeth to us of greter avayll and valour to the purpose than yf your Grace pleased to lett a grete power be sent in, wiche in any place thought convenyent by your prudence, mought fortefye for a contynuall refuge to frendes and a contynual stonye to the ennemys. And to us the place seme apte and mete to fortefye at Dunbar, as I advertised before, or at Hadington, where laying the power, we mought beseige them and strengthn in them both, towching al whiche and others I cannot but wyshe agayne and agayne that it mought please your Grace. I addresse my selfe thether in post.

This instante, herynge the Governour is bente this nyght to lodge at Hadington, I have assembled dyvers bandes in garryson, with some assured Skottes, about the nombre in all of one thowsande men, to procede and attempte the damage of the Governour, who I knowe is not of grete force, as it shall by discrecion seme expedient to do. And in all cases I pray humbly and trust your Grace will accept my will, direct and forwarde menyng, to the advauncement of the service, whereunto yf aught be lesse furtherance than your Grace looke for and wyshe sholde procede from me, thinke it is by wante of knowledge and not of good desyer ; wherefor I pray to utter sondry declaracions, and agayne to receyve by myselfe your Graces further instructions. And so I take my leave of your Grace. From Barwicke, the fyrst of Marche 1547.

Your graces assured to commau[n]de,

WYLLYAM GREY.

Addressed : To my Lorde Protector's grace.

hast hast

hast hast

post hast

with all possyble dilligence,

for thy lyfe,

thy lyfe.

Endorsed : Primo martis 1547,

My lord Gray to my lord Protector.¹

It maie please your Grace, the Governour (who hath sent me expresse worde he woll make a waye for hymselfe, wiche with his honour he may well do, for that the Frenche king fayled to gyve hym the supporte he promysed at Candelmasse last) myndeth, as I am informed, to sende the Erle of Argyle and the Erle of Rothouse in comyssyon to commune for the peax ; with whom, (yf the Governour con-

¹ Record Office, London. State Papers, Scotland, vol. iii. No. 62.

tynueth purpose, who I here is a man very fykle,) I desyer to knowe your Graces pleasour whether I shall entre any debatement with them, or refer it hooly unto your Grace. He doubteth muche that I shoulde shortely entre Skottlande agayne with a more power to tarry there. And the tyme of service nowe drawinge on, it maie please your Grace to wryte unto my Lorde the archbushopp of Yorke to levy men for the fulfilling of the light horsemens bandes on these frontiers, who hath been cashed as your Grace knoweth, elles it will not be possyble to do the service that thereby we mought. And I thinke yf it stod with your Graces pleasour to lett be here a greter nombre of demylaunces, the same wolde muche avayll, for I perceyve well with the light horsemen, whichsoever gyve the greter showte, thother fled; and these we mought suerly trust upon: and in my symple opyneon, yf it mought stande with your Graces pleasour, it semeth not amysse yf the pencyoners and men at armes laye here, wiche wolde muche avayll to the advaancement of the service, and be no further charge to the Kinges Majestie than now.

The occasion that Salton was loste, is for that the Lorde Ormestone had not prepared (thapproche was so soden) his nombre of men to defende it, nor yet those wiche he putt in war appoynted and furnyshed with weapons; and that your Grace maye perceyve the strengthe thereof and of others, I purpose, so soone as it may be donne, to sende unto your Grace the plattes of them and also of Dunbar. At the comynge of the Governour on thassured men, I caused to assemble with Sir Rauffe Boulmer and Sir Oswalde Wolstropp about vij hundred horsemen, besyde Skottes at home, to do hym thannoyance they mought, whereof having knowledge, the Governour, without any more doynge than I advertised to your Grace, retyred to Edenbrough. And so I take my leave of your grace. From Warke-worth, the seconde of Marche 1547.

Your Graces assured to commaunde,

WYLLYAM GREY.

Addressed: To my Lorde Protectors Grace.

hast hast

hast hast

post hast

with all possyble dilligence.

Endorsed: 2d Marcij.¹

The lord Gray, 1547.²

¹ Calendared as being the 2d of March, and the original paper so marked in pencil by the calendarer.

² Record Office, London. State Papers, Scotland, vol. iii. No. 63.

The sixth Lord Saltoun married Lady Alison de Keith, daughter of William, fourth Earl Marischal, in 1550, and granted her a charter of the barony of Saltoun in security for her jointure ; but as he executed this deed with the consent of her father, the Earl, and his own mother, the Dowager Lady Saltoun, who were his guardians, it is evident that he was not yet of full age.¹

In 1562, he and his wife had the honour of receiving the unfortunate Mary, Queen of Scots, at their house of Rothiemay, where she passed a night on her journey to Inverness, in the autumn of that year.²

He seems to have taken a greater interest in public affairs than either his father or grandfather, and the notices of his attendance in Parliament are tolerably frequent.

The first was in April 1554,³ when only ordinary business was transacted ; but in August 1560⁴ he was present when the Reformation of religion was established, and the first Confession of Faith was agreed to ; and, at the same time, he was chosen one of the Commissioners of the Estates of Scotland appointed to urge Queen Elizabeth of England to marry the Earl of Arran.⁵

In the Parliament of 1567 there are two of his attendances noted, one in April, for ordinary business ;⁶ the other in December, when Bothwell was declared a traitor, and Queen Mary resigned the crown in favour of her son,⁷ the Earl of Moray becoming Regent.

In the contest between Queen Mary and the Regent Moray that ensued upon the Queen's escape from Lochleven Castle, the sixth Lord Saltoun adhered to the Regent, who, after his victory of Langside, and the flight of the Queen to England in 1568, and after his successful negotiations with Queen Elizabeth of England, led his forces into the north of Scotland in the summer of 1569, and enforced the submission of the Earl of Huntly, and of others in those districts who favoured Queen Mary's cause.

The career of the Regent Moray was cut short by his assassination in January 1570, while passing through Linlithgow ; and the leadership of the King's party devolved upon the Earls of Lennox and Morton, of whom the former was made Regent in July of that year. Both parties prepared for

¹ Reg. Mag. Sig., Lib. xxx. No. 488.

² Buchanan, lib. xvii. cap. xxxvi.

³ Acts of the Parliaments of Scotland, vol. ii. p. 603.

⁴ *Ibid.* p. 525.

⁵ Acts of the Parliaments of Scotland, vol.

ii p. 606.

⁶ *Ibid.* p. 546.

⁷ *Ibid.* vol. iii. p. 4.

war, and the Earl of Huntly, whom Queen Mary had named her Lieutenant-Governor, proceeded to raise forces in the north, and advanced to Brechin, but the Regent with the Earl of Morton, marched against him, stormed the castle of Brechin, which he had garrisoned, and hung thirty-four of its defenders.

This seems to have prevented Huntly from operating further southward at that time, but he still maintained resistance in the north, and was in hopes of receiving assistance from the celebrated Duke of Alva, as appears from a letter of the 23d August 1570, from the Lords Saltoun and Pitsligo to the Earl of Morton:—

MY LORD—Efter oure hartlie commendationis of service: This present is to mak your Lordship aduerteist, that upon ye xiiij day of this instant August there arrivit ane Flanderis pynke in Aberdene, quharin thair wes ane Maister Johnne Hamiltoun with twa Spanyartis servandes of the Duke de Alve, belevand to have gotten the erle of Huntlie thair. And becaus he was absent, Master Robert Gordoun, brother to the said Erle, conveyit thame on the morn to Stratbolgy, and he not beand thair past with thame in getwartes to have mett hym till thai come to the kirk of Tullych in Cromar, where thai gat sure word that he was returnit to Aberdene: that thai come to Kincarne of Neill and wes all that nyght, and on the morn thereafter thai come to Aberdene. The effect of thair message wes that this M^r Johnne Hamiltoun had bene at thair maister, ye Duke, for support of men to sett fordwartes thair caus and ye Quenis aganis our soverane the Kingis Maiestie and his Graces adherentis &c. marvaland that thai send na man of honour with the commission and thair desyre quhethir thaj desyrit men or money, assurand him that he suld have ony of ye twa he desyrit, that was ether men or money, or bayth, for the men were redy this lang tyme past, and the falt was with the Quene, quha promist to have send lang since ane man of honour for the ressaving and conveying of the said men who come not; for thair maister wald nether send men nor money with the said M^r Johnne Hamiltoun. And thairfor the said erle of Huntlie to the effect forsaid, has directed the lord Seytoun with the said M^r Johnne Hamilton and Spaneyartis with all diligence; quha wes to depairt in ye said pynke ye xxj or xxij of this instant at the farrest, and is directit to bring men who wilbe the nowmer of v or vj thousand men, and to land at Aberdene or thair about. Hed not bene that the men come sa shortlie and mett hym in Abirdene, he was determinat and of deliberat mynd to have past of this realme in dispair; always he has tane sum confort in this and is in especment of better fortune to succeid to hym. My Lord, this is kept werray secrete, and werray fewe in his owne counsall

knawis heirof. Yitt we have this be ane quyat moyane, quha favoris the Kingis Maiestie pairt and his Grace's adsistares. We thocht it to be werry ixpedient to make your lordschip forseyne thairwith that remedy might be provydit in tyme. He is as yitt in Abirdene uncertane quhowe lang he remains there. He is to pas upon sa mony in the partis that past not with hym to this last jurnay, and gif he may apprehend ye principallis baronis in the cuntre to take thame; gif not, to harys the landis and boundis. Thairfor sic remedy as my lord Regentis Grace, your lordschip and counsell thinkis maist convenient, we dout not bot that it wilbe providit and the soner the better; for sa lang as he hes libertie thair wilbe na quyatnes nor rest in this realme and in speciale in these partis. It will pleis your lordschip to keip this wrytting werry secret, and let it not be seene be na vtheris; for gif knowlage be gottin thairof, and that it is written and advertis be ws, we have tynt that we have heir, and ourselves in danger gyf that man hes ony place. Quhat that your Lordschip will command ws, is and salbe redy at charge, as knawis the Ever Living, quha mot preserve your Lordship. From Rothymay, ye xxij of August 1570.

Be your Lordships to command redy.

SALTOWNE,
PETSLEGO.

Addressed : To my lord Erle of Mortoun.¹

The civil war was continued with great acrimony on both sides during that year and the next; and on the 3d of September 1571, some of the Queen's adherents, Kirkcaldy of Grange, the Earl of Huntly, Sir Walter Scott of Buccleuch, Lord Claud Hamilton, Spens of Wormistoun, Captain Bell, and Captain Calder, determined to surprise the Regent and his adherents at Stirling, where they had held a Parliament, and although they had considerable forces, kept but careless guard. They took sixty hagbutters and three hundred and forty Border horse, left Edinburgh in the evening, and arrived at Stirling early in the morning of the 4th, when they made prisoners the Regent and most of the principal men of the King's party, breaking into the houses where they lodged; but the Borderers dispersing to plunder, the Earl of Morton defending his house until it was set on fire, the Earl of Mar sallying from the castle with a body of soldiers, and the citizens attacking them on all sides, the tables were quickly turned, and the hitherto successful

¹ State Paper Office, Scotland, vol. xix. No. 17.

assailants had to struggle for an escape with their lives. Wormistoun had captured the Regent, but in the confusion that ensued, Captain Calder, exasperated by approaching defeat, came up and murdered him, shooting him in the back, and by the same shot killing Wormistoun, who had thrown himself between them to protect his prisoner.

Most of the assailing party escaped, but Buccleuch was taken prisoner, and Calder and Bell were also captured and executed. The Regent lingered until the evening, when he died, and the Earl of Mar was chosen to succeed him.

The animosity of parties increased after the death of Lennox, and Huntly, with his able brother, Adam Gordon of Auchendoun, reduced the whole north of Scotland to the obedience of Queen Mary; but in the summer of 1572 a truce was brought about at the instance of Queen Elizabeth, and the Regent Mar, having died on the 28th of October, was succeeded by the Earl of Morton, who indeed had been the guiding spirit of the two last regencies.

Soon after this, Huntly, Argyll, and most of Queen Mary's party submitted to the King's authority, and Morton, aided by troops from Queen Elizabeth, reduced Edinburgh Castle, and by energetic and politic measures pacified the country, and put an end to one of the most cruel and desperate civil wars that ever raged in Scotland.

In the year 1574 the old feud with Innes of Innes broke out again, and although there is not much information to be found about the affair, an extract from a letter, written by Mr. H. Killigrew to Mr. Secretary Walsingham, from Edinburgh, on the 3d of August, shows that some amount of violence and bloodshed took place:—"The Mr. of Salton, sonne-in-law to therle of Athall, hathe slayne one of the Inesis, a gentyllman of the Regent's kyndred. The matter is lyke to com to farther inconvenience, onlesse yt be wysley handeled, as I trust yt wyll," a hope which was probably fulfilled, as some six years later, John Innes of Innes married one of the Master's sisters, and the quarrel was perhaps ended thus, if not before.

Lord Saltoun was present at the Parliament of 1574, when the Earl of Argyll delivered up the Regalia, or royal jewels, that had been in his custody;¹ and in November 1579, when Lord John Hamilton, Commendator of Arbroath, and his brother, Lord Claude Hamilton, Commendator of Paisley,

¹ Acts of the Parliaments of Scotland, vol. iii. p. 84.

were attainted by order of the Regent Morton, as accessory to the murders of the Regents Murray and Lennox, and without trial forfeited for that alleged crime,¹—an unjust sentence that was reversed by the King in 1585.

He attended again in October and November 1581,² and in May 1584 was one of the assize that sat upon the forfeiture and condemnation of William, first Earl of Gowrie, who was then executed for high treason.³ In August of the same year he was present when the forfeiture of Archibald, eighth Earl of Angus, was enacted;⁴ and his last attendance seems to have been in September 1586.⁵

There are also traces to be found of his having been active in the management of his own affairs. In 1569-70 he acquired the lands of Strathisla, and in the same year he renewed the lease of the rectory and vicarage of the Church of Keith, for which he had paid fifty marks, together with that of Rothiemay, which he had held for forty marks, but the rent was increased, and the Bishop of Moray made him pay four hundred and sixty marks for the two.⁶

He ended his energetic but not very long life in the spring of 1587, and by his wife, Lady Alison de Keith, left issue two, or perhaps three, sons, and two daughters.

George.

. . . of Lessendrum. See Appendix.

John. See Appendix.

Elizabeth. Married, 1st, John, eighth Lord Glammiss, killed in a skirmish 17th March 1578; and 2d, in 1580, John Innes of Innes.⁷

A daughter, whose name is unknown. Married . . . Seton of Meldrum.⁸

GEORGE ABERNETHY,

SEVENTH LORD SALTOUN.

LADY MARGARET STEWART,

DAUGHTER OF THE EARL OF ATHOLL.

IN the Index of Retours⁹ the entries, of date 10th May 1587, show that George, Lord Saltoun, was then served heir to Alexander, Lord Saltoun, his father, in the baronies of Abernethy in Rothiemay, and Cornearne; in the lands of Quorskier, the third part of Knockcorthe, the "outseit" of the same,

¹ Acts of the Parliaments of Scotland, vol. iii. p. 129.

² *Ibid.* p. 195.

⁴ *Ibid.* p. 335.

³ *Ibid.* p. 305.

⁵ *Ibid.* p. 424.

⁶ Reg. Episc. Morav., p. 419.

⁷ Douglas Peerage.—History of the Family of Innes, p. 24.

⁸ MS. Account of Abernethy Family.

⁹ Index of Retours, vol. ii. Nos. 183, 330, 566, 1407, 1480.

called Subhill, the lands of Torax, Ramoir, and Auchindaveris, in the barony of Aberkirder; the lands and town of Tullidoch, or Tullidoven, or Tullidoun, with the pendicle called Frosterseit in the same barony; in the baronies of Plenderleithe, Rethie, and Glencorse, and the lands of Dalgettie, united with other lands in the counties of Banff, Forfar, Stirling, Edinburgh, and Berwick, to the barony of Abernethy in Rothiemay, for which service was to be done in the court of the Sheriffdom of Banff.

Although these retours do not enumerate the whole of the family possessions—for the barony of Saltoun and other lands in which Lady Alison de Keith, the widow of the sixth Lord, had been infeft for life, are omitted—yet they show very considerable estates; and the year 1587, when George Abernethy succeeded his father, was perhaps the culminating period of the fortunes of the Abernethies, Lords Saltoun.

In or before 1574 George Abernethy married Lady Margaret Stewart, second daughter of John, Earl of Atholl, Chancellor of Scotland;¹ but she must have been a mere girl at the time, and their children were not born until several years later.

In Douglas' Peerage, and other accounts of the family, the decease of the seventh Lord Saltoun has been placed in the year 1600, in consequence of the retour of his eldest son, John, as heir to him in 1601; but this appears to be erroneous, and he died before 1595, for the marriage-contract between his daughter Margaret and Alexander Fraser, younger of Philorth, is dated 1st January of that year, and in it his son John appears as Lord Saltoun, and Margaret is called his sister.²

He left issue one son and two daughters—

John, who succeeded his father.

Margaret, married in 1595 Alexander Fraser, younger of Philorth.

Jean, married, 1st, Sir John Lindsay of Kinfauns, son of Sir Henry Lindsay of Carraldstoun, who was afterwards twelfth Earl of Crawford.³ Sir John died during his father's lifetime, leaving two daughters, Jane and Margaret. 2d, The Laird of Gight, according to the following extract from the Register of the Kirk-session of Rothiemay:—"1617. Sunday, 18th May. No Session, because that the Minister was suspendit, for the marriage of the Laird of

¹ Reg. Mag. Sig., Lib. xxxv. No. 915.

² Philorth Charter-room.

³ Douglas Peerage.

Geicht with Dame Jean Abernethie, Lady Cariestal." Note by the editor:—"The Laird of Geicht was a member of the Church of Rome."¹

JOHN ABERNETHY, EIGHTH LORD SALTOUN.

1. LADY MARY STEWART,

DAUGHTER OF THE EARL OF MORAY.

2. ANNE STEWART,

DAUGHTER OF FIRST LORD BLANTYRE.

By the early death of his father, the seventh Lord, John Abernethy succeeded to the title before 1595, and, as Lord Saltoun, signed the marriage-contract of his sister Margaret on the 1st January of that year.²

He seems, however, not to have made up his title to the family estates until the year 1601, when he was served heir to his father; and in succeeding years, 1603 and 1606, he was also served heir to his grandfather, Alexander, the sixth Lord, in many of his possessions.³

He obtained charters of his barony of Abernethy in Rothiemay under the Great Seal of James VI. in 1602-3, and of the lands of Balvenie, Botriphnie, Aberlour, etc. etc., which he had purchased from James, second Earl of Atholl (of the family of Stewart of Innermeath),⁴ erected into a barony of Balvenie in 1610, and his right to the patronage and teinds of the kirks of Keith and Rothiemay was ratified in 1609.⁵

His first wife was Lady Mary Stewart, second daughter of James, the "bonny" Earl of Moray, but he had no children by her. She died before 1600, and in that year he espoused Anne Stewart, daughter of Walter, first Lord Blantyre.⁶

The following extracts from the Kirk-Session Register of Rothiemay afford evidence that the Abernethies, or at least the head of the family, had adopted the reformed religion:—

"1605. June 2d. This day intimation made to all that had not communicated this year, thro absence or sicknesse, that they prepar themselves against next Sunday, becaus that my Lord's household is to communicat."

¹ Kirk-Session Register of Rothiemay, printed in Gordon's Scots Affairs.

² Philorth Charter-room.

³ Index of Retours, vol. i. p. 98; vol. ii. pp. 438, 522, 577.

⁴ Reg. Mag. Sig., Lib. xliii. No. 95; Lib. xlvi. No. 261.

⁵ Acts of the Parliaments of Scotland, vol. iv. p. 464.

⁶ Charter-room, Duff House.

“1605. June 9th. Quhilk day my Lord’s wife, his mother, his sisters, viz., the Lady Phillorth and Maistresse Jean, with all the rest of their household that were present, communicat, except Helen Chishome and Margaret Craigheid, servandis to the young leddy, wha pretends excuss of sicknesse, but suspect of religion.”¹

In those days it mattered little which creed was in the ascendant, intolerance and inquisitorial proceedings, of which those who live in happier times have little idea, disgraced many of the most disinterested among the supporters of each, and were eagerly taken advantage of by others less scrupulous to further their own designs; but the self-righteous members of the Kirk-Session never thought of the satire upon themselves, contained in their crude notice that the poor women were “suspect of religion.”

It was about this period that the decadence of the fortunes of the family commenced, and the probable causes may be surmised without much difficulty.

The succession of King James VI. of Scotland to the throne of England, which occurred in 1603, removed the Court from Edinburgh to London. Many of the peers of Scotland doubtless followed their sovereign thither; but they soon found that the funds which had sufficed to maintain their state at the more frugal Court of the former kingdom, were utterly inadequate for that purpose in that of the larger and richer country, or to enable them to vie with the powerful and wealthy nobles of England.

Some were wise in time, and retiring from the unequal contest, husbanded their resources; but others made the most ruinous sacrifices to obtain the means for their increased expenditure, and it would appear that the eighth Lord Saltoun was one of those who did so.

A detailed account of the various transactions into which he entered, in consequence of his embarrassments, would be wearisome and of little interest; and a brief notice of the circumstances under which the family estates passed

¹ Register of the Kirk-Session of Rothiemay, printed in Gordon’s Scots Affairs.

The editor of Gordon’s Scots Affairs makes the following note:—“Margaret Abernethy, wife of Sir Alexander Fraser of Phillorth, great-grandfather of William Fraser,

first Lord Saltoun of that name,” which is not quite correct: her son, Alexander Fraser, having become tenth Lord Saltoun, and first of the name of Fraser, in 1670, and having been succeeded by his grandson, William Fraser, the *second* Lord of the name, in 1693.

into other hands during his life and that of his son and successor, is all that need be related of their misfortunes.

Before 1605, finding himself in difficulties, Lord Saltoun, by the advice of Lord Blantyre, and other members of his wife's family, had put himself under an interdict or prohibition against his burdening the estates with more debt; but in that year he obtained from the Court of Session a reversal of the interdict, and doubtless proceeded to contract fresh liabilities.¹

About the year 1612 he disposed to James Stewart of Killeith, afterwards Lord Ochiltree, a very great portion of his estates, by whom they were sold to, or parted among the various creditors;² William Gordon of Cairnburrow and his heirs receiving the barony of Abernethy in Rothiemay; Adam Gordon of Glenbucket, Corncairne and other lands; and Robert Innes of Invermarkie the barony of Balvenie, while Lyalstone and Whelplaw passed into the hands of Lord Cranstoun and Dame Sara, his wife.³

Lord Saltoun did not long survive the loss of these important possessions, and died in 1617, having had issue by his second wife, Anne Stewart, one son and two daughters—

Alexander, who succeeded him.

Anna, born 1609,⁴ died in infancy.

Margaret, born 1613,⁵ survived her brother, but died unmarried.

ALEXANDER ABERNETHY, NINTH LORD SALTOUN.

LAST OF THE NAME OF ABERNETHY.

BORN on the 26th March 1611, Alexander Abernethy was only about six years of age when he succeeded his father, the eighth Lord.⁶

In 1618, the year after his succession, he confirmed the transactions between his father and Lord Ochiltree, already mentioned, and was obliged by the latter to enter himself heir, subject to those dispositions and aliena-

¹ Charter-room, Duff House.

² *Ibid.*

³ Acts of the Parliaments of Scotland, vol. vii. p. 154.

⁴ Reg. Baptisms, Edinburgh.

⁵ *Ibid.*

⁶ Douglas Peerage, quoting Edin. Reg.

tions of the family property ; but in doing this, as a child of seven years old, he acted through his tutor or guardian, Patrick Abernethy of Netherdale, and with the advice of his uncle, William, second Lord Blantyre, and his mother, the Dowager Lady Saltoun.¹

Upon attaining the age of twenty-one, however, in 1632, he revoked every deed and obligation that he had granted, on the ground that they had been forced from him during his minority, and that his father had no right to damnify and prejudice him by such extensive alienation of the estates.²

In his turn he seems to have become overwhelmed with debt, and in 1639 he granted a bond to Sir Archibald Stewart of Blackhall, who proceeded to adjudge a considerable part of his property from him, and then raised an action in the Court of Session for the reduction of the disposition from the eighth Lord to Lord Ochiltree in 1612, in which, however, he was at first unsuccessful.³

About 1643, Lord Saltoun sold the barony and churchlands of Saltoun, and the barony of Glencorse, almost, if not quite, the last remaining portions of the once important Abernethy property, to Sir Andrew Fletcher of Inverpeffer, and ratified the bargain by a deed of confirmation of the sale and renunciation of the subjects.⁴

The occurrences already noticed, viz., the disposition in 1612 by the eighth Lord to Lord Ochiltree, the transfer of the estates to various persons by the latter, the repudiation of those transactions by the ninth Lord, and the adjudication of his property from him at the instance of Sir Archibald Stewart of Blackhall, gave rise to a mass of litigation that lasted nearly to the end of the century ; and it may be as well to give a general account of the matter here, without entering deeply into particulars.

Sir Archibald Stewart had failed in his first attempt to reduce the disposition of 1612 to Lord Ochiltree ; but a most impudent and daring fraud, perpetrated by a cadet of the Abernethy family, gave a new turn to affairs.

When the public records of Scotland were sent to London, by order of Cromwell, among them was the Register of the Decrees of the Court of Session. James Abernethy, an advocate and Clerk of Session, brother of Alexander Abernethy of Auchincloich and Mayen, went to London, and gaining

¹ Charter-room, Duff House.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

access to the place where the Register was kept, cut or tore out three leaves that contained the decret of the Court of Session in 1605, reversing the interdict or prohibition against burdening the family estate with debt, under which the eighth Lord Saltoun had placed himself before that year.

The effect of this removal of all authentic record of the decret of 1605 was to leave the interdict still in force, and to render invalid all the sales and alienations made by John, eighth Lord Saltoun, whether to or through Lord Ochiltree or otherwise, as being contrary to that prohibition.

Returning to Scotland, James Abernethy, in concert with Sir Archibald Stewart, woke or revived the action for the reduction of the disposition of 1612, and succeeded in obtaining a decision in their favour; but this only increased the amount of litigation going on, in which the parties were—

1. The Gordons of Rothiemay and Park, and the other persons who had rights proceeding from the disposition of 1612, from the eighth Lord to Lord Ochiltree.

2. Sir Archibald Stewart, and those who claimed under his adjudication of the estates from the ninth Lord in 1639, prominent among whom was Arthur Forbes of Echt, a brother of the Laird of Blacktoun.

3. The ninth Lord Saltoun, who, however, could have had but little hope of any advantage accruing to him, and was but nominally a party; and, after his death, the Frasers of Philorth, who were drawn into the litigation, either as his heirs-at-law or as his creditors.

The number of the litigants was gradually increased by the various creditors of the original parties, and fresh names continually occur that it is not necessary to notice here.

About 1664 James Abernethy died, and left the secret of the stolen leaves of the Register to his brother, Alexander Abernethy of Auchincloich and Mayen.

It is difficult to decide whether Sir Archibald Stewart or the ninth Lord Saltoun were, or were not, parties to the fraud committed by James Abernethy, for if they were so, it seems strange that they should not have insisted on the destruction of the leaves taken from the Register; and yet, on the other hand, Alexander Abernethy certainly used his possession of the secret to increase his influence with them, and, indeed, to extort money, or

the promise of money, from them ; but, on the whole, it is probable that they were aware of the loss of the missing leaves, and ready to take advantage of it, though ignorant of the cause of their disappearance, and that Alexander Abernethy found the secret a dangerous weapon, which he could not wield effectually without hurting himself more than others.

The Gordons, who had obtained Rothiemay, Park, Corncairne, and other lands, do not appear to have been ever deprived of the possession of those properties, although disquieted in their tenure of them, to the extent of having been obliged to enter into an agreement to give Lord Saltoun the power of redeeming the estates for eleven years' purchase, at the instance of Sir Archibald Stewart, upon his obtaining the reduction of the disposition of 1612.

To make an end of the story. Long after the decease of the ninth Lord Saltoun, Alexander Abernethy of Auchincloich and Mayen died in 1683, and left the secret of the stolen leaves to his kinsman, James Ogilvie, informing him that they were built into the wall of the house of Mayen ; and the following deposition by John Reid, in the course of an action subsequently raised by Sir John Gordon of Park, relates how they were found there.¹ Reid says that "James Ogilvie, after Mayen's death, came to the deponent's house, and brought him to the house of Mayen, after all the family were in bed, except James Ogilvie and the lady, who, with him, came to the north side of the house of Mayen with a light candle, and there fell a searching, but found nothing for a long time, whereupon James Ogilvie and the Mrs. of Mayen removed to their beds ; and at last, about half-an-hour thereafter, he found enclosed in the wall certain papers, which were a little spoiled, but within the spoiled papers there was about one half . . . of any spoiling, and that, when he found them, he offered them to the Lady of Mayen, who refused them, but she went along to James Ogilvie's chamber, and said to the deponent, 'God be betwixt me and you ! if ye have got a good poss, make the better use of it : ' and that the deponent left these papers and went home, and that James Ogilvie desired him to conceal the matter from the rest of the servants and neighbours."

James Ogilvie, on his deathbed, before 1691, made a declaration revealing the secret, but it had been intrusted to too many persons not to have leaked

¹ Mayen Charters, *pene*s Edward Dunbar Dunbar, Esq.

out before that time, and the action above referred to was brought by Sir John Gordon of Park against John Abernethy of Mayen, son and heir of Alexander Abernethy, to compel the production of the missing leaves; and these having been brought into Court, and declared by the Lords of Session to be the leaves abstracted from the Register, were replaced therein by their order on the 22d July 1692; and the reduction of the disposition of 1612, with the consequent agreement for the redemption of the estates at eleven years' purchase, and all the legal proceedings following thereupon, were annulled and declared void.

The Fletchers, who had purchased Saltoun and Glencorse, seem all along to have been sufficiently protected by the confirmation and renunciation obtained from the ninth Lord Saltoun; and the restoration of the stolen leaves to the Register appears to have put an end to the litigation respecting all the other Abernethy estates, of which—while the Gordons retained Park and some other lands—the greater part, with Rothiemay, eventually passed into the hands of Duff of Braco, a principal creditor of many of the litigants, and now belong to his descendant, the Earl of Fife.

But little is upon record of the ninth Lord Saltoun's personal career. He appears to have attended the Court of King Charles I., and to have been of the Royalist party during the Civil War; but the almost total loss of his revenues must have rendered him powerless to afford his sovereign any assistance beyond that of his personal service.

Arthur Forbes of Echt, to whom reference has been made as one of the principal creditors, seems to have gained much influence over him towards the close of his life, indeed to such an extent as to have been able to induce him, a few days before his death, to write the following letter to the Earl, afterwards Duke, of Lauderdale, then at the head of affairs in Scotland, requesting that the king would be pleased to confer his title upon Arthur Forbes after his decease :—

“MY LORD,—Haveing formerlie had great experiences and demonstrationes of your Lordship's kyndnes to me in all my concernes, I have at this tyme, and possiblie which will be the last, presumed yet further upon your Lordship's goodnes, to let your Lordship know and onderstand that, haveing

recovered some relicts of my predicesor's estate, and findeing that I have no aires of my own body, wpon verie many important accounts and reasones I have thought fitt, for the preservacione of the memorie of that estate, to secure and settle it wpon my neir cousin and kinsman, Arthur Forbes, brother to the Laird of Blacktoun, who, besides his own deserts and my relatione to him, I most acknowledge he hes obleidged me in all the good offices was in his power to performe me. My Lord, I haveing maid this settlement, yee will be pleased to vouchsafe that same favour and goodnes to him that you have beine pleased wpon all ocasiones to shew onto me, who was never any wayes capable to deserve it at your Lordship's handes, save in being a most zealous wisher of your happines. Wpon the same considerationes that I have settled my estate, I am lykewayes desyrceous, if it be possible, that my title should goe along with the same; and in order thereto I doe, by these presentes, dimitt and surrender my said title of Lord Abernethie and Saltoun in his Majestie's hands, and does most earnestlie desyre that his Majestie would be pleased to grant the same in favoures of my cousin, Arthur Forbes.

"My Lord, I feare I have presumed too much upon your goodnes and patience, and shall say litle more, save that I presume to leave wpon you the desyres of a dyeing man, in ane affaire of soe great concernement to me, which is all that I have to provyde for in this world; and does againe most seriouslie recomend it to your Lordship, that ye will recomend my cousin, Arthur Forbes, to his Majestie's grace and favour, off whose great goodnes, I haveing soe liberallie tasted in my own tyme, I hope his Majestie will continew it to him whom I have designed my successor. And now, craveing your Lordship's pardon for the trouble of these lynes, and wishing with most earnest and ardent desyres the continewatione of your Lordship's health and happines, I rest,

"MY LORD,

"Your Lordship's most obleidged and humble servant,

"SALTONE.

"Edinburgh, 26th November 1668."¹

Lord Saltoun must have died before the end of November or during the first few days of the next month, for a letter, dated Pittullie, 8th December 1668,

¹ Lauderdale mss., British Museum.

from Alexander Fraser of Philorth to Alexander Abernethy of Auchincloich and Mayen, requests the latter to pay him a visit, "that we may have a speak of the affaires that concerned my Lord Saltoun, seeing it has pleased God to call him to Himself;"¹ and he was buried in the chapel of Holyrood on the 17th of December, in the burial-place of Sir Lewis Bannatyne of Brochtoun.²

The letter from Lord Saltoun is among the Lauderdale papers, and therefore it was probably presented to the Earl by Arthur Forbes; but the dowager Lady Saltoun, the widow of the eighth Lord, had already taken the alarm, and had written to the Earl, asserting the rights of her daughter Margaret, the ninth Lord's sister, in the following terms:—

"May 3" [1669].

"MY LORD,—The relation I haue to your Lordship in blood by your lady grandmothar, and the confidence of your noble inclinasion to do good, in what is just and righte, emboldneth me to presume to entrete your Lordship's fauour to my dochter. Hir brother, the Lord Saltone (which no dout your Lordship heth hearde), hath maed a disposition, at his death and weaknes, of his holl astact and honor to on Arthur Forbus, without any considerasion to his sister, nou lawfell haer, is to me most sad and strang he shold proue so vnnaturell. Only nou Forbus pretends that it is in trust for hir; bot nothing apearng in wryteing, which maks me belieue saed of purpos to gayne him frends. He is nou in toune and entends to wayt upon your Lordship to present you with a letter from my sonne of his ouen dictating, of purpose to haue your Lordship's assistance to be posest in all. I haue offert him, vpon deleuring vp of the disposision and holl vrytings, I vill pay vnto him vhat munys my sonn oued him, vith ane anuaty dourng his lyfe which he onc[e] was villing to asept, but nou schifts, hoping to obteyn your Lordship's fauor to accomplise his desynes. I beseich your Lordship to tak into considerasion my dochters suferings if not tymly remyd, and be pleist

¹ Mayen Charters, *pencs* Edward Dnubar Dnubar, Esq.

² Reg. Burials, Canongate.—"Lord Saltoun was buried in the Church of Halyroodhous vpon the 17th December 1668, in the buriall-place of Sir Lues Bannatine, Baron of Broch-

toun, and now of the Earle of Roxburgh." Reg. Greyfriars'.—"18th December 1668. Me Loird Saltin." Whether the first interment was only temporary, or whether the entry in the Greyfriars' Register was erroneous, it is now impossible to decide.

to grant hir your assistenc[e], that sche may recouer hir right, wharby so ansient a noble famely may be preserued from reuing, and for euer oblige vs to ramane,

“ MY LORD,

“ Your affectiomet frends and seruents,

“ A. SALTOUN.”¹

The pretensions of Arthur Forbes to the title seem never to have been entertained, even if advanced; and the Frasers of Philorth, Alexander the elder, and Alexander the younger, on the 3d February 1669, obtained an inhibition from the Court of Session to prevent Margaret Abernethy, as heir-apparent to her brother, from selling or parting with any portion of her estate, until their claims against the late Lord were satisfied; but this step appears to have been taken more for her protection against the machinations of Arthur Forbes than for any other reason.²

She survived her brother but a short time, and never assumed the title, which, after her decease, was claimed by Alexander Fraser, tenth of Philorth, who, on the 14th April 1670, was served heir of line, through his mother, to George, the seventh Lord; and his claim was confirmed by Charles II. on the 11th of July, and ratified by Parliament on the 21st of that month, in the same year, when he succeeded as tenth Lord Saltoun of Abernethy.

As Alexander Abernethy, ninth Lord Saltoun, and last of that surname, left no issue, the chief male line of that ancient race became extinct at his death; and though families founded by cadets of the name continued to exist for several subsequent generations,³ they have all failed in the male line, or have lost their estates, and at the present day, unless by very recent purchase, there is not a single landed proprietor in Scotland of the name of Abernethy.

¹ Lauderdale mss., British Museum.

² Fife Charter-room, Duff House.

³ See Appendix.

APPENDIX OF CADET FAMILIES.

THE FRASERS OF OLIVER CASTLE.

SIR SIMON FRASER, SHERIFF OF TRAQUAIR AND PEEBLES,

SON OF SIR GILBERT FRASER.

THE parentage of this Simon Fraser is placed beyond doubt by his being termed brother of Andrew, the son of Sir Gilbert Fraser.¹ He appears to have been gifted with considerable energy and talent, for as a witness to a charter by John de Landels, in the reign of Alexander II., *i.e.* before 1249, he is designated as Dominus and Miles, showing that he had received the honour of knighthood while a comparatively young man, and had also acquired some landed property.²

In one or two of the traditionary histories of the name that have been referred to, it is said that this Sir Simon, during the reign of Alexander II., defeated Somherl, son of the great Somerled, King of the Isles, who had raised an insurrection in Argyleshire; and also that he was with Alexander II. when that monarch died at the island of Bernera, and that he enjoyed the favour of Alexander III., as he had done that of his father;³ but these writers do not give any authority for their statements, or only quote passages from romancists of an earlier date, and, therefore, their testimony cannot be accepted as authentic, although quite within the bounds of probability.

But even so much as this cannot be said of some of their assertions, *viz.*, that this Simon was a son of Sir Bernard Fraser,⁴ which is disproved by his

¹ Cart. Glasgow, No. 232.

² Cart. Melrose, No. 276.

³ Annals of the Frasers, pp. 35, 36.

⁴ Annals of the Frasers, p. 35.

parentage, as shown above ; and of others utterly at variance with ascertained fact, to wit, the forged charter of the lands of Lovat in 1253,¹ at which date, and indeed down to 1259, the Bissets held that estate, and were succeeded by Grahames, and, to use the words of the author of Caledonia, the other "interested fictions" of Simon, Lord Lovat, in 1745.²

At his father's death, Sir Simon Fraser succeeded him in the office of Vicecomes, or Sheriff, of Traquair and Peebles, and is found in the former capacity in 1264-5,³ and in the latter in 1266,⁴ and he seems also to have inherited a very large portion of the Peeblesshire estates with Oliver Castle. His brother, John, in all probability predeceased their father, and his abilities, with the youth of his nephew, Richard, made him the principal person of the race.

In 1276 he appears, in company with Sir Hugh de Berkeley, then justiciary of Lothian, when their seals were attached to the resignation, by John de Pencaitland, of the lands of that name in East Lothian, in favour of Sir Herbert de Maxwell, because the seal of the granter was not very ancient or well known.⁵

In 1279 and 1280 "Dominus" Simon Fraser witnessed a charter from Patrick, third of that name, to the monks of Coldingham,⁶ and also two charters of Roskelyn and Inverleith, from King Alexander III. to William de Sancto Claro ;⁷ but as the designation of "Miles" is not applied to any of the witnesses, it is impossible to decide whether it was this Sir Simon or his son that acted in that capacity, though the title "Dominus" would lead to the belief that it was the elder of the two.

In 1279 he and Andrew Fraser became sureties for their brother, William Fraser, at that time Dean of Glasgow and Chancellor of Scotland, but very soon afterwards Bishop of St. Andrews,⁸ as is mentioned in the account of that prelate's career in a subsequent chapter.

A Simon Fraser was appointed one of the justices itinerant for the northern counties of England, then held by King Alexander III. as feuda-

¹ Annals of the Frasers, p. 39.

² Caledonia, vol. ii. p. 920.

³ Cart. Soltre, No. 41. Chamberlain Rolls, vol. i. p. 51.

⁴ Cart. Kelso, No. 190. Cart. Glasgow, No. 216.

⁵ The Book of Carlawerock, by William Fraser, vol. ii. p. 407.

⁶ Cart. Coldingham, No. cxxxviii.

⁷ Cart. Originales, attached to Cart. Newbottle, Nos. v. vi.

⁸ Cart. Glasgow, No. 232.

tory of the English Crown; and his name is found in that capacity at Wark in 1280, in company with Thomas Randolph and Hugh de Peresby,¹ but it is doubtful whether this individual, or his son of the same name, held that office.

All genealogists that have treated of the subject have been led to imagine this Sir Simon Fraser to be the person who flourished during the reign of Queen Margaret, and the earlier portion of the interregnum that followed her death, and who died about 1291; but a closer examination than that made by these writers elicits a fact that appears to show that such was not the case, and that the Simon Fraser who appears on record from 1283 to 1291 was a different person.

From before 1249 down to 1279 or 1280, Sir Simon Fraser is generally found designated as "miles" or knight, but in the record of the Parliament held at Scone on the 5th of February 1283-4, at which the Princess Margaret's succession to the throne was enacted, the Simon Fraser who attended as one of the barons was not a knight.² It is true that sometimes the omission of this title is of no importance. In many of the charters by the Kings of Scotland, and in many of the records of Parliament, the title of knight was not given to those whose names were mentioned (for instance in the list of names at the Parliament of Briggham in 1289-90); but then the omission was general, and the title was not applied to any; whereas, in the record of the Parliament of 1283-4 there is first a list of fourteen earls and seven other persons, to whom the designation "Milites" is affixed; and then another list of seventeen names, not followed by that designation, fourteenth in which is that of Simon Fraser; and when such a distinction is drawn, it is plain that those in the second category had not then attained to the knightly rank enjoyed by those in the first. It is therefore evident that the Simon Fraser who was not a knight in 1283-4, could not be the same person as the Sir Simon Fraser who had borne that title from before 1249 down to 1280, and who was Sheriff of Peebles;³ but as he is found one of the Barons assembled in Parliament, a position that would have been occupied by the latter if still

¹ Palgrave, Introduction, p. viii.

² Acts of the Parliaments of Scotland, vol. i. p. 82.

³ Cart. Glasgow, No. 216.

living, it seems impossible to arrive at any other conclusion than that the decease of Sir Simon Fraser had occurred between 1280 and 1283, and that his son of the same name had succeeded him.

SIR SIMON FRASER, "PATER."

As noticed in the last page, this individual has been hitherto confounded with his predecessor of the same name, and they have been regarded by genealogists as one person; this mistake appears to be rendered still more apparent by the fact of this Sir Simon Fraser having left a marriageable widow and a family under her care at his death, as related below.

Although himself the son of a Sir Simon, he received the appellation of "Pater" to distinguish him from his own still more celebrated son of the same name, who was called "Filius."

It is probable that he was the Simon Fraser who, without designation of any kind, witnessed charters granted to the Monastery of Melrose by Alexander III. in 1265, when the king was at Traquair, and also one given to those monks by Alexander, the Steward of Scotland, in 1266.¹ He was a member of the Council, or Parliament, held at Scone on the 5th of February 1283-4, when, in consequence of the death of Prince Alexander, the son of Alexander III., it was enacted that if the king should die without issue of his own body surviving him, the Crown should descend to his granddaughter, the Princess Margaret of Norway.² Simon Fraser was one of the barons that attended, and in the record, which separates those who were knights from those who were not, his name is included in the list of those not so designated, which shows that, although in possession of his full right as a baron, he had not yet attained to the personal dignity of knighthood, and effectually draws a distinction between him and his predecessor, who had been a knight from before 1249.

It would seem that the Sheriffship of Traquair and Peebles, which had been held by his father and grandfather, did not descend to this Simon Fraser, for in 1288 William Perel is found as Vicecomes of Traquair;³ but

¹ Liber de Melrose, Nos. 323, 324, 325.

² Acts of the Parliaments of Scotland, vol. i. p. 82.

³ Origines Parochiales, vol. i. p. 220.

he appears to have been compensated for this by having received the higher office of keeper of the Royal Forests of Traquair and Selkirk.¹

On the 3d of February 1288-89, a Court was held at Carham-on-Tweed, by order of Edward I., to investigate the complaint of John de Massun or Mazun, a merchant of Gascony, who alleged that Alexander III. had died largely indebted to him.² His claim was resisted by William Fraser, Bishop of St. Andrews, and the other executors of the Scottish King, who sent "attornati," or representatives, to attend the Court. These representatives consisted of four monks, three knights, and three clerks of the "rotuli regis." The knights are styled "Simon Fraser, Johannes de Lyndesay, and Ricardus Fraser, Milites," which shows that the subject of this memoir had by that time been knighted.

On the 17th of March 1289-90, Sir Simon Fraser was one of the barons that attended the famous Parliament of Briggam, and affixed their seals to the letter sent to Edward I., in the name of the community of Scotland, respecting the marriage of the young Queen Margaret to Prince Edward of England.³

He swore fealty to Edward I. at Norham, on the 14th of June 1291,⁴ and was appointed, on the part of Baliol, one of the auditors who were to hear the pleadings of the competitors for the Crown, and report thereon;⁵ and upon the 18th of August in the same year, Edward addressed a mandate to him, as keeper of the Forest of Selkirk, desiring him to make donations of stags and oak-trees, granted to various nobles, prelates, and monasteries.⁶

Sir Simon Fraser, Pater, died about the end of 1291. On the 15th January 1291-2, the King of England granted the keepership of the Forests of Traquair and Selkirk to William Comyn, the son of John Comyn, to be held by him in the same manner that it had been held by Simon Fraser, lately deceased.⁷

In April 1294, Richard Siward received from Edward I. a grant of what pertained to the king of the "maritagium" of Maria, the widow of the late Simon Fraser, tenant-in-chief of the Crown of Scotland.⁸ She became the wife

¹ Rotuli Scotiæ, vol. i. pp. 4, 7.

² Historical Documents of Scotland, vol. i. p. 73.

³ Acts of the Parliaments of Scotland, vol. i. p. 92.

⁴ Ragman Rolls, p. 10.

⁵ Rymer's Fœdera, vol. ii. p. 555.

⁶ Rotuli Scotiæ, vol. i. p. 4.

⁷ *Ibid.* p. 7.

⁸ *Ibid.* p. 20.

of Richard Siward, and upon the 3d of September 1296 she petitioned Edward for an allowance from the lands of her husband, who was a State prisoner at the time, alleging that she had nine "infantes" to support, of whom four were the children of her present husband by a former wife, and five were the children of her late husband, Simon Fresel. As, however, it appears that the eldest son of Richard Siward, and Sir Simon Fraser, Filius, were both married men at that time, and the latter had succeeded his father in 1291-2, it is evident that this cannot apply to them, and the "infantes" were, in all probability, daughters remaining under the care of their mother.¹

Whatever may have been the number of the children of Sir Simon Fraser, Pater, the names of only two are upon record—

Simon, famous in the annals of that period ; and
Thomas.

SIR SIMON FRASER, "FILIUS."

A CHARTER of confirmation of the lands of Kingildore, with the chapel of St. Cuthbert, and the lands of Hopcartane, was granted to the Monastery of Melrose by Sir Simon Fraser, son and heir of the late Dominus Simon Fraser, who had originally made the donation.² He added a right-of-way through his lands of Hesilyard and Haldeyhardsted, which he seems to have acquired from another branch of the family in Tweeddale, for he granted it :—"Sicut in cartâ meâ quam inde habeo de domino Laurencio Fraser, quondam Domino de Drumelliare plenius continetur." He also, by a second charter, conferred a right-of-way through his lands of Hoprewe upon the monks.³ Both these charters were witnessed by a Sir Andrew Fraser, but it is impossible to determine whether this was his grand-uncle, or his cousin, of that name.

Sir Simon Fraser, who was called "Filius," succeeded his father about the end of 1291, and on the 12th of July 1292, Edward I. issued a mandate for the delivery of his paternal lands to him, upon the payment of 100 marks, the relief of them due to the Crown ;⁴ but William Perel was continued in

¹ Historical Documents of Scotland, vol. ii. pp. 92, 93, 96.

² Liber de Melrose, No. 355. One of the witnesses was William Perel, "quondam vicecomite de Twedal," and as he was Sheriff

of Traquair in June 1292,—Rotuli Scotiæ, vol. i. p. 8,—the charter was later than that date.

³ Liber de Melrose, No. 356.

⁴ Rotuli Scotiæ, vol. i. p. 9.

the Sheriffship of Traquair, and the keepership of the forests of Traquair and Selkirk was bestowed upon William Comyn;¹ and Sir Simon Fraser at first did not enjoy the high offices that had been held by his predecessors, though, at a later period, he acquired the keepership of Selkirk Forest.

His name is not found in the list of auditors appointed in 1291 to hear the pleadings of the competitors for the Crown. It is possible that he may have been absent at the time, or he may not have attained sufficient importance to be associated in that office with the four Frasers in the list, viz., his grand-uncle the Bishop of St. Andrews, his father, and his cousins, Sir Richard and Sir Andrew; but in 1292 he was one of the witnesses to the homage of Baliol to Edward I., and his name is found immediately following those of his two cousins, in the record of that performed at Newcastle-on-Tyne, on the 26th of December in that year.²

After the battle of Dunbar, which was fought on the 27th of April 1296, Sir Simon Fraser seems for some short time to have continued in arms against the English power, as it was not until the 13th of October that he made submission, and swore fealty to Edward I. at Kirkham.³ He was one of those carried captive into England by order of that king, and on the 2d of January 1296-7, his wife, Maria, received an allowance of 50 marks for her support, out of his lands, which were declared to be worth 200 marks a year.⁴

It was the policy of Edward I. to enlist in his service the courage and energy of the gallant Scoto-Norman barons whom he had overcome, and accordingly he made them offers, which were accepted by many; and among the rest, Sir Simon Fraser, on the 28th of May 1297, entered into a solemn obligation to serve the King of England in his war with the King of France, for the performance of which he pledged wife, children, and all belonging to him, and his cousin, Sir Richard Fraser, also became his surety, and undertook that he would fulfil his engagement.⁵ Upon this Sir Simon was released from captivity, for the purpose of making the necessary preparations for that service.

Some authors, especially Abercromby, have made it a merit in those barons, who accepted their release from prison in England on the condition

¹ Rotuli Scotiæ, vol. i. p. 7.

² Original Document, Record Office, London. ii. p. 96.

³ Palgrave, p. 155.

⁴ Historical Documents of Scotland, vol.

ii. p. 96.

⁵ Original Document, Record Office, London.

of serving Edward in his foreign war, that they either forfeited their obligations altogether, or deserted when in face of the enemy. This is an illustration of the extent to which a preconceived theory may influence the judgment of historians. Had these barons committed an act of that nature, they would not only have been at once adjudged traitors, but would have been branded with contempt and infamy as Knights, in an age when an engagement for military service was a far stronger bond than any duty to fatherland.

As regards Sir Simon Fraser, there is no doubt that he faithfully performed the obligation he had undertaken, for the record of his wages as a Knight Banneret, from the 13th of September to the 19th of November 1297, is extant, as having been paid to him at Ghent on the 13th of January following.¹ These wages amounted to £27, 4s., being for sixty-eight days, at the rate of 4s. per diem for himself, 2s. for the knight in his service, and 1s. for each of their two squires; total, 8s. per day.

There is an additional proof of his service abroad in the mandate for the restoration of his estates, issued by Edward on the 21st of September 1297, in which it is expressly stated that he was then beyond sea with the king, serving under his command.²

During the year 1298, though returned to his native country, he is still found an adherent to the English interest, for in that year stores for revictualing the Castle of Edinburgh and other fortresses were ordered to be shipped at Berwick and taken to Leith, to be there kept by Sir Walter de Huntercombe, "so that when the said things shall be there, Sir Walter de Huntercombe and Sir Simon Fraser, each upon his own part, shall spy and watch the time and opportunity when the articles aforesaid can best be conveyed to the said places. And when they shall perceive and know that the time has arrived, then the said Walter de Huntercombe and Simon Fraser, or one of them, shall acquaint all the garrisons thereof, so that the whole affair may be accomplished according to the plan agreed upon by them when they were together."³ And about the same time he was associated with the Sheriffs of

¹ Historical Documents of Scotland, vol. ii. p. 139.

² *Ibid.* p. 230.

³ *Ibid.* p. 293, translation from royal order in Norman-French.

Roxburgh and Jedburgh to determine in what manner the English garrison of Berwick, consisting of sixty men-at-arms and a thousand foot-soldiers, of whom one hundred were to be crossbowmen, should receive the king's pay.¹

From this it is evident that Sir Simon Fraser was then not only in the peace of the King of England, as it was termed, but actively employed in his service, although not unsuspected of leanings in the contrary direction by some of the English officials, as is apparent from the following passage in a letter of the 9th of August 1298, from John de Kingston, Constable of Edinburgh Castle, to Walter de Langton, bishop of Chester, and lord treasurer of England, translated from the original Norman-French, which, after the formal salutations and a reference to other matters, proceeds in these terms:—

“SIRE,—As to the news in our neighbourhood, I have told you that the Earl of Buchan, the Bishop of St. Andrews” [William de Lambyrton, successor to William Fraser, who had died the year before], “and other Earls and great Lords, who were on the other side of the Scottish sea, have come to this side, and were at Glasgow on the day on which this letter was made; and by . . . they intend to go towards the Borders, as is reported among them and their people who are in the forest. And whereas Sir Simon Fraser comes to you in such haste, let me inform you, sire, that he has no need to be in such a great hurry, for there was not by any means such a great power of people who came into his jurisdiction, but what they might have been stopped by the garrisons, if Sir Simon had given them warning, and of this I warned him eight days before they came; and before they were entered into the forest it was reported to me that there was a treaty between them and Sir Simon, and that they had a conference together, and ate and drank and were on the best of terms. Wherefore, sire, it were well that you should be very cautious as to the advice which he shall give you.

“And let me tell you, sire, that this same Sir Simon sent me a letter (whereof I send you the copy) the day when he set out from his charge, or the next day, and he wished that I should come thither to him, to which I made such an answer as I send you in writing, but I do not know whether it reached him or not. And he sent me other letters some time before I came thither to him, on the day on which our enemies came suddenly before our

¹ Historical Documents of Scotland, vol. ii. p. 332.

castle, and on which Sir Thomas d'Arderne was taken; wherefore I fear that he is not of such good faith as he ought to be. Wherefore I beg of you, and the rest of the King's council, to beware."¹

The above letter must have followed Sir Simon, who had already set out, bearing with him another letter, of the 31st of July, from the Governor of Berwick, to be delivered by the Lord Treasurer to the king, in which his conduct is represented in a more favourable light, of which letter the following is a translation :—

“SIRE,—Sir Simon Frezer is going to your service, who has prayed me much to ask you to hold him excused, because . . . to your royal Lordship to consider that he has been good and loyal to you, and well and loyally has he carried himself towards you, and takes great pains . . . promise, and that you would have him excused as to his stay. This I witness to you, by the faith which I owe you, and also, that he has not failed in his residence . . . Lordship, and increase your honours. Written at Berwick, 31st July.”²

He appears to have vindicated his good faith to the satisfaction of the higher English authorities upon this occasion, and in September 1298, he was one of the barons summoned to assemble at Carlisle on the day after Pentecost 1299, to attend Edward in the Scottish war; and the prorogation of the time at which the King was to arrive there, from Pentecost to the 2d of August, was notified to him, among others.³

In November and December 1298, he was actively engaged in making arrangements to support John de Kingston, Constable of Edinburgh Castle, who had formerly been suspicious of him, in a raid or foray which he was ordered to make as far as Stirling, and to effect this Sir Simon Fraser was to bring twenty horses (men-at-arms);⁴ “ Sir Alexander Baliol, ten; the Constable of Jedburgh, ten; the Constable and Sheriff of Roxburgh, forty; Sir Walter de Huntercombe, leader of Northumberland, thirty; the garrison of Berwick (that is to say of the town), thirty; the Earl Patrick, March (if he would be so good as to send his troops along with the King's troops), to the number of ten; from the Castle of Edinburgh itself, thirty armed horse, at the least, and

¹ Historical Documents of Scotland, vol. ii. p. 302.

² *Ibid.* p. 302.

³ Rymer's *Fœdera*, vol. ii. p. 829.

⁴ Historical Documents of Scotland, vol. ii. p. 336.

besides, to cause the garrison of Norham to be asked for twenty horses;”¹ making in all one hundred and ninety men-at-arms, a very respectable force for that period.

On the 27th of March 1299, he received from King Edward the First a confirmation of the order for the restoration of his estates, which had been granted on the 21st of September 1297;² and on the 16th of July 1299, he was appointed one of a council to meet at York, for the purpose of deliberating upon the affairs of Scotland, of which the other members were, the Archbishop of York, the Bishops of Durham and Coventry, the Earl of Lincoln, Sir Henry Percy, Patrick de Dunbar, Earl of March, Gilbert de Umphraville, Earl of Angus, John Wake, Robert Fitz-Roger, William de Latimer, Robert de Clifford, and Radulph Fitz-William.³

Sir Simon Fraser served in Edward's army during the campaign of 1300, and in June of that year was in the third division of the English army, commanded by the king in person, at the siege of Carlaverock Castle. His name appears in the metrical account of that event by Walter of Exeter, and he is further described as having for armorial bearings, silver rosettes on a black field.

“ Symon Fresel de cele gent,
Le ot noir a rosettes de argent.”⁴

It is probable, from the expressions in John de Kingston's letter, quoted above, that the keepership of the Forest of Selkirk had been restored to Sir Simon Fraser at the time the letter was written, but, at all events, he had obtained that appointment before October 1300, in which month the truce between the English and the independent Scottish party was notified to him under the title of Guardian of Selkirk Forest;⁵ and in the same year he was allowed £64, 18s. as pay for his retinue, consisting of three knights and twelve squires.⁶

It is evident from the preceding records, that down to the end of the year 1300, Sir Simon Fraser was not only liegeman to the King of England, but, with the exception of the insinuations of John de Kingston in 1298, which he seems to have rebutted, was very highly trusted and employed by the

¹ Historical Documents of Scotland, vol. ii. p. 341, translated from original memorandum.

² *Ibid.* p. 369.

³ *Ibid.* p. 380.

⁴ Siege of Carlaverock, edited by Harris Nicolas, pp. 35, 36.

⁵ Palgrave, No. cxxii. Rymer's Fœdera, vol. ii. p. 925.

⁶ Wardrobe Rolls, A.R. 28, p. 198.

English authorities. The causes which induced him not long afterwards to renounce his fealty to Edward I., and to join the independent Scottish party, are somewhat obscure, but further on it will be found that the fraudulent rapacity of some of the English officials may have had much to do with it. In September 1301, a letter from Robert de Tilliol, the keeper of Lochmaben Castle, to King Edward I., mentions Sir Simon Freser as being in arms against him at a place called Stanhouses;¹ and in the following year he was chosen a guardian of Scotland, and associated with Sir John de Comyn of Badenoch in the leadership of the independent Scottish party.²

The guardians of Scotland seem to have managed to avoid submitting to Edward I. during his campaign in that country, from the 6th of June 1301 to the 18th of February 1301-2; but they doubtless were reduced to great extremity, and unable to maintain any appearance in the field. Upon the return of the king to England, however, they renewed their efforts, harassing the English garrisons, and wasting the lands of those who had come into the peace of Edward; and in this they appear to have met with tolerable success during the spring and summer of 1302, so that Edward, on the 29th of September in that year, commanded Sir John de Segrave and Sir Ralph de Manton, the Cofferer, or Treasurer, to lead a strong expedition against them from Berwick towards Stirling and Kirkintilloch,³ of which expedition the famous battle of Roslin was the result. Fordun has fixed the 27th of July 1302 as the date of this battle,⁴ but he can scarcely be correct in this, for, as noticed above, Edward's order for the expedition was not issued until more than two months after that date, and it must have taken place towards the close of the year, or, as some authorities say, in the early part of 1303.

Sir John de Comyn and Sir Simon Fraser collected their forces to oppose the expedition, but it is very difficult to arrive at any accurate idea of the numbers engaged on either side, for the eight or ten thousand men of the Scottish army, and the thirty thousand of the English, mentioned by Abercromby, appear incredible. It is, however, admitted by all that the English forces outnumbered the Scottish in the proportion of three to one, and they

¹ Historical Documents of Scotland, vol. ii. p. 431.

² Fordun, Gesta Annalia, Nos. cvii., cviii.

³ Historical Documents of Scotland, vol. ii. p. 448.

⁴ Fordun, Gesta Annalia, No. cvii.

are said to have marched in three divisions, each larger than the whole army of their opponents; but whether from difficulty in finding quarters, or in consequence of a loose state of discipline, they were not near enough to support one another.

Various authors have described the battle in different ways, some making the Scottish army surprise the first English division, and be surprised in its turn by the successive attacks of the other two, although, in spite of this, it defeated all three. This account rests principally on the authority of Fordun,¹ whose relation is most minute, but reads rather like that of an imaginary battle than of a real engagement, and seems as if written to exalt the personal heroism of the two leaders, John de Comyn and Simon Fraser, at the expense of their generalship. It represents them as ignorant of the existence of the second and third English divisions, which seems incompatible with the sagacious and spirited leadership necessary to gain three victories in one day over adversaries of vastly superior force. Wyntoun² has followed Fordun closely; but some English authors, on the other hand, state that the third English division so far retrieved the fortunes of the day as to rescue Sir John de Segrave, who had been taken prisoner, and to retreat in good order. Neither account is very probable. The Scottish army, without the advantage of a very strong position, of which nothing is said, was not likely, if acting on the defensive, to defeat in succession three divisions, each as numerous as itself; while, on the other hand, if the third English division could have stood its ground, and rallied the other two upon it, with their enormous superiority of numbers, there need have been no retreat at all, to say nothing of the flight nearly as far as Berwick, related by some writers; and it seems more reasonable to believe that the Scottish army, having marched sixteen miles from Biggar, surprised the first English division near Roslin, from which place the battle received its name, and after a short, though sharp, engagement, completely routed and chased it, until both fugitives and pursuers reached the second division, when the conflict was renewed, but with a similar result, and that the two divisions, disorganised and panic stricken, carried confusion into the ranks of the third, which was also broken, and that, after a desperate struggle, the three were put to the rout, and pursued nearly to Berwick.

¹ Fordun, *Gesta Annalia*, No. cviii.

² Wyntoun, *lib. VIII. cap. xvi.*

The following extract from an old metrical romance by Robert de Brunne, in which he describes the interview between Sir Simon Fraser and Sir Ralph de Manton the Cofferer, when the latter was brought in prisoner, is curious, as throwing some light upon grievances that may have led, in some degree, to Sir Simon's change of side, and for which he apparently took a severe revenge.¹

“ Sir Ralf the Coffers, that time was Treasurer,
 He was one of the pers, his life was all in wehere,
 He had great catelle, his life for to save,
 Sir Simon the Freselle that ilk catelle suld have,
 Simon was austere, to Ralf spake full grim,
 That made thee Treasurer thou hast defeyed him,
 And me, and many mo, from our wages zede quite ;
 Sir Ralf thou resceyued tho' by taile and by scrite,
 Thou did us more travaile, ilk man thou reft his wage,
 Now shall I with thee taile, and put thee in the arerage.
 Of preist thou hast no mark, albe, nor no amite,
 But laced in a hauberk, that is no clerk's habit,
 For all those clerks of Rome, that sing in kirke, or read,
 Thou shalt have thy doom, as thou servest indeed.”²

However apocryphal this speech, put into the mouth of Sir Simon Fraser, may be, it shows that, in the opinion of writers of that age, he had just cause of complaint against the cofferer's rapacity, and that the latter, in his office of treasurer, had defrauded many of the Scottish barons and knights of their wages or pay granted by Edward I., than which nothing in those days was more likely to cause them to revolt.

Although the victory of Roslin was a glorious passage of arms, it had but slight effect upon the main event of the war, unless, indeed, it induced Edward I. to once more enter Scotland, with overpowering forces, in May

¹ Maitland Club. Documents illustrative of Sir William Wallace, p. 94.

² The above appears to have been taken from an earlier metrical chronicle in Norman-French, by Pierre de Langtoft, of which Robert de Brunne seems to have made a free and amplified translation. The original (p. 345) runs thus:—

Et Ralf ly Cofers ke grant aver tendist
 A Symoned Frisel, ke là ne moresist,
 Fresel ly regarde, Fresel ly redist
 Tu as le roy trahy, ke tresorer te fist,
 Et moi, et mulz des altres, dunt nes un est quit
 Des gages ke tu doit par tayle et par escrit.
 Or es-tu cy trové, sanz albe et sanz amy,
 En hauberke de fere, ke n'est pas habit
 As clers de sainte eglise par kant se chant et lit,
 Tu averas jugement solum toen merit.

1303, where he remained until August 1304, more completely overrunning the country, and more thoroughly subduing it than upon any previous occasion.

Sir Simon Fraser appears to have continued in arms against the English power during the year 1303, and in company with Sir William Wallace, to have retreated into the strengths of his own part of the country, Tweeddale, in the beginning of 1304. The English, however, under Sir William de Latimer, Sir John de Segrave, and Sir Robert de Clifford, pursued them, and in March of that year attacked and defeated them at Hoprewe, one of Simon Fraser's estates, for bringing intelligence of which success, Nicholas Oysel, valet to the Earl of Ulton, received a present, by order of Edward I.¹

The whole of Scotland once more submitted to the King of England, and the only place of strength that held out, Stirling Castle, was reduced in the summer of 1304, after a three months' siege. Some few persons were, however, excepted from the amnesty granted by Edward in that year, and among these were Sir John de Comyn, Sir Alexander de Lindsay, Sir David de Graham,² Sir Thomas de Boys, and Sir Simon Fraser, who were sentenced to various terms of exile from the dominions of the English King, and at the same time prohibited from entering the territories of the King of France. The commencement of this banishment, the duration of which was to be four years in Sir Simon's case, appears to have been fixed for the twentieth day after Christmas 1304; but an order from Edward I., seemingly issued after the capture of Stirling Castle, declares "that Sir John de Comyn, Sir Alexander de Lindesay, Sir David de Graham, and Sir Simon Fraser, who were to keep themselves in exile or banishment according to the ordinance thereupon made, as well as other men of Scotland, should labour between that time and the twentieth day after Christmas, to take Sir William Wallace, and to deliver him to the King, in order that the King may see how they will conduct themselves in this affair, and so that he may show more favour to him who shall have taken Wallace, whether by shortening the period of his exile, or by diminishing the amount of his ransom or forfeiture, or other matters which he shall be held (bound) to perform towards the King."³

¹ Wardrobe Rolls, Edward I., A.D. 1304.

² A different person from Sir David de Grahame of Lovat, who died about 1298, and was succeeded by his son Sir Patrick.

³ Palgrave, Introduction, pp. cxxviii, 276.

How far this order, with its accompanying bribe, influenced the conduct of those to whom it was addressed, cannot be traced with any certainty, but none of those whose names are mentioned in it appear to have actually gone into banishment, and in 1305 Sir Simon Fraser's estates were again restored to him, subject to a fine of three years' rental, which, in his case, and all similar ones, was to be levied in the following manner:—The estates were to be valued by the Chamberlain and the Lieutenant of Scotland, and one half of the rents was to be applied to the payment of the fine each year until the whole was paid, the other half of the rents being left to the owners for their support.¹

Scotland having been more completely subdued than it ever was before, and the heroic Sir William Wallace, who alone refused submission, having been betrayed, taken prisoner, and put to death with great cruelty, at London, in August 1305, Edward I. probably anticipated no further outbreak in that country; but in this he was disappointed, for the next year was to witness the rise of England's most formidable adversary, although at first even his exertions seemed futile against her power.

In the spring of 1306, when Robert de Bruce assumed the crown, Sir Simon Fraser was one of the first to join his standard; and at the disastrous battle of Methven, fought on the 19th of June, he greatly distinguished himself, according to an author, who, applying to him the epithet of "Bellator," states that King Robert, having been thrice unhorsed, was thrice rescued and remounted by him.²

These gallant efforts, however, could not avert the crushing defeat which for a time appeared to render the cause of Bruce utterly hopeless, and either in the pursuit, or soon afterwards, for accounts differ on this point, Sir Simon Fraser was taken prisoner by Sir David de Brechin, and consigned to the custody of Sir John de Segrave or Sir Aymer de Valence,³ by one of whom he was to be strictly guarded, his estates being granted to the one who had him in charge, such being the importance attached to his capture that Henry de Prendergast obtained a grant of lands for bringing the news of it to Edward I.⁴

The view taken by that monarch as to the measures necessary for the

¹ Rymer's *Fœdera*, vol. ii. pp. 969, 970.

³ Rymer's *Fœdera*, vol. ii. p. 1014.

² Prynne, p. 1123.

⁴ Palgrave, p. 310.

subjugation of Scotland had undergone a considerable change, and his treatment of his conquered enemies in 1306, after the battle of Methven, was very different from that which they had experienced in 1296, or even in 1304. While he spared but few of the prisoners, he doomed Sir Simon Fraser to a cruel death, similar to that inflicted on the heroic Sir William Wallace in the previous year.

He was conveyed to London, where, after a formal trial, he was sentenced, and upon the 8th of September 1306 he was drawn on a hurdle to the place of execution, there hanged, and afterwards beheaded, and his head placed on London Bridge, near that of Sir William Wallace; his body was again hung in chains upon the gallows, from whence, about Christmas, it was taken down and burnt in consequence of the superstitious fears of the populace.

His tragical fate is related with exultation in old English metrical chronicles and ballads, which, however, add nothing to his history, and are only interesting from the quaintness of their language; they all impute breach of faith towards the King of England as the cause of his execution.¹ A very circumstantial account of his capture at the battle of Methven is also found in a fragment of a chronicle of the fifteenth century;² but its accuracy is very doubtful, for the writer commences by making Edward I. command the English army in person upon that occasion, which is certainly untrue.

So ended the life of this distinguished soldier; but his public career, when read by the light of authentic record, scarcely appears to deserve the epithets freely lavished upon him by many authors, such as "Patriot," "Martyr," "seconded of William Wallace," and "the man who, alone of the aristocracy, was indisposed to view with envy the merit which called this hero to command."³ It is evident that after the general submission of King John Baliol and the Barons of Scotland, in 1296, he was a faithful liegeman and official of Edward I. down to the end of the year 1300 at least; and that, if he were present at the great battle of Falkirk, where Wallace was defeated in 1298, he must have been serving in the English ranks. It was, very probably, some private injustice or injury that caused him to renounce his

¹ Peter de Langtoft, p. 335; Harleian MSS., No. 2253.

² British Museum, Harleian MSS., No. 266.

³ Anderson, History of the Family of Fraser, p. 24.

fealty to the King of England, and to join the independent Scottish party from 1301 to 1304, and he may also have been influenced by ambition.

When opposition to the then irresistible power of England could no longer be maintained, he submitted again, and was pardoned in 1305, but only on condition of paying a heavy fine ; and the pressure of this, possibly enhanced by the rapacity of the officials by whom it was collected, may have rendered him, in 1306, ready to embrace any chance of vengeance, and escape from their oppression, and caused him to join Robert Bruce in that year.

His conduct in his last field was worthy of his military reputation, and his cruel death may atone for many faults; but his character was neither that of patriot nor martyr, and such epithets are misapplied towards him. He was one of the bravest and most energetic men of his day, but it is a mistake to ascribe his conduct to motives which had then no existence. In the vindication of William Fraser, Bishop of St. Andrews, from the aspersions that have been cast upon him, the real state of society at that time is glanced at, and it may here be pointed out that among the Scoto-Norman barons patriotism or the love of fatherland, as it is now understood, had no existence at that time (the feeling that prompted Wallace was resistance against oppression, not love of country), and that, however strict their recognition of feudal ties, they cared but little who their feudal superior might be, and were ready to transfer their allegiance to any prince powerful enough to enforce their submission, and to perform the reciprocal obligation of maintaining them in their feudal rights. Such laxity of opinion on the subject of allegiance is not surprising, for the age had hardly gone by in which any successful leader might aspire to acquire a kingdom and found a royal family.

The King of England has been execrated by Scottish writers for the severities perpetrated by his order after the battle of Methven, and the barbarous execution of Sir Simon Fraser has been especially held up to reprobation.

It is scarcely necessary to say that no defence or palliation of such atrocities in the abstract is intended ; but in order to form a just judgment of the conduct of any prince, it must be considered by the light of the age in which he lived and under which he acted, and ideas and feelings, the product of more enlightened times, must be rigorously excluded. The conduct of the King of England must therefore be judged by the light of early feudal law and custom only.

Let it be conceded most fully that Edward I., an astute and not over-scrupulous monarch, aware of the great advantages that would accrue from the union of the two kingdoms under one crown, and foiled by the death of Queen Margaret in his endeavour to bring this about peacefully, determined to effect the object he had in view by any means in his power, and therefore, after obtaining his own recognition as Lord Paramount of Scotland, designedly drove Baliol into open rebellion, and seized that kingdom as a forfeited fief; still the facts remain that Baliol and the Barons of Scotland did swear fealty to him in 1291-2, and that, after the ineffectual struggle of 1296, the Barons again more particularly renewed their oaths of submission and feudal fealty, and if they broke those oaths, according to the law and custom of that age, they did so at their peril.

Edward, having received these oaths of fealty, having been served, both abroad and at home, for several years by those who had taken them, was fully entitled, by the feudal law, to punish those who broke their oaths and appeared, according to the ideas of that day, in rebellion against him; yet when they did so, and he had once more completely subdued them in 1304, he granted an amnesty to most of them, and although some few were at first excluded from that grace, their submission was shortly afterwards accepted on various conditions.

The rising of 1306, headed by Robert Bruce, and not improbably the insight into character which so sagacious a prince as Edward must have possessed, and which made him aware of the value of such a leader to his adversaries, perhaps also disappointment and failing health, caused him, after the victory of Methven, to abandon his former conciliatory policy, and to adopt the harshest measures. Doubtless the destruction of all those who, by personal prowess or territorial power, could assist Bruce, seemed to him the only way to paralyse the resources of one whom he knew to be capable of making full use of every advantage, and hence the executions and massacres of the year 1306.

How far this plan of extermination might have been successful had Edward been granted some years of vigorous life to carry it out, cannot now be judged—his weak son, Edward II., had no nerve to play such a desperate game; and, as it was, there can be but little doubt that it intensified the

spirit of resistance, and that all who leant to the independent Scottish party, and were fortunate enough to escape that bloody year, seeing no longer any chance of safety in submission, threw themselves heart and soul into the cause of Robert Bruce, himself more hopeless of mercy than any, when, after his short retirement to Rachrin, he again appeared in arms. This, with the success that eventually crowned his efforts, widened the breach between Scots and English, obliged the former to take a more decided part in the struggle, and was the origin of that true patriotism which found an expression in the letter of 1320 from the Barons of Scotland to the Pope.

The misconduct and rapacity of the English officials was no doubt one cause of the failure of Edward's designs ; but history proves how powerless the best of the feudal monarchs were to restrain such excesses, and a review of all the circumstances evinces that he for a long time pursued a conciliatory policy towards Scotland, and only abandoned himself to harsh and revengeful measures when exasperated by the prospect of failure in the object for which he had toiled so unremittingly.

As regards the execution of Sir Simon Fraser, though the cruelties sanctioned by the law of that age are repulsive to the ideas of the present day, it must, in fairness, be remembered that he only suffered the penalty due by feudal law on a vassal twice pardoned and received into favour, and found a third time in rebellion.

The case of Sir William Wallace was different, for although he might have been legally considered as included in the general submission of the kingdom in 1296, and, therefore, from the English point of view, a rebel, yet he, personally, had never sworn fealty,—he, personally, had never made submission and again revolted ; but from 1297, when the tyranny and oppression of the English Sheriff of Lanark drove him to resistance, down to 1305, when he was overcome by treachery, he, with a few associates, had steadfastly adhered to the independent Scottish party, of which he was the originator, and which most of the Scoto-Norman barons joined or abandoned very much as suited their convenience or their private interest, and without one thought that is discernible for the benefit of their country. At the same time they were not without a certain beneficial influence, for the histories of both England and Scotland abundantly evince that it was the vivifying principle

of the Norman intense love of personal freedom, curiously combined with submission to authority established by common consent, acting upon the equally brave, but more sluggish and servile Saxon temperament, that gradually brought about the rational liberty, and obedience to law, which has so long been the boast of the inhabitants of Great Britain.

Sir Simon Fraser left no son, but he had two daughters, one married to Gilbert¹ Hay of Locherwart,² an ancestor of the noble family of Tweeddale, the other to Sir Patrick Fleming, from whom were descended the Earls of Wigton; but it is impossible to trace the division of his property between them. At a future date, however, the Hays of Locherwart are found in possession of his estate of Hoprewe, and of the hereditary Sheriffship of Peebles, in which that of Traquair was merged, to which their alliance with one of his daughters may have given them a claim; and the lands of Honemener, Glenrustok, in the barony of Oliver Castle, belonged to a Patrick Fleming in the reign of Robert III.³

The royal forests of Selkirk and Traquair, of which Sir Simon Fraser and his father had been keepers, were conferred by King Robert I., after the independence of Scotland had been achieved, upon the good Sir James of Douglas in free barony, who had well deserved the gift by his long and successful defence of the southern forest districts against the English.⁴

Upon the death of Sir Simon Fraser, Filius, this branch of the race, rendered illustrious by the eminence of the three individuals that successively bore that name, appears to have become extinct in the male line, for no record is found of any descendants of his brother Thomas Fraser, of whom the only notice extant is the demand for his lands by Thomas de Grey in 1306, in which he is styled "frere Mons Symon Fraser."⁵

Attached to Sir Simon's obligation, in 1297, to serve Edward in his war with France, is an impression of his seal. The arms upon the shield are six rosettes or cinque foils, 3. 2. 1, with a label of four points. There is a figure resembling a lizard, perhaps a dragon, on each side of the shield, and the inscription round the seal is "S. Simonis Friser." The letter "i" would seem to have been

¹ Chalmers, in *Caledonia*, vol. ii. p. 932, calls him "William, and his wife Mary," but also, at p. 922, on the authority of Crawford, names him "Gilbert."

² Douglas Peerage, vol. ii. pp. 603-630, quoting *Caledonia*, vol. ii. p. 922.

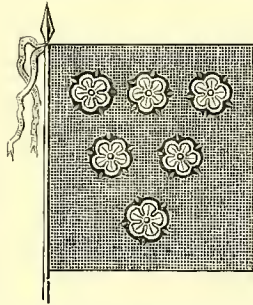
³ Robertson's Index, p. 146, No. 37.

⁴ *Ibid.* p. 10, No. 24. ⁵ Palgrave, p. 303.

an error on the part of the engraver of the seal; had it been an "e," one form of the name would have been represented, but Friser is met with nowhere else; and in documents of the age his name is written Freser, Frezer, and Fraser, indifferently. It is also evident that the seal is an early one, engraved during his father's lifetime, and before he himself had received knighthood, to which dignity he had attained before 1297, and its employment at that time was probably accidental. His arms, as described by Walter of Exeter at the siege of Carclaverock in 1300, were sable, six rosettes argent.



Sir Simon Fraser, Filius, 1297.



Sir Simon Fraser, Filius, 1300.

SIR ANDREW FRASER, SON OF SIR GILBERT FRASER.

IN 1280 Andrew Fraser, designated as the son of the late Sir Gilbert Fraser, with the consent of his wife, Beatrice, granted to the Monastery of Kelso a carucate of land, bought by him from William, son of John, the son of John of Kirkland, which was situated in the district of Gordon, in Berwickshire, and he included in his gift Adam, the son of Henry de Hoga, "nativo meo, cum sequela sua."¹ This grant in after years became the subject,

¹ Cart. Kelso, No. 124.

among others, of a dispute between the monks and Sir Adam de Gordon, which was settled in 1308, and in the agreement the original granter is styled "Andree Fraser, militis," and is said to have died before that time, when Sir Adam de Gordon appears as having acquired the rights in the lands with which Sir Andrew had dealt at the earlier date. The record of the Abbey of Kelso likewise states that the marches between Bolden and Faudon were fixed "gratiâ Domini Andree Frysel," but no date is assigned to this last event.¹

When William Fraser was Dean of Glasgow in 1279, immediately before his election as Bishop of St. Andrews, he entered into an obligation for certain purposes with the chapter of that cathedral, and in addition to pledging all his goods, moveable and immoveable, for its due performance, for greater security to the Chapter, he named his brothers, "Dominum Symonem Fraser, militem, et Andream Fraser," his sureties.² Andrew Fraser, therefore, was not a knight at that date; but from his having been so styled in the agreement of 1308 above mentioned, he must have attained to that dignity before his death, and he may have lived as long or longer than his brother the bishop, who died in 1297. One author, Mr. Anderson, has supposed him to have been the Sir Andrew Fraser whose name is found in public records from 1291 to 1297,³ and who was the father of Sir Alexander Fraser, the Chamberlain of Scotland during part of the reign of Robert I., and upon a superficial view, this hypothesis is plausible enough; but it has been shown in the account of that individual, that the positions in which he is found are quite irreconcilable with his having been of such an age as that to which a brother of Sir Simon Fraser, the Sheriff of Traquair and Peebles, and of William Fraser, the Bishop of St. Andrews, must have attained in 1296; and the only way of explaining the matter is to conclude that there were two persons of the same name, granduncle and grandnephew, who died within a few years of one another.

It is, of course, impossible to say which of the two witnessed the charters to the Monastery of Melrose, granted by Sir Simon Fraser, filius; and from the succession of Sir Adam de Gordon to him, it is probable that this Sir Andrew Fraser left no male issue.

¹ Cart. Kelso, Nos. 125, 472.

² Cart. Glasgow, No. 232.

³ History of the Family of Fraser, pp. 33-34.

WILLIAM FRASER, BISHOP OF ST. ANDREWS, 1279-1297, AND A GUARDIAN
OR REGENT OF SCOTLAND, SON OF SIR GILBERT FRASER.

As a Churchman of the thirteenth century, this son of the Sir Gilbert Fraser from whom were descended the Touch-fraser and Oliver Castle branches, cannot be placed in either of those families, while the eminent position which he occupied, and the eventful period in which he lived, render his career interesting to all of the race.

He was educated for the Church, took Holy Orders, and became Rector of Cadzou (Hamilton), and Dean of Glasgow,¹ in which station he entered into an obligation for certain purposes with the Chapter of the Cathedral in 1279, and for the performance of this engagement his brothers, Sir Simon Fraser and Andrew Fraser, became his sureties.² It has been already seen that there was an Andrew Fraser, son of Sir Gilbert Fraser, in 1280,³ and this, with the succession of Sir Simon to the Sheriffships held by Sir Gilbert, affords evidence of the parentage of the three brothers.

He was appointed to the office of Chancellor of Scotland, which William Wisheart had resigned when made Bishop of St. Andrews,⁴ according to Crawford in 1274, but certainly not later than 1276, in which year, on the 10th March, William Fraser was a witness, as Chancellor, to a charter by Alexander III.⁵

Having succeeded Wisheart as Chancellor, William Fraser again became his successor at his decease in 1279; and on the 4th of August in that year was elected Bishop of St. Andrews, and consecrated at Rome by Pope Nicholas III. on the 18th of June 1280, about which time he resigned the Chancellorship.

Ere many more years had passed over William Fraser's head, he exchanged the tranquil life of an eminent church dignitary, under the peaceful sway of the wise and good king that then reigned over Scotland, for an existence embittered by the turbulence of faction, the horrors of war, and at last the melancholy prospect of the subjugation of his country to a foreign yoke.

¹ Caledonia, vol. iii. p. 683.

⁴ Lives of Officers of State, p. 15.

² Cart. Glasgow, No. 232.

⁵ Acts of the Parliaments of Scotland, vol. i. p. 86**.

³ Cart. Kelso, No. 124.

Upon the death of Alexander III., who was killed by his horse falling over the rocks at Kinghorn, in Fife, on the 19th March 1286, the Prelates and Barons of Scotland assembled in Parliament or Council at Scone, on the 2d April, and appointed six guardians to govern the kingdom, until the young Queen Margaret should arrive from Norway and assume the Crown,¹ to which her right, as grand-daughter of Alexander III., failing issue of his body surviving him, had been established by the Parliament held at Scone on the 5th February 1283-4.²

These Guardians or Regents were :—

For the district to the northward of the river Forth—

William Fraser, Bishop of St. Andrews.

Duncan, Earl of Fife.

Alexander de Comyn, Earl of Buchan.

And for that to the south of the Forth—

Robert Wisheart, Bishop of Glasgow.

John de Comyn, Lord of Badenoch.

James, Senescallus or Steward of Scotland.

In the course of the next two or three years, however, the number of these guardians was reduced to four, as the Earl of Buchan died in 1288 ; and on the 25th of September in the same year, Duncan, Earl of Fife, was waylaid and murdered at Petpolloch, by Sir Patrick de Abernethy and Sir Walter de Percy, while Sir William de Abernethy watched another road which the Earl might have taken, and is asserted by historians to have been the instigator of the crime,³ although in the account of the Abernethy family, it has been shown that his elder brother, Sir Hugh de Abernethy, was the true originator of the outrage, and Sir William, if present at all, only one of the instruments.

No fresh appointments were made to fill the places of the two deceased guardians : as by the constitution of the Regency both had belonged to the northern division of the kingdom, the Bishop of St. Andrews was left sole Regent of that large district ; and in virtue of his representing the royal

¹ Fordun, *Gesta Annalia*, No. lxxxii.

² Acts of the Parliaments of Scotland, vol. i. p. 82.

³ Fordun, *Gesta Annalia*, No. lxxxiii.

authority therein, he assumed the guardianship of the extensive estates of the Earldom of Fife, which was the right of the Crown during the minority of the heir, Duncan, an infant at the time of his father's murder.

He had also been appointed one of the executors of Alexander III., and with his co-executors, in 1288-9, he resisted a claim made by John de Massun, or Mazun, a merchant of Gascony, who alleged that the King died in his debt to a considerable amount, but who, according to the defence for the bishop and his co-executors, added a little piracy to his mercantile pursuits. Edward I. ordered Thomas de Normanville and Guischart de Charrun to try the case, which he had power to do, as the plaintiff was a subject of his own, or under his protection; and if redress had been refused, the King could have enforced it out of the estates, or rather districts, for which the Kings of Scotland were feudatory to the English Crown. The bishop sent *attornati* or representatives to attend the court, among whom were his two nephews, Sir Simon and Sir Richard Fraser; but the judgment appears to have gone against him and his co-executors, in a great degree, John de Massun having obtained the verdict of the jury in favour of most of his claims, which verdict was repudiated and appealed against by the bishop's representatives.¹

On the 3d October 1289, a Parliament or Council was held at Melrose, where the Bishop of St. Andrews, the Bishop of Glasgow, John de Comyn, Lord of Badenoch, and Robert de Bruce, Lord of Annandale, were appointed plenipotentiaries for Scotland, to meet those appointed by Edward I., and by Eric, King of Norway.²

The plenipotentiaries met at Salisbury during the same month, and although nothing in the treaty then concluded between them actually referred to the marriage of the young queen and Edward, Prince of Wales, there can be little doubt that the subject was broached at their meeting; and during the previous year, the Bishop of St. Andrews appears to have visited the English monarch, as in February 1288-9 a commission was appointed for the punishment of those who had arrested him and his companions, when passing through Doncaster, on their way to Edward I. in Gascony, by his invitation and under his safe-conduct; and a further man-

¹ Historical Documents of Scotland, vol. i. p. 71.

² Hailes' Annals, vol. i. p. 204.

date on the same subject was sent to Antony, Bishop of Durham, in February 1289-90, by which it would appear that the Bishop of St. Andrews and other Scottish persons owed their arrest to some action taken by the above-mentioned John de Mazun.¹

On the 17th March 1290, a letter from the Regents, Prelates, and Barons of Scotland, in Parliament assembled at Briggham, was addressed to Edward I., giving their hearty concurrence to the project of the above marriage; and another letter was sent by the same authority to King Eric of Norway, earnestly requesting him to expedite the young queen's journey for that purpose.²

The treaty of Briggham followed, in which this contract of marriage was a prominent feature; and in all these transactions the Bishop of St. Andrews took the leading part, which the office of Regent or Guardian rendered obligatory upon him, although he was not one of those deputed to arrange that treaty, who were Robert, Bishop of Glasgow, Sir John de Comyn, and Alan, Bishop of Caithness.³

Edward I., alleging as a reason that he had taken an oath, required by the treaty of Briggham, to maintain the laws of Scotland inviolate (a somewhat flimsy pretext), assumed authority over that country, and in 1290 appointed Antony Beck, Bishop of Durham, Lieutenant of Scotland, in the joint names of Queen Margaret and the Prince of England, but to act in concert with the guardians, and by the advice of the prelates and nobles of the realm;⁴ and soon after taking this step he also demanded that the fortresses and places of strength within that kingdom should be placed in his keeping, on account of some rumours of danger, "perils et soupçesons," which he had heard.

The guardians refused to comply with this request, but made counter propositions, offering, amongst other concessions, to remove any keepers of the fortresses in question that might be distrusted by the King of England, and to replace them by unsuspected persons.

The Bishop of St. Andrews and some of the Barons were assembled in Parliament or Council at Perth, towards the end of September or beginning of October 1290, to receive King Edward's reply to their proposals, when

¹ Historical Documents of Scotland, vol. i. pp. 79, 121.

² Acts of the Parliaments of Scotland, vol. i. pp. 85, 86.

³ Hailes' Annals, vol. i. p. 208.

⁴ *Ibid.* p. 213.

the intelligence (sad to all Scotland) reached them of the dangerous illness and probable decease of the young Queen Margaret, at the Orkney Islands, where she had landed on her journey from Norway, and where she died in the month of September.¹

Upon the report of the queen's death, the several competitors for the Crown began to bestir themselves, and events took place which are related in a letter from the Bishop to Edward I., written from Leuchars, in Fife, of which a translation is here given, as nearly literal as the idioms of the two languages will permit, but which will be found in the original Latin.²

“To the most excellent Prince and reverend Lord, Lord Edward, by the grace of God most illustrious King of England, Lord of Ireland, and Duke of Aquitaine, his devoted chaplain W., by Divine permission humble minister of the Church of St. Andrew, in Scotland, wishes health and happy fortunes in accordance with his desires, with increase of glory and honour. As it was ordered lately in your presence, your ambassadors, and the ambassadors of Scotland who had been sent to you, and also some nobles of the kingdom of Scotland, assembled at Perth, on the Sunday after the feast of St. Michael the archangel, to hear your answer upon those [subjects] which were requested, and treated [of] by the ambassadors of Scotland before you.

“Which answer of yours having been heard and understood, the faithful nobles and a certain part of the community of Scotland returned infinite thanks to your Highness.

“In truth, your aforesaid ambassadors and we determined to proceed towards the country of Orkney, to confer with the ambassadors of Norway concerning the reception of our Lady the Queen, and for that [purpose] arranged our journey.

“But a most grievous rumour spread abroad that our said lady was dead, on account of which the kingdom of Scotland is disturbed, and the community disheartened.

“Also, the aforesaid rumour being heard and published, Sir Robert de Bruce, who before that did not intend to come to the above-mentioned meeting, came with a great power to confer with some who were there, but what he intends to do, or how to act, we do not as yet know.

¹ Hailes' Annals, vol. i. p. 215, etc.

² See Appendix.



“ But nevertheless the Earls of Mar and Athol have summoned their forces, and some other magnates of the land are drawing each to his own party, and therefore there is fear of civil war and great slaughter of men, unless the Most High, by your diligence and help, provide a speedy remedy.

“ My Lords, the Bishop of Durham, the Earl of Warren, and we, have since heard that our foresaid Lady is recovered of her illness, but as yet is weak, and therefore we have decided between us to remain in the neighbourhood of Perth, until we have certitude of the condition of our said Lady—may it be prosperous and happy!—through the knights who have been sent to Orkney.

“ And if we shall have the wished for news of her, which we expect from day to day, we shall be ready to proceed, as arranged, to that country, to carry out to the best of our power the affair borne in mind.

“ If Sir John de Baliol comes to your presence, we counsel that you should take care to treat with him so that in every event your honour and interest may be preserved.

“ If, indeed, it should happen that our aforesaid Lady should have departed this life, may it not be so! deign, if it please your Excellency, to draw near towards the March for the consolation of the Scottish people, and that it may be spared from the effusion of blood, so that the faithful of the kingdom may be able to preserve their oath inviolate, and to prefer him as king, who of right ought to inherit, provided he will follow your counsel. May your Excellency flourish, through a long life, prosperous and happy.

“ Given at Leuchars, on Sunday, the morrow after St. Faith the Virgin’s day, 1290.”

The events of the succeeding few months need not be detailed, as they are matters of general history. It is sufficient to say that all the different competitors for the Crown of Scotland, having agreed that the King of England should be the arbiter to decide who amongst them had the best title, and was the rightful heir to that dignity, and having sent a deputation, headed by the Bishop of St. Andrews, to request his acceptance of that office,¹ Edward I., who had been obliged to postpone his interference in the matter on account of the death of his wife, Queen Eleanor, to whom, with

¹ Fordun, *Gesta Annalia*, No. lxx.

just reason, he was tenderly attached, issued his summons to the guardians, prelates, and barons of Scotland to meet him at Norham on the 10th May 1291 for that purpose.

At this assembly Roger de Brabazon, on the part of the King of England, opened the proceedings by an address, in which he announced the claim of that monarch to be Superior, or Lord Paramount, of the kingdom of Scotland, and required the recognition of his title before proceeding to other business.

This demand seems to have taken the assembled nobles by surprise. No reply was returned. Yet one (it is unfortunate that his name has not been recorded, to be held in all honour) had the courage to exclaim, "No answer can be made while the throne is vacant."¹

Upon this Edward is reported to have vociferated, "By holy Edward, whose crown it is that I wear, I will vindicate my just rights or perish in the attempt."

The assembly then requested a delay, in order that they might inform those of their fellow barons who were absent, and have an opportunity of consulting together. "You were all sufficiently informed," said the King, "by the tenor of my summons. I give you, however, a delay till to-morrow." Upon the morrow the assembly again requested further delay, and Edward, who had not at his hand the forces which he had ordered to assemble some weeks later, and who was too wise to drive a large number of high-spirited men, disunited by faction, to the union of desperation, unless he had possessed the power to control the efforts that might be prompted by their despair, granted a postponement of the deliberations for a period of three weeks.

He had previously issued his orders to the barons of the counties of York, Lancaster, Westmoreland, Cumberland, and Northumberland, to attend him at Norham, on the 3d June, with all their powers; but it would seem that, anticipating an easier submission on the part of the Scottish nobles, he had not thought fit to await their arrival before throwing off the mask, and he probably now hastened their march.

The three weeks' delay brought no union or combined action between the several factions supporting the different competitors, and on the 2d June the

¹ Hailes' Annals, vol. i. pp. 219, 220, 221.

assembly again met at Norham, but were relegated, by order of the King of England, to a meadow at Upsetlington, on the north bank of the Tweed, opposite Norham.

There, on that day, all the competitors for the Crown, with the exception of Baliol, acknowledged Edward I. as Lord Paramount of Scotland, and Baliol, upon his arrival the next day, followed their example.

Edward required that the laws and customs which regulated the succession to the crown of Scotland, and the pretensions of the different claimants, should be fully inquired into, and a report thereupon made to him, upon which he might give judgment. To effect this, there were appointed auditors, forty in number for Baliol, Comyn, and those other competitors who were upon their side; forty more for Bruce, and the competitors who were of his party; to which were to be added, by the King of England, twenty-four additional auditors, or a greater or less number, as he should think proper.

The Bishop of St. Andrews was one of the auditors appointed on the part of Baliol.

On the 4th June the competitors all agreed that sasine of the kingdom of Scotland should be given to Edward I., and the fortresses of the realm delivered over to his possession, "because judgment cannot be without execution, nor execution without possession of the subject of the award."¹

Edward, on his part, agreed to make full restitution of all these subjects within two months after giving his decision as arbiter; and, on the 10th of that month, the guardians surrendered the kingdom and castles into his hands, which he immediately restored to their custody, but appointed Sir Brian Fitzallan a member of their body.

In the course of the same summer Edward received the homage and fealty of all the principal barons, and after the lapse of more than a year, the auditors having reported by letters-testimonial that the competitors had so far concluded their proceedings that the King might proceed to judgment, he gave his award in favour of John Baliol, upon the 17th of November 1292.

Baliol received sasine of the kingdom on the 19th of November. He did homage for it, and swore fealty to the King of England at Norham on the 20th of that month, and at Newcastle-on-Tyne on the 26th of December;

¹ Hailes' Annals, vol. i. p. 226, etc., quoting Rymer's *Fœdera*, vol. ii. p. 529.

and upon the 4th of January a mandate was addressed by Edward I. to the four guardians, viz., the Bishops of St. Andrews and Glasgow, John de Comyn, Lord of Badenoch, and James the Steward of Scotland, together with Sir Brian Fitzallan, ordering them to deliver up to King John Baliol all the various records and documents of the Crown and kingdom, and also all that related to the affairs that had taken place during their regency. Edward I. also performed his promise to restore the fortresses within two months after his award was made, though with respect to some of them, the weakness of Baliol's character caused him to grant certain concessions, or submit to certain conditions, to which it is unnecessary to refer here.

The whole career of Baliol evinces his miserable weakness of character; but it required more than ordinary strength of mind, and a firmness of purpose similar to that of his great successor, Robert Bruce, to escape from the toils that had been so skilfully laid around him, and to refuse, as King of Scotland, that homage which he had paid as competitor, "because judgment cannot be without execution, nor execution without possession of the subject of the award,"—a doctrine as applicable to the Crown as to the kingdom and fortresses.

It was probably at the time when the competitors agreed to submit their claims to the decision of Edward I., that it first occurred to that astute but unprincipled monarch how he might still carry out his wise and dearly-cherished project of uniting the whole island under one sovereignty, the death of the young Queen having put an end to the prospect of effecting this by marriage.

The bold and crafty King may be imagined to have determined, from that moment, to obtain by intimidation, by appealing to their self-interest, and by every other means in his power, the feudal submission of the competitors, doubtless upon the same grounds that he demanded sasine of the kingdom and surrender of the fortresses, well knowing that if once this was accomplished the guardians and barons must follow their example, for they would have no pretence for refusing an oath that had been taken by their possible future sovereign. This was the first act in the drama, and the second carried on the well-laid and all but successful plot.

Giving a perfectly just decision as to the right to the Crown, though not

sorry to find that it opposed so feeble an antagonist to his machinations, restoring the fortresses and muniments of the kingdom, and outwardly acting so that none could find fault, yet steadfastly adhering to the feudal submission that had been accorded, and taking advantage of Baliol's imbecility to convert that formality into a reality, by his homage repeated after he had become King of Scotland; Edward, seizing the occasion of every imprudence of the weak monarch with whom he had to deal, parading on every opportunity his state of vassalage, which alienated from him many of the best of his nobles, irritating him by interference in the most trivial matters within his jurisdiction, and heaping insult upon insult, at length drove him into open rebellion, and, in 1296, accomplished the object of these clever but nefarious manœuvres,—the seizure of Scotland as a forfeited fief.

Among these vexatious measures was the encouragement of appeals from Baliol's jurisdiction to that of the King of England, as overlord or superior; and with two of these the Bishop of St. Andrews was in some degree connected.

During his regency he had purchased the Priory of the Isle of May, in the Firth of Forth, from the Abbot of Reading, in England, and had annexed it to his bishopric.

At Baliol's first Parliament, held at Scone in February 1293, William, then Abbot of Reading, and his Monastery, through their procurators and attorneys, preferred a complaint that the Priory of the Isle of May, which had been granted to the Monastery of Reading by King David I. of Scotland, and had been ever since held by that monastery, had been sold to the Bishop of St. Andrews by the folly and stupidity of Robert, the late abbot, who had no right to sell or alienate it, and that this had been done without the consent of the King of England, who was patron of the Monastery of Reading, and without that of the King of Scotland, who was patron of the Priory, there being no King of Scotland at the time; and also, that the bishop ought not to have made the purchase, because he was then a guardian of the kingdom of Scotland, and, as such, ought to have preserved intact the royal estate, of which the patronage of the Priory formed a part; they also stated that Robert, the late Abbot of Reading, had been deposed, and with his associates imprisoned and punished in consequence of his having made the sale.¹

¹ Acts of the Parliaments of Scotland, vol. i. pp. 89, 90.

The matter was referred to a future Parliament, and thereupon the abbot and monks of Reading appealed to Edward I., by whom it is not unlikely they had been instigated in making their complaint; and he, on the 2d of September 1293, issued a mandate, citing the King of Scotland to appear before him wherever he might be in England, within fifteen days after Martinmas, to answer the appeal of the abbot and his monks.¹

The other case was that of Macduff, son of Malcolm, Earl of Fife, and consequently granduncle of Duncan, the then infant Earl. In order to explain this case, it will be necessary to refer to the occurrences that led to it, according to Lord Hailes.² Malcolm, Earl of Fife, died in 1266, leaving two sons, Colban, who succeeded him, and another, who is always styled "Macduff." Colban, Earl of Fife, died at a very early age in 1270, leaving a son, Duncan, who succeeded him in the earldom, and was murdered in 1288. He left an infant son, also named Duncan, in consequence of whose minority the Bishop of St. Andrews, as representing the Crown, assumed the guardianship of the earldom. Macduff had taken possession of the lands of Rareys and Crey, in Fife, parts of the earldom, which he asserted that his father, Malcolm the Earl, had given to him; but this being extremely doubtful, for unless he was illegitimate he must have been very young at his father's death, he was dispossessed of those estates by the bishop, as guardian of the earldom.

Upon this, which happened before Baliol's accession to the throne, Macduff made a first appeal to the King of England, who, on the 18th of June 1292, desired the bishop to hold a Court to try the case, and to do justice therein,³ which—Edward having adopted Macduff's cause—was equivalent to an order for the restoration of the estates, and seems to have been obeyed as such by the bishop.

At Baliol's first Parliament, however, Macduff was summoned to prove the title by which he held these lands, and to answer for his trespass against the Crown, as guardian of the earldom, in having taken possession of them, to which charge he replied by his assertion that they had been given to him by his father, and that the gift had been confirmed by Alexander III., in proof

¹ *Rotuli Scotiæ*, vol. i. p. 19.

² Hailes' *Annals*, vol. i. p. 247, etc.

³ *Rotuli Scotiæ*, vol. i. p. 8.

of which he produced the confirmation by that King; but the Magnates, in Parliament assembled, declared that the whole earldom of Fife had fallen into the guardianship of Alexander III. at the death of Malcolm the Earl, on account of the minority of his son Colban, and that the same King had it in ward during the minority of Duncan, Colban's son; and that Duncan having died in 1288 seized of the earldom, it was at the time of their decision in the guardianship of King John Baliol, on account of the infancy of Duncan, the then Earl.

They, therefore, again deprived Macduff of the estates, and sentenced him to imprisonment for infringing the royal prerogative, but reserved power to him to bring an action for their recovery against the young Earl, when he should be of age, or against any of his descendants.¹

In accordance with the harsh measures of that age, these lands were immediately seized, and Sir Andrew Fraser, with a party of his followers, acting doubtless under the royal authority, plundered the house and estate of Rareys of money, jewels, arms, cattle, and other moveables to the value of two hundred marks,—no inconsiderable sum in those days.

Macduff's imprisonment, if he ever underwent it, and did not make his escape, could have been of no long duration; and having already experienced the benefit of appealing to Edward I., he resolved upon a renewal of that measure, and again applied to him, which produced an order from Edward to Baliol to attend him, wherever he might be in England, on the morrow after Trinity Sunday, to answer the complaint of Macduff.²

Baliol not having obeyed this order, a second was sent to him, commanding him to appear in Edward's presence on the 14th of October;³ and that also being disregarded, a third, dated November 22, 1293, summoned him to attend on the morning after Trinity Sunday 1294, and it is in this last mandate that the plundering of the house of Rareys by Sir Andrew Fraser is mentioned.⁴

The third order to King John Baliol had been preceded by one from Edward to the Bishop of St. Andrews, desiring him to deliver over the

¹ Acts of the Parliaments of Scotland, vol. i. p. 89.

² Rotuli Scotiae, vol. i. p. 18.

³ Hailes' Annals.

⁴ Rotuli Scotiae, vol. i. p. 20.

guardianship of the young Earl's estates and goods to Walter de Cambhou, whom Edward had appointed guardian in his place, on the 20th of November.¹

It is needless to trace the record of the further humiliations to which Baliol was subjected, his demeanour when he did at length appear before Edward I. and the English Parliament, to answer the various charges brought against him, the consequences of Edward's conduct, and its success in bringing about the rebellion it was intended to produce, are matters of general history; but after the open rupture between the two Kings, the war in which Edward was then engaged with France gave Baliol a short respite, during which time the Bishop of St. Andrews and some of the other barons of Scotland endeavoured to procure an alliance for their sovereign that might prove a support in the conflict, which, it was evident, must sooner or later take place.

None more advantageous than that of France presented itself, and in 1295, furnished with letters of credence to King Philip, the Bishops of St. Andrews and Dunkeld, Sir John de Soulis, and Sir Ingraham de Umphraville proceeded to Paris, and there concluded a treaty, which Lord Hailes calls "the groundwork of many more equally honourable and ruinous to Scotland," of which, among other details, the marriage of the son and heir of King John to the eldest daughter of Charles, Count of Valois, and niece of the King of France, formed a principal article, and which, after the return of the Ambassadors, was ratified by Baliol, with consent of his Council or Parliament, on the 23d of February 1296.²

The Bishop of St. Andrews lived to see his efforts for the support of his sovereign, and his hopes of a successful resistance frustrated, by the defeat of the Scottish army at Dunbar, the subsequent submission of the whole kingdom, and the abdication of King John Baliol; but he does not appear to have taken any part in these transactions, except at their commencement to desire his vicars, William de Kinghorn and Patrick de Campania, to deprive of their benefices all the clergy of English extraction within his diocese.³ His constitution undermined by long illness, and his spirit broken by the misfortunes of his country, he sought an asylum

¹ *Rotuli Scotiæ*, vol. i. p. 19.

² *Acts of the Parliaments of Scotland*, vol. i. p. 95.

³ *Fordun, Gesta Annalia*, xci.

in France, where, at Arteville, on the 19th of September 1297, he ended his eventful life. His body was interred at the church of the Predicant Friars in Paris, and his heart, enclosed in a very rich casket, was afterwards brought over to Scotland by his immediate successor in the Episcopate, William de Lambyrtoun, and entombed in the wall of the Cathedral of St. Andrews.¹

Lord Hailes, in his *Annals*, is very severe upon the Bishop of St. Andrews for the share he took in the transactions of his day, and does not scruple to use such terms as "Fraser, Bishop of St. Andrews, was the creature of Edward;" "The treachery of Fraser the Regent;" and referring to the Bishop's letter to the King of England, "Edward was too sagacious not to discern the full import and utility of this base proposal;" and again, as regards the appointment of the English King as arbiter to decide which of the competitors was entitled to ascend the vacant throne, he remarks, in a note, "I make no doubt that many of the nobility, under the influence of the Bishop of St. Andrews, and of such politicians as the Bishop of St. Andrews, may have solicited the interposition of Edward, . . . but I see no sufficient evidence that the measure was national."²

These accusations, scattered through that portion of Lord Hailes' history, without any particular acts of the Bishop being specified, except his letter to Edward, which is vaguely called a base proposal, are all the more difficult to answer from that non-mention of specific acts. But it may be shown that there is nothing in the career of the distinguished Prelate, even as related by Lord Hailes himself, from whose *Annals* this account is taken in a great degree, to warrant such a conclusion in the mind of a dispassionate judge, and that the animadversions of Lord Hailes were dictated by the feeling that led him, in common with most Scottish historians that preceded or have followed him, to consider the title of Bruce to the throne a better one than that of Baliol. Such a notion has been exploded, for there can be no doubt that the grandson of the elder daughter, which was Baliol's position, was nearer heir than the son of the younger daughter, which was that held by Bruce, the competitor. This mistaken idea inclined them to regard all who supported Baliol's claim as traitors and foes to their country, while the followers

¹ Wyntoun, Lib. viii. cap. xiv.

² Hailes' *Annals*, vol. i. pp. 213, 217, 221.

of Bruce were eulogised as patriots and martyrs, epithets, in either case, at variance with the real state of affairs at the period in question, and the subject has been further complicated by the term "national," used by Lord Hailes.

No nation, in the sense in which that term is used at the present day, as the community from whom the governing power is derived, or even as it was understood at the time when Lord Hailes wrote, was then in existence in Scotland. The towns and burghs were in their infancy,—few in number, and powerless, often under the immediate protection of some great baron. The Earls and great Barons, holding their lands by feudal tenure in chief of the Crown, together with the dignitaries of the Church, formed the Council or Parliament, by aid of which the sovereign governed the realm; and though, in documents of that age, there is to be found mention of what is styled the "Communitas," it is doubtful of what it consisted, whether of the few royal burghs that had then been founded, or of the lesser barons. Whatever it may have been, though kings and great personages often asserted its acquiescence in their acts, its real power was absolutely *nil*, and its representation in the Council or Parliament never requisite. Many of the great Lords held lands in England, as vassals of the English King, in addition to those that they possessed under the Crown of Scotland. A very great proportion of the principal families had but recently settled in Scotland, and few could date their establishment in that country further back than the era immediately succeeding the conquest of England by the Normans.

In such a state of society the acts of the barons, spiritual and temporal, assembled in Council or Parliament, must be considered as national measures or acts of the nation, if indeed such terms are, in any degree, applicable,—at all events there was, at the time, no other legal assembly that could be called "National" in any sense.

It may also be observed that the competitors for the Crown, and not the Council or Parliament of barons, were those who agreed to submit their rival claims to the decision of Edward; that among these competitors was Robert Bruce the elder, who was not one of those who, as Lord Hailes says, were under the influence of the Bishop of St. Andrews; and that it was Bruce, not Baliol, that first appealed to Edward as his overlord.¹

¹ Palgrave, Introduction. p. xlvihi.

Upon the death of King Alexander III., and the accession of his granddaughter, Margaret, it doubtless occurred to some politicians in both kingdoms, and to the Bishop among them, that there was a good opportunity for uniting the sovereignty of the whole island under one head by the peaceful method of marriage; but so far from this idea sustaining the charge of traitorous conduct, it was a wise and beneficent suggestion, calculated to produce the greatest benefit to both countries, and had such an union then peacefully taken place, the advantages of civilisation would have been far earlier experienced in the more northern state, and perhaps in both.

The scheme was, however, unhappily frustrated by the premature death of the young Queen, and then came the letter from the Bishop of St. Andrews to Edward I., which Lord Hailes characterises as a base proposal. In what respect was it base? In the endeavour to prevent civil war, and the destruction of human life? or in advocating the claim of Baliol to the throne, which the Bishop knew to be a rightful one?

Lord Hailes most certainly exaggerates the terms of the Bishop's letter; and with regard to the oath to which it refers, he asks in a note, What oath? a somewhat disingenuous question, for the immediate context in the letter shows that it was the oath that had been taken by the faithful of the land, *i.e.* by the barons, spiritual and temporal, in whom alone power was vested, to observe the treaty of Briggam, of which one of the clauses enacted that, if Queen Margaret should die without issue, the kingdom should revert to the next heir.

There were ample grounds to justify the Bishop's apprehensions of a desperate strife breaking out between the rival competitors; but he informed Edward of the state of Scotland, the proceedings of some of the great nobles, and his fear of the consequences, in a calm and temperate manner, and not in the exaggerated language of panic represented by Lord Hailes. And to whom, save the King of England, could he have applied, powerful enough to overawe all opposition, and to support him in the preservation of the peace of the kingdom, which he, as a guardian, was bound to see to? It is possible, nay probable, that his request may have played into the hands of the astute monarch to whom it was addressed, but there can be no doubt that the Bishop averted a terrible domestic conflict by it, and that this was his principal object in making it.

In the letter the Bishop certainly recommends Baliol to Edward's favour, but as he knew him to be the true heir to the throne, he was guilty of neither treachery nor misconduct in that recommendation.

The only passages in the letter that could give the faintest colour to a suspicion of unfair conduct on the part of the Bishop, are those sentences in which he counsels Edward so to treat with Baliol "that in every event your honour and interest may be preserved;" and again, when he says "to prefer him as King who of right ought to inherit, provided he will follow your counsel." Much must be allowed for the forms of courtesy due in that age from one in the Bishop's position writing to ask the assistance of so great a prince; but it is pretty certain that he recognised no right in the King of England to decide who was to ascend the throne (it was before the competitors themselves had agreed to make him arbiter), nor any superiority in him over the Crown of Scotland; for in the same sentence, he referred to the oath taken by the faithful of the kingdom at the treaty of Briggam, and expressly said that they were to prefer him as king *who ought of right to inherit*, which must also have implied a reference to the solemn declaration made by Edward through his ambassadors at that treaty, that if the Prince of England and Queen Margaret, or either of them, should die without issue, Edward or his heirs would, if the kingdom of Scotland had by any means come into his or their hands, restore it "integre, libere, absolute, et absque ulla subjectione," to the nearest heir, *to whom it ought of right to return*.¹

At the meeting of the 10th of May 1291, after the competitors had all appointed the King of England arbiter, the Bishop, in common with all the other prelates and barons present, was doubtless taken by surprise at the formal demand for the recognition of him as feudal superior, and after the 3d and 4th of June, when the whole of the competitors had yielded to that demand, it has been already pointed out that no course remained for the guardians and other nobles but to follow their example, and swear fealty to Edward; but, in the account of these proceedings, there is not the slightest ground of suspicion to justify Lord Hailes' assertion, that "the treachery of Fraser the Regent" was one of the causes, which he

¹ Historical Documents of Scotland, vol. i. p. 166.

enumerates, "that all fought for Edward, and combined to overthrow the national independency."

The absence of all evidence against him is most striking, not a hint of private meetings or negotiations between the Bishop and Edward, or any of his officials, has ever been recorded. Tytler, indeed, follows Lord Hailes in saying, "He (Edward) had already secured the services of Fraser the Regent,"¹ and in explanation adds in a note, "August 13th, 1291, Edward I. made a pilgrimage from Berwick to St. Andrews, probably to consult with the Bishop;" but in drawing this deduction he forgot that the events, for his share in which he terms the Bishop a traitor, had occurred in and before May and June, and therefore this consultation, if it ever took place, could not have had any bearing on them.

Not only is the absence of evidence very striking, but it is apparent that the Bishop had obtained so little interest or favour with Edward as to be unable in the following year, 1292, to prevent that monarch espousing the cause of Macduff, and ordering his case to be re-heard, equivalent to a mandate for his restoration to the estates, of which the Bishop had deprived him.

The Bishop's personal conduct and character appear to have been blameless and consistent with his position as a dignitary of the Church, for no allegations of licentiousness, oppression, or tyranny are recorded against him. However solicitous for the welfare of his Episcopate, he is not found to have sought his own personal advantage in any transaction; and upon the overthrow of Baliol, and the subjugation of Scotland in 1296, instead of remaining in his diocese, as he might safely have done had he been the traitor Lord Hailes terms him, he retired to a foreign land, where, worn out and broken-hearted, he shortly afterwards died.

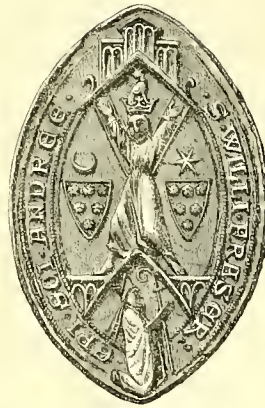
The honour paid to his remains by his successor, Bishop Lambyrtoun, one of the most strenuous asserters of Scottish independence, affords proof of the estimation in which his memory was held by those who had the best opportunity of judging his conduct; and in concluding this vindication of the eminent prelate from the vague and unfounded aspersions that have been cast upon him, it only remains to say, that it reflects but slight discredit

¹ Tytler's History of Scotland, vol. i. p. 71.

upon him and his fellow-guardians to have been overmatched by the superior genius and astuteness of one of the greatest kings that ever sat upon the throne of England.



Seal as Metropolitan.



Episcopal Seal.

William Fraser, Bishop of St. Andrews, 1279 to 1297.

THE FRASERS OF DRUMELZIER, IN THE COUNTY OF PEEBLES.

LAWRENCE FRASER was the only son of Adam Fraser, whose name is upon record. He confirmed the charters of the lands of Hales that had been granted to the Monks of Newbottle by Oliver, the son of Kylvert, and by Adam Fraser, and he mentions his mother, "Constantia," which was the name of Adam Fraser's wife.¹

He also confirmed the charters of Milnehalech, and the other lands in North Hales, granted to the same monks by Sir Bernard Fraser, who had evicted them from Maria de Hales;² and he, therefore, by some means, had succeeded Sir Bernard in possession of these estates.

However, he soon afterwards parted with the whole of Hales, for during the latter half of the century, between 1260 and 1280, Wallevus de Stratheach and Hugo de Gourlay confirmed the grants of Oliver, son of Kylvert, Adam Fraser, and Sir Bernard Fraser, respecting those lands, which they perhaps purchased from Lawrence Fraser.³ In the reign of King David II. South Hales and North Hales were granted to Adam Hepburn, on the forfeiture of Hugh Gourlay of Beinstoun.⁴

Dominus Laurentius Fraser, Miles, appears as a witness to a charter by William de Comyn of Kilbride,⁵ who died before 1289;⁶ and in a charter granted to the Monastery of Melrose by Sir Simon Fraser, Filius, Sir Laurence Fraser, "quondam Dominus de Drumelliare," is mentioned as having been the possessor of some lands dealt with in the document.⁷ This shows that

¹ Cart. Newbottle, No. 78.

² *Ibid.* No. 95.

³ *Ibid.* Nos. 96, 97.

⁴ Robertson's Index, p. 42, No. 21.

⁵ Reg. Hon. de Morton, vol. ii. No. ~~3~~⁴

⁶ Historical Documents of Scotland, vol. i. p. 69.

⁷ Cart. Melrose, No. 355.

Sir Laurence had held the estate of Drumelzier, in Tweeddale; and, also, that he was dead at the time the charter was granted, which must have been between 1292 and 1306, though, from its being undated, the exact year cannot be fixed.

Mr. Anderson, on the authority of Cardonell's *Antiquities*, vol. ii., states that Sir Lawrence Fraser possessed the estate of Makarston, in Roxburghshire, which, with that of Drumelzier, passed to his son, also a Lawrence Fraser, and were carried by his two daughters, co-heiresses, into the families of Macdougall and Tweedie, respectively.¹ This account is, however, altogether erroneous; some notice of the Frasers of Makarston will be found in this Appendix, and the acquisition of Drumelzier by the Tweedies will be immediately mentioned.

The descent of the Frasers of Drumelzier from Sir Lawrence cannot be traced with absolute certainty; but, in 1326, Sir William Fraser, Lord of Drumelzier, resigned that estate into the hands of King Robert I., for the infeftment in it of Roger, the son of Finlay;² and he was very probably the same person as a William Fraser, who made submission and swore fealty to Edward I. on the 7th of July 1296, at Fernell, being described as the son of the late "Mons. Alexander Fraser."³ His seal, which is attached to the submission, bears a label of three points, each charged with two rosettes or cinquefoils, but not on a shield; and this, though rather a fantastic piece of heraldry, raises the presumption that he was an eldest son; and it may have been he who again swore fealty at Berwick on the 28th of August 1296, as William Fraser, del counté de Peebles.⁴

His father, Sir Alexander Fraser, is also referred to as dead in 1295, by another son, Bernard Fraser, who in that year granted a bond for four marks to John de Lambertoun, as the fine for his reinfestment in the lands of Slethmanan;⁵ and Dominus Alexander Fraser, Miles, is found, before 1268, a witness to a charter by William de Cunigburg of a carucate of land at Langholm, in Stapilgorton, to Herbert, son of Sir Emery de Maxwell.⁶

¹ History of the Family of Fraser, p. 6.

⁴ Ragman Rolls, p. 125.

² Origines Parochiales, vol. i. p. 204.

⁵ Cart. Glasgow, No. 251.

³ Original Document in Record Office, London.

⁶ Reg. Hon. de Morton, vol. ii. No. 7.

The above seems to point to a connection between Sir Laurence Fraser, Lord of Drumelzier, in the last half of the thirteenth century, and Sir William Fraser, who resigned that estate into the royal hands in 1326, through Sir Alexander Fraser, who may have been a younger brother of Sir Laurence.

A Laurence Fresel, del counté de Peebles, swore fealty to Edward I. at Berwick, in 1296.¹ If the old Sir Lawrence were living as late as that date, it may have been he, or it may have been a son of his of the same name, who, dying without issue, was succeeded by his cousin, William Fraser, the son of Sir Alexander, but there is no evidence remaining as to this.

It is, however, upon record that the estate of Drumelzier did not pass to the Tweedies with a daughter of a Laurence Fraser, for, as above mentioned, it was resigned by Sir William Fraser, in 1326, in favour of Roger, the son of Finlay. Finlay of Twydyn swore fealty to Edward I. in 1296, for lands in Lanarkshire, and Roger may have been his son;² and as David II. granted a charter of Drumelzier to James Tweedie,³ he, in all likelihood, was the son of Roger, and of the daughter and heiress of Sir William Fraser, through whom that estate was inherited by him. The Tweedies were near neighbours to Drumelzier: William of Tweedy held lands in the barony of Skirling, or Scraveline, during the reign of Robert I.⁴

No information is to be found as to any posterity of the other son of Sir Alexander Fraser, Bernard Fraser, who swore fealty to Edward I. at Berwick, in August 1296,⁵ and is found with the rank of knight as a witness to a charter granted by William Lord of Douglas;⁶ and the male line of the Drumelzier branch appears to have become extinct, unless a Bernard Frisel, who served in the Scottish ranks at Halidon, and escaped, were a son of his,⁷ and as some genealogists have supposed the Frasers of Fruid, at the head of Tweeddale, to have been cadets of the Drumelzier branch, it is probable enough that they were so, and he may have been their immediate ancestor, but there is no evidence of it extant. William Frasure, dominus de Frude, witnessed a deed by John de Grahame de Gillesby, in

¹ Ragman Rolls, p. 152.

² *Ibid.* p. 139.

³ Robertson's Index, p. 59, No. 19.

⁴ Origines Parochiales, vol. i. p. 183.

⁵ Ragman Rolls, p. 134.

⁶ Reg. Hon. de Morton, vol. ii. No. 13.

⁷ Hailes' Annals, vol. iii. p. 92.

1471,¹ and the family continued to hold that estate until about the year 1500, when it also passed into the possession of Tweedie of Drumelzier, by the marriage of its heiress. Tradition asserts that the Frasers of Phopachy, in Inverness-shire, are descended from an uncle of that heiress, and that, upon the Fruid estate passing to another name, they migrated northward, and settled under the protection of their kinsman, the Lord Lovat.

¹ Reg. Hon. de Morton, vol. ii. No. 224.



William Fraser, 1296.

THE FRASERS OF MAKARSTOUN, IN THE COUNTY OF ROXBURGH.

MR. ANDERSON, referring to Cardonell's *Antiquities*, vol. ii, states that a daughter of a Laurence Fraser of Drumelzier, who lived during the Succession War, carried Makarstoun into the Macdougall family.¹ The following account will show this statement to be erroneous.

In the middle of the twelfth century the estate of Makarstoun, in Roxburghshire, was the property of a family of the name of Corbet; and before 1220 it passed into the possession of William, second son of Patrick, Earl of Dunbar, by his marriage with the heiress, Christiana Corbet.²

Christiana Corbet died in 1241, and her husband, William, in 1253.³ They left two sons, Patrick, who got the estate of Foghou, and Nicolas, who succeeded to that of Makarstoun, both of whom assumed their mother's surname of Corbet.⁴

In 1296 a Gilbert Fraser and Margaret, his wife, are found holding lands in the sheriffdom of Roxburgh;⁵ and in 1306 Ivo de Aldborough demanded from Edward I. the lands of Margaret, formerly wife of Gilbert Fraser, together with her *maritagium*, or the right of bestowing her hand in marriage.⁶ In the reign of Robert I., Margaret Corbet, widow of Dominus Gilbert Fraser, made a "*querela*," or complaint, to the King of the slaughter of her husband;⁷ but, after this, she married again, for in 1334 an order was issued by Edward III. of England for the restoration of their lands in Annandale and the sheriffdom of Roxburgh to Patrick de Shartres—Charters—and Mar-

¹ *History of the Family of Fraser*, p. 6.

² *Caledonia*, vol. ii. p. 195.

³ *Chron. Melrose*, pp. 150, 179.

⁴ *Caledonia*, vol. ii. p. 367.

⁵ *Rotuli Scotiæ*, vol. i. p. 35.

⁶ *Palgrave*, p. 310.

⁷ *Robertson's Index*, p. 27, No. 2.

garet Corbet, Lady of Makarstoun, according to the agreement between Edward de Bohun, David, Earl of Athole, and the said Patrick, concerning the surrender of the Castle of Lochmaben.¹

In the reign of David II. Margaret Corbet, Lady M'Crastoun (Makarstoun), is also mentioned in Robertson's Index.²

These records evince that Makarstoun remained in the Corbet name until about the middle of the fourteenth century; and that Gilbert Fraser's interest in it arose from his having married the heiress, Margaret Corbet, who was probably the grandchild or great-grandchild of Nicolas Corbet.

Margaret Fraser is mentioned as Lady of Makarstoun in 1369,³ and about the year 1374 Margaret Fraser resigned the lands of Makarstoun, Yetholm, and Cristoun to her son, Fergus Macdougall, or Macdowall;⁴ and it is therefore evident that she must have been the daughter, or grand-daughter, of Margaret Corbet, Lady of Makarstoun, and her first husband, Gilbert Fraser. If she were her daughter, she could not have been born later than 1307, for Gilbert Fraser was dead in 1306; and, in that case, she must have been an aged woman when she resigned Makarstoun and her other lands to her son Fergus.

No record has been found of the parentage of this Gilbert Fraser. He was probably a younger son, but of which branch it is impossible to form an idea. The above facts, however, disprove the statement copied by Mr. Anderson from Cardonell's Antiquities; and also refute the suggestion of Crawford, that Sir Richard Fraser might have been a member of the Makarstoun family.⁵

SIR NESIUS FRASER.

DOMINUS NES FRESER was a member of an assize held in 1259, to revise the verdict of a former assize held in the Court of Sir Gilbert Fraser, Sheriff of Peebles, respecting the lands of Hopkelchok.⁶ In company

¹ Rotuli Scotiæ, vol. i. p. 274.

² Robertson's Index, p. 60, No. 11.

³ Acts of the Parliaments of Scotland, vol. i. p. 175, Appendix ad acta David II.

⁴ Robertson's Index, p. 115, Nos. 32, 33.

⁵ Remarks on Ragman Rolls, p. 12.

⁶ Acts of the Parliaments of Scotland, vol. i. p. 88, documents subjoined to Preface.

with the same Sir Gilbert Fraser, and as Sir Nesius Fraser, he witnessed a confirmation by Roger de Mubray, of the Church of Dunmanin, in favour of St. Mary's Church of Jedburgh;¹ but his name is only found on these two occasions, and there is no record of his parentage, estates, or posterity. His name might appear, at first sight, to afford an argument in favour of the persons of the name of Nesius having been Frasers, but, in reality, it militates against any supposition of that kind, for it shows that Nesius was a personal name, and, therefore, Nesius de Londres could not have been a Fraser, though Nesius Fraser probably received his Christian name in consequence of the close alliance between the families.

JOHN FRASER, ARCHDEACON OF ST. ANDREWS.

IN 1296, John Fresel, del counté de Fyf, swore fealty to Edward I. at Berwick,² and John Fresel, Archidiaconus of St. Andrews, had his lands restored to him in the same year.³

In addition to those already mentioned, there appear in Ragman Rolls the names of William Frysel, del counte de Edinburgh, Robert Freser, del counte de Dumfries, Ada Fraser, Prioress of Eccles, and Sare la fielle Thomas Frysel, as making submission to Edward I., but no other trace of them is to be found.⁴

Enumerating the names of the family on that Roll, the author of Caledonia says, "this specification evinces that the sword and the axe had spared to Scotland a numerous race of Frasers;"⁵ but he forgot that in 1296 the sword had been but lightly at work, the axe scarcely at all, and that the desperate struggle which endured for a quarter of a century and more, without any interval of peace worthy of the name, and was so fatal to the nobility of Scotland, had barely commenced.⁶

¹ Original in Register House, Edinburgh.

² Ragman Rolls, p. 145.

³ Rotuli Scotiae, vol. i. p. 25.

⁴ Ragman Rolls, pp. 134, 149, 150, 152.

⁵ Caledonia, vol. i., note to p. 555.

⁶ Lord Hailes, in his Annals, vol. iii. p. 92,

remarks, in a note referring to those who escaped from the battle of Halidon, "Knyghton says William de Fresleye, if this does not mean Frisel or Fraser, I know not what to make of it." Lord Hailes was evidently unaware of the existence of a family of de Freslay

A family of Fraser of Overton was extant for some generations. In the accounts for the year 1494-5, George, Abbot of Paisley, Treasurer to King James IV., charges himself with the sum of £50 as the "composicione maid with Andro Douglas, for the ward and marriage of Robert Fresell of Ouertoune, wythin the schirefdome of Roxburgh."¹ Nothing of their origin has been discovered, but they were probably cadets of the Drumelzier or Makarston branches, or perhaps descended from Sir Nesius Fraser.

In Robertson's Index there is a note of a confirmation by King David II., in the thirty-fifth year of his reign, of a charter granted by Patrick de Dunbar, Earl of March and Moray, to Alexander de Ryklyntoun, of half the land of Estspot, with tenandries in the vill of Quytson, which Sir Patrick de Ramsay, "dominus de Dalusy," resigned in the court of the Earl "apud Quytingeham" [Whittinghame], and which had belonged to the late "Seiree Freser."²

The Earl's charter was not granted earlier than 1346, for he did not assume the title of Moray until after the death of his brother-in-law, John Randolph, Earl of Moray, at the battle of Durham, in October of that year. It is, however, impossible to say who the "Seiree Freser," former possessor of the half of Estspot, may have been.

"Seiree" may be a misprint, or a mistranscription, for Simone, and in that case it may have been an outlying possession in Berwickshire, which Sir Simon Fraser, Filius, held of the Earls of Dunbar and March, and which, by some means, had passed into the hands of Ramsay of Dalhousie.

that held the lands of Arringrosk and Fourgy, of which the members are always distinguished by the prefix "de," showing that the name was originally a territorial appellation, and not a surname proper like that of Fraser.

William de Freslay was dominus de Fourgy 1323. Cart. Cambuskenneth, pp. 6-23.

¹ Accounts of the Lord High Treasurer of Scotland, vol. i. p. 211.

² Robertson's Index, p. 76, No. 91.

BROTHERS OF SIR ALEXANDER FRASER, THE CHAMBERLAIN.

SIR ANDREW FRASER,

YOUNGER SON OF SIR ANDREW FRASER, SHERIFF OF STIRLING, 1293.

1333.

IT is difficult to determine which of the younger sons of Sir Andrew Fraser should rank next to their eldest brother, Sir Alexander Fraser, the Chamberlain.

The position of their names in Fordun's *Gesta Annalia*,¹ written by himself, in the continuation and amplification of that history by Walter Bowyer,² and in Wyntoun's *Chronicle*,³—Andrew, Simon, James,—would lead to the inference that this was the order of their respective seniority, while little can be gathered on the subject from Barbour's poem of *The Bruce*, for Simon is the only one of the three mentioned by him; it is, however, a matter of no importance whether Andrew or Simon were the senior, for Andrew left no male issue.

No authentic record of this Sir Andrew Fraser remains, except that of his death, as a distinguished leader, at the battle of Halidon Hill in 1333,⁴ in which he, Sir Simon, and Sir James Fraser, who also fell there, are called brothers; and this evinces him to have been a son of Sir Andrew Fraser the Sheriff, for there is full proof of that Sir Simon Fraser having been the Chamberlain's brother.

There is no positive evidence as to his possessions or his posterity, but in a pedigree of the family of Hay, which the writer of this account has seen, the estate of Tillibody, in Clackmannan, is said to have been acquired by a branch of the Hays through a marriage with the heiress of a Sir Andrew Fraser of Touch and Tillibody, who may have been this Sir Andrew; and although the Touch referred to in that pedigree cannot have been Touch-fraser, which was inherited by the Chamberlain's grand-daughter, and remained in her

¹ Fordun, *Gesta Annalia*, cxlix.

² *Scotichronicon*, Lib. XIII. cap. xxviii.

³ Wyntoun, Lib. VIII. cap. xxvii.

⁴ *Ibid.*

possession until 1407, yet many lands in Scotland bear that prefix, and it is sometimes found as the name of an estate without any additional appellation.

It is, therefore, also possible that this individual may be the Andrew Fraser of Touch mentioned by some genealogists, perhaps first by Crawford,¹ who also terms him Sheriff of Stirling; but this last statement is erroneous, for it has been seen in the account of the family of Touch-Fraser that the Sheriffship of that district was held by his father, of the same name, from whom it descended, through Sir Alexander Fraser, the Chamberlain, to Margaret Fraser, the grand-daughter of the latter; and it has also been seen that Sir Andrew, the Sheriff, never succeeded to Touch-fraser, having died before Sir Richard Fraser, who was proprietor of that estate, and who was succeeded in it by Sir Alexander Fraser, the Chamberlain.

SIR SIMON FRASER,

YOUNGER SON OF SIR ANDREW FRASER,
SHERIFF OF STIRLING, 1293.

MARGARET,

DAUGHTER OF AN EARL OF CAITHNESS.

1307-1333.

THERE can be no doubt that this Sir Simon Fraser was a brother of the Sir Alexander Fraser who was Chamberlain of Scotland during a portion of the reign of Robert I., and, consequently, that he was a son of Sir Andrew Fraser the Sheriff; but before relating such events in his career as are to be discovered, it will be as well to notice more at length than has yet been done, an assertion made by one author, Mr. Anderson, that he was the eldest son, and that Sir Alexander the Chamberlain was one of the younger sons of that Sir Andrew.²

Mr. Anderson bases his assertion almost entirely upon the fact of Sir Andrew Fraser having married a lady who had dower lands in the district of Caithness, and upon the inference that some litigation between Sir Simon Fraser and the Sheriff of Inverness arose from his having succeeded to the great estate which, Mr. Anderson says, Sir Andrew thereby acquired. Mr. Anderson notices that Barbour, in his poem "The Bruce," styles Sir Simon Fraser brother to Sir Alexander Fraser, but does not print the passages, which run thus—

¹ Crawford's Remarks on Ragman Rolls, p. 13.

² History of the Family of Fraser, pp. 35-43.

“ Into Schir Alexander the Fraser
 He trastit, for tha frendis war,
 And in his brothir Symon, tha twa.”

“ Quhar Alexander Fraser him met,
 And als his brothir, Symon hat.”¹ (Hecht, named.)

And he also gives an extract from a charter by Robert Janitor (Porter) of Kincardine, and dominus de Portarestoun, to which the two brothers were witnesses, as follows :—

“ Et ad pleniorem evidenciam hujus facti sigilla Domini Alexandri Fraser, tunc vice-comitis de Mernys, Simonis Fraser fratris sui, Johannis Crag, et Johannis Benvoin, ad instanciam meam presenti carte gratia testimonium perhibendi apponi procuravi.”²

The charter is without date ; but from Sir Alexander Fraser being styled knight in the body of the deed, it is certainly later than 1312, when, as seen in the account of his career, he had not attained to that dignity.

Mr. Anderson mentions that Sir Andrew Fraser was Sheriff of Stirling in 1293, that he received the manor of Ugtrethrestrother (which may be called by its modern name, Struthers), in Fife, from Edward I. in 1297, and states that he was Dominus de Touch, in the county of Stirling, which can only mean the estate of Touch-fraser, and says, “ This property was in all probability first conferred on him when he attained to the dignity of Sheriff of the county of Stirling, and afterwards possessed, apparently as his appanage, by Sir Alexander Fraser, his younger son.” Mr. Anderson was certainly mistaken in supposing that this estate was so conferred upon Sir Andrew Fraser, and appears to have been ignorant of Sir Richard Fraser’s tenure of it down to 1307, and probably later ; and it has already been seen in the account of that family to be the fact that Sir Andrew never actually possessed Touch-fraser, although heir to it, for it is evident that he died before Sir Richard. The lands and emoluments which he held may therefore be enumerated as Dripp, or Drippis, in Stirlingshire ; Struthers, in Fife ; the Sheriffship of Stirling, and the property in the district of Caithness, to which he had right through his wife, stated to be lands to the annual value of one hundred merks.

¹ The Bruce, pp. 187, 192.

² History of the Family of Fraser, note to p. 39. Arbuthnot Charter-room.

Of these, the three first, together with Sir Richard's estate of Touch-fraser, were certainly inherited by his son, Sir Alexander Fraser. They descended to Sir Alexander's grand-daughter and heiress, Margaret Fraser, and belonged to her in 1392 and 1407, as already shown in the account of the family of Touch-fraser and Cowie.

The whole of Sir Andrew Fraser's hereditary estates and emoluments, so far as they can be ascertained, therefore passed to his son, Sir Alexander Fraser; and it remains to be seen what foundation there is for Mr. Anderson's assertion, that Sir Simon Fraser inherited a large estate in the district of Caithness from his mother.

It is true that Sir Simon Fraser, towards the end of the reign of Robert I., made a querela, a complaint or petition, to the King, "super Vice-comitem de Inverness," and another in 1330, "super Comitatum de Caithnes;" but both these querelæ were made in conjunction with Margaret his wife, who is described as "unius heredis Comitis de Caithnes,"¹ and this appears to be evidence that it was her claim or right that occasioned these petitions, and there is nothing to show that Sir Simon had any interest in that part of the country beyond that which he may have acquired with his wife.

It has already been seen, in the account of the family of Touch-fraser and Cowie, that in 1312 Alexander Fraser had claims, which there is good reason for believing to have been hereditary, upon the estates of Lady Mary de Moravia, or Moray (widow of Sir Reginald le Chen, junior), an heiress in Caithness, which he must have inherited from either his father or his mother, and could not, like Sir Simon, have acquired in right of his wife; and this, coupled with the fact of all his father's other hereditary possessions, so far as known, having descended to him, affords strong evidence of his primogeniture.

When to the above is added that upon the only three occasions in which the two names are found together, one of these being a legal document, Sir Alexander's name is placed first, and Sir Simon is designated as his brother, it appears evident that Mr. Anderson had no warrant for his assertion (his alone supported by no authority), that Sir Simon Fraser was Sir Andrew Fraser's eldest son, and Sir Alexander Fraser one of his younger sons, and that the reverse was, in reality, the case.

¹ Robertson's Index, pp. 28, 29, Nos. 14-24.

To return to the account of Sir Simon Fraser. He is first mentioned as joining King Robert Bruce in 1307, in company with his elder brother.

He obtained the reputation of a bold and skilful leader, and in the Chronicles of Froissart a passage occurs that seems to credit him with having taken a prominent part in the great battle of Bannockburn :—"For sythe the battayle that was before Stryvelin in Scotland, whereas Sir Robert Bruce, Sir William Douglas, Sir Robert Versey, Sir Simon Freseyle, and other Scots chased the Englishmen three days."¹ Froissart, however, is not very accurate in his Scottish Christian names, and as he has put Sir "William" for the famous "James" of Douglas, so he may have made a mistake in that of the Fraser to whom he refers, though Simon doubtless did his devoir as a gallant warrior upon that occasion.

In Robertson's Index of missing charters, there is the title of one from Robert I. to Simon Fraser, granting him the lands of Brotherton, in Kincardineshire, and the lands in Inverbervie that had pertained to Edmond Hastings,² but as Brotherton is found, in 1445, among the possessions of the Marischal,³ to whom some of the Chamberlain's estates had descended through his grand-daughter, Margaret Fraser, it may be inferred that it had been sold or exchanged for other property by a descendant of Sir Simon Fraser.

In 1317, the name of Simon Fraser appears as one of the honorary burghesses of the burgh of Aberdeen,⁴ and in 1332 he was Vicecomes or Sheriff of Kincardine, or the Mearns,⁵ in which office he seems to have succeeded Sir Alexander Fraser, who held it when the charter noticed above, and witnessed by the two brothers, was granted by Robert Janitor of Kincardine.

Sir Simon Fraser married Margaret, co-heiress of an Earl of Caithness,⁶ who, in all probability, was the Earl of the name of Magnus, also Earl of

¹ Lord Berners' edition, cap. cxlvii.

² Robertson's Index, p. 1, No. 16.

³ Miscellany of Spalding Club, vol. v. p. 283.

⁴ *Ibid.* p. 10.

⁵ Chamberlain Rolls, vol. i. p. 252.

⁶ Sir Simon Fraser's wife is said by one author to have been the daughter of John, Earl of Orkney and Caithness, by the daughter and heiress of Graham of Lovat.—Skene's Highlanders, vol. ii. p. 312. But Sir Patrick

de Grahame, the last of the name mentioned in connection with that estate, was born about 1277, and was living in 1334; and it would strain hypothesis very much to imagine, without the slightest evidence, that a grand-daughter of his could be the wife of Sir Simon Fraser about 1329. If Patrick de Graham died without issue, a sister of his might become his heir, but of these points no evidence has been discovered.

Orkney, that died during the latter part of the reign of Robert I., and, according to the conclusion arrived at in Douglas' Peerage, which appears the most probable of any, left issue two daughters, the Margaret above mentioned, and Isabella, married to Malise, Earl of Strathearn.¹

The "Querela super Comitatum de Caithnes" is evidence that there was a dispute between these ladies and their respective husbands as to the succession to the earldom, and, at first sight, the fact that Malise, Earl of Strathearn, eventually obtained it, in the reign of David II., might lead to the inference that Sir Simon Fraser left no issue; but such a deduction would hardly be warranted, for the Countess of Strathearn may have been the elder sister, and whether that were so or not, the death of all the four sons of Sir Andrew Fraser within a year (Sir Alexander, killed at Dupplin, 11th August 1332, Sir Simon, Sir Andrew, and Sir James, killed at Halidon, 19th July 1333), leaving issue only children under age, is quite sufficient to account for a powerful noble like the Earl of Strathearn having been able to make good his claim.

Whether Sir Simon Fraser was present at the battle of Dupplin cannot be traced, but he was one of the commanders at the recapture of the town of Perth by the adherents of David II. in the same year, 1332;² and afterwards, on the 25th of November, in concert with Archibald, brother of the good Sir James de Douglas, he surprised and routed the usurper Edward de Baliol in Annandale, whose brother, Henry de Baliol, was killed, and who himself, with great difficulty, escaped half naked on a baggage horse.³

Sir Simon Fraser appears for the last time at the battle of Halidon Hill on the 19th of July 1333, where, with his brothers, Sir Andrew and Sir James, he is said to have been associated with the young Earl of Moray in command of the first division of the Scottish army, on account of their experience and valour.

That day their experience and valour proved as unavailing as that of Sir Alexander Fraser had been at Dupplin, to counteract the disorder and want of discipline in a younger generation less used to war, and the names of all three are recorded as having fallen in that disastrous field.⁴

¹ Douglas' Peerage, by Wood, vol. i.—
Earl of Caithness.

² Wynthoun, Lib. VIII. cap. xxvi. Scoti-
chronicon, Lib. XIII. cap. xxv.

³ Fordun, Gesta Annalia, No. cxlviii.

⁴ *Ibid.* No. cxlix. Scotichronicon, Lib. XIII.
cap. xxviii. Wynthoun, Lib. VIII. cap. xxvii.

Mr. Anderson, following other genealogists, has stated that Sir Simon Fraser left two sons—Simon and Hugh. In Douglas' Peerage, edited by Mr. Wood, Simon is ignored, and Hugh is named as the only son of Sir Simon Fraser.

It will be seen, however, in the following pages, that while Mr. Anderson was probably right in terming the elder son of Sir Simon Fraser, Simon, there is reason for believing that his younger son was named Alexander.

SIMON FRASER, ELDER SON OF SIR SIMON FRASER.

1345.

THE existence of a person of this name, who cannot well be considered the son of any other member of the race than the Sir Simon killed at Halidon, and who is positively asserted to have been so by some genealogists, is proved by his name being found, in 1345, as that of a witness to a charter of some lands in the barony of Urquhart, granted to Sir Robert de Cheshelme, Constable of that castle, by John, Earl of Moray;¹ and when it is remembered that his father was killed while associated in command with the then young Earl, it is not improbable that the latter befriended the son of his old comrade, and brought him up in his household.

Mr. Anderson describes Simon Fraser as having taken an active part in the stirring events of the day, and says, on the authority of Froissart, that he was the Fraser who accompanied Sir William de Douglas in the surprise and capture of Edinburgh Castle in 1341 (though Fordun, a better authority in Scottish affairs than Froissart, calls that Fraser "William"), that he was one of those sent in the same year to bring back King David II. from France to Scotland, and that he fought and was wounded at the battle of Durham in 1346.

It is probable that he accompanied the Earl of Moray, who became a distinguished leader, in his various expeditions, as soon as he was old enough to bear arms, and followed his banner to the field of Durham, where the

¹ Family of Innes, edited by Mr. Cosmo Innes, p. 60.

Earl was killed, in command of the right wing, early in the action; but when Mr. Anderson goes on to say that Simon Fraser returned to Lovat after the battle of Durham, and died there, exception must be taken to these last items in his account, for there is no evidence of a Fraser having acquired Lovat by that time. Mr. Anderson and the MS. Histories from which he takes his account are doubtless correct in saying that this Simon Fraser died at a comparatively early age, unmarried; but there is nothing upon record to show what property he held, though he probably succeeded to Brotherton, and to whatever estates Sir Simon acquired by his marriage, nor indeed is there any authentic mention of his name, except as a witness to the charter by John, Earl of Moray, noticed above.

ALEXANDER FRASER,

PROBABLY YOUNGER SON OF SIR SIMON
FRASER.A DAUGHTER OF SIR ANDREW MORAY OF
BOTHWELL.

1337-1361.

No positive evidence of the parentage of this person has been yet discovered, but in the memoir of Sir Alexander Fraser, the Chamberlain, reference has been made to the error of most of the earlier genealogists, in calling him son of Sir Simon Fraser, Pater, and brother of Sir Simon Fraser, Filius; but here, if the suggestion as to this person's parentage be correct, an Alexander Fraser is found, who appears as younger son of a Sir Simon Fraser, and younger brother of a Simon Fraser, and the error would seem to be the antedating that descent to the Chamberlain, instead of ascribing it to his nephew of the same name.

In the account of a naval victory gained in 1337 by the English Admiral, John de Ros, over two Scottish ships, in which were many of the wives and children of the nobility of Scotland returning from Flanders, Alexander Frisel is named among the "filii nobilium" who were on board and were captured.¹

He may have been the same person who, as Alexander Freysel, brother

¹ Hemingford Chron., Edwardi Tertii, vol. ii. p. 248.

(in law) to Thomas Murreff (Sir Thomas Moray of Bothwell), one of the hostages for the ransom of David II., obtained a safe-conduct on the 23d July 1361, to pass to and from England,¹ in all probability to visit Sir Thomas, who died of the plague, in London, about Michaelmas of that year.

No further record of him has been discovered, but the above authorities establish the existence of an Alexander Fraser, a youth in 1337, and of a person of the same name, and probably the same person, brother-in-law of Sir Thomas Moray of Bothwell in 1361; who hitherto has been ignored by all genealogists.

There is no positive record of any posterity of this Alexander Fraser, but there is reason to believe that he had a son, Duncan Fraser.

In the "Kalendar of Fearn," an Alexander Frisell is said to have been Prior of Beaulieu, and to have died on the 8th August 1371. It was not uncommon in that age for laymen to assume the monastic habit towards the close of life, and although Alexander Fraser was not an old man, it is possible that the death of his brother-in-law, and other circumstances, may have induced him to do so, and that his choice of that establishment, and his rapid rise to the Priorship, may have been influenced by Lovat having become a Fraser possession by 1367.

DUNCAN FRASER,

DOMINUS DE TULIFOUR, PROBABLY SON OF
ALEXANDER FRASER.

CHRISTIANA,

DAUGHTER OF MARGARET GELIBRANDE.

1362-1368.

IN 1362 the names of Duncan Fraser and his wife, Christiana, are mentioned in a charter from King David II. to Gilbert de Glencharnie, of the barony of that name, situated in the sheriffdom of Inverness and earldom of Moray, which barony, failing Gilbert's heirs-male, was to pass to Duncan Fraser and his wife, who is termed Gilbert's sister.²

In 1367 Duncan Fraser, dominus de Tulifour, and his wife, Christiana, the daughter of Margaret Gelibrande, widow of Sir Lawrence Gelibrande

¹ Rotuli Scotiæ, vol. i. p. 851.

² Robertson's Index, p. 71, No. 20.

(who probably was Margaret's second husband), obtained the lands of Broumoldy, Mulbyne, and Ordichoys, in Morayshire; those of Crechyrosy, Balmariot, and Auchinmare, in Banffshire; and Ballintraile, in Perthshire, upon the resignation of the said Margaret;¹ and in 1368 Isabella, Countess of Fife, renounced, in favour of Duncan Fraser, all her claims and rights in the lands of Orchirend, Tulyoich, and Meneicht.²

No positive evidence has been found of the parentage of this Duncan Fraser, nor has any further notice of him or his family been met with, except that in 1414 an Alexander Fraser, designated as son of the late Duncan Fraser, dominus de Tulifour, received a grant of a half davoch land for the term of his life, from his cousin, John Fraser, dominus de Arden-dracht.³

However caused, the extinction of this family, once so prosperous, seems to have been complete. No notice of any posterity of Duncan Fraser's son, Alexander, has been discovered. The large estates which came to Duncan through his wife did not remain in connection with the Fraser name, and the same may be said of those resigned by the Countess of Fife; while before 1444 Tulifour had become the property of Sir Alexander de Seton Gordon,⁴ who, in right of his mother, and of his first wife, was a co-heir of his great-grandmother, Margaret Fraser, the wife of Sir William de Keith Marischal; and as Tulifour was a part of the barony of Cluny, which had belonged to Sir Alexander Fraser the Chamberlain, and passed, with his other estates, to Margaret Fraser, Duncan Fraser probably held it as feudatory to her, and may have inherited it from Alexander Fraser, by whom, or by Simon Fraser, the estate of Brotherton may have been exchanged for it. Mr. Anderson, on the authority of Shaw's History of Moray, makes Duncan a younger son of the first Hugh Fraser of Lovat;⁵ but the facts of his having been a landed proprietor in the same year with the first appearance of Hugh Fraser in that capacity, and of his having been a married man five years before any mention of the latter is found, sufficiently refute that supposition.

¹ Antiquities of Aberdeenshire, vol. ii. p. 263.

² Miscellany of Spalding Club, vol. v. p. 246.

³ Antiquities of Aberdeenshire, vol. i. p. 380.

⁴ *Ibid.* vol. iv. p. 340.

⁵ History of Family of Fraser, p. 52.

SIR JAMES FRASER, 1322-1333,

MARGARET,

YOUNGEST SON OF SIR ANDREW FRASER,
SHERIFF OF STIRLING, 1293.DAUGHTER AND HEIRESS OF SIR JOHN STEWART
OF FRENDRAUGHT.

IN 1322, Jacobus Fraser, of the diocese of Aberdeen, obtained a dispensation from Pope John XXII. to enable him to marry Margaret, heiress of Frendraught, to whom he was related within the prohibited degrees,¹ though how that relationship arose cannot be traced; and in the account of their son, given below, will be found information as to the family of which the lady was a member.

A Sir James Fraser, probably the same person, was engaged with his brother Simon in the recapture of the town of Perth by the adherents of David II.;² and was appointed with Sir Andrew and Sir Simon Fraser, to assist the young Earl of Moray in the command of the first division of the Scottish army at the battle of Halidon Hill, where he was one of those that perished in the conflict.

The notice of his fate in the *Gesta Annalia* of Fordun throws some little doubt upon his having been a brother of the two other Frasers, and consequently of Sir Alexander Fraser, the Chamberlain; for the passage stands thus—"Andreas Fraser, cum Symone fratre suo, Jacobus Fraser, et alii nobiles quamplures;"³ but Bowyer, in the *Scotichronicon*, of part of which the *Gesta Annalia* were the groundwork, states that the three were brothers, and has altered the reading to "Andreas, Symon, et Jacobus Fraser, fratres, et alii nobiles quamplures."⁴

Wyntoun, also, in his list of those that fell at Halidon, says—

" And thre bredyre the Fresare,
That Andrew, Symownd, and Jamis ware ;"⁵

¹ Found in Archives of the Vatican by M. de Marion, and quoted in *History of Stewarts*, 1798, by Andrew Stewart, p. 446.

² *Scotichronicon*, Lib. XIII. cap. xxv. Wyntoun, Lib. VIII. cap. xxvi.

³ Fordun, *Gesta Annalia*, No. cxlix.

⁴ *Scotichronicon*, Lib. XIII. cap. xxviii.

⁵ Wyntoun, Lib. VIII. cap. xxvii.

and these authorities afford fair grounds for believing him to have been the Chamberlain's brother, and the youngest son of Sir Andrew Fraser, the Sheriff of Stirling, 1293.

He left a son,

James, who must have been a young boy at his father's death.

SIR JAMES FRASER OF FRENDRAUGHT, 1361-1395.

THERE can be no reasonable doubt that this James Fraser was the son of the person, bearing the same name, that married Margaret, the heiress of Frendraught, in 1322, and it has now to be seen to what family she belonged. In this inquiry some assistance will be obtained from the arms upon the seal of her son, this James Fraser, of which an impression remains attached to the Act of Succession to the Throne, March 1371, at the coronation of Robert II.,¹ and a woodcut is given at the end of this Memoir.

On a triangular shield he bore a fess chequé between six rosettes or cinquefoils, 3 in chief, and 2.1 in base, with a wolf's head as a crest.

This crest was evidently taken from the insignia of the old Frendraught family, for the seal of Sir Duncan de Frendraught, in 1296,² shows that his armorial bearings were three wolves' heads; but there is nothing in that coat-of-arms to account for the fess chequé, which would point to a connection with a Stewart or a Lindesay, and it is necessary to inquire how a person of either of these families had anything to do with Frendraught.

In Robertson's Index, one of the earliest charters by Robert I. is noticed thus—

“Johannis Senescall of the lands of Frendraucht;”³ and from its place in that Index, it was granted about the year 1309, immediately after the defeat and dispersion of the King's powerful adversaries, the great Comyn race, which leads to the inference that the old Barons of Frendraught had sided with them in the struggle, and had incurred forfeiture in consequence. This

¹ Original Act in Her Majesty's General Register House, Edinburgh.

² Laing's Scottish Seals, vol. ii. p. 67, No. 396.

³ Robertson's Index, p. 1. No. 19.

brings the name of Stewart into connection with the estate, and it remains to be seen who this John Senescall, or Stewart, in all probability was.

Sir John Stewart of Bonkill, the second son of Alexander, the High Steward of Scotland, is said to have been born in 1246, and was killed at the battle of Falkirk in 1298. He left a numerous issue, and his fifth son, whose birth may be reasonably placed a little before or after 1280, was named John.¹

Symson, in his *Genealogy of the Stewarts*, says that of this John's issue he has "discovered nothing from charters."² It is, however, evident that he would have been of sufficient age to receive the grant of the lands of Frendraught from Robert I. about 1309, and to have been the father of the Margaret married to James Fraser in 1322; and the fess chequé in the arms of the son of that marriage seems to confirm this view of the case, and to show that his mother was Margaret Stewart. Sir John Stewart, son of Sir John of Bonkill, is said to have been killed at Halidon, where his son-in-law, the elder Sir James Fraser, also fell.

Sir James Fraser, the younger, may perhaps have been the person whose name is found, without any designation, as a witness to a charter granted by Sir William de Keith, and his wife, Margaret Fraser, in 1361, for his mother may have been in possession of the estates until after that date; but however this may be, he appears in 1369 as James Fraser, dominus de Frendraught; and in 1371 Dominus Jacobus Fraser, Miles, and Alexander Skirmechour, were procurators for the Abbot and Monastery of Arbroath, in a contention with the Bishop of Moray.³

He was one of the barons, bearing the rank of knight, that attended the coronation of Robert II. on the 27th March 1371, and swore fealty, and affixed their seals to the Act of Succession to the Throne, and he also attended the Parliament held on the 10th April 1373.⁴

On both these occasions his name immediately precedes that of his cousin, Sir Alexander Fraser of Philorth, who, although of the senior line, belonged to the next generation.

¹ Douglas' *Peerage*, by Wood, vol. i. pp. 64, 65.

² Symson, p. 12.

³ *Antiquities of Aberdeenshire*, vol. ii. pp. 74, 197, 217.

⁴ *Acts of the Parliaments of Scotland*, vol. i. pp. 181, 185.

Under the designation of *Jacobus Fraser, dominus de Frendraught, Miles*, he is found a witness to numerous charters down to the year 1395, when he received from Robert III. the grant of an annual rent of 20 merks, from the lands of Carnousie and Culmesty, in his barony of Frendraught, which a Sir Richard Comyn, who had enjoyed it to that time, resigned into the royal hands.¹

In all probability Sir James Fraser did not long survive the year 1395, when he must have been nearly, if not quite, seventy years of age ; but there is no record of his death.

JAMES FRASER OF FRENDRAUGHT, 1402-1404.

THERE is a little obscurity in the next generation of this family. In 1402 James Fraser, *dominus de Frendraught*, but not styled "Miles," or knight, granted to the Abbey of Melrose the lands of Cambestone, in the barony of Lossidwyn and sheriffdom of Roxburgh,² which had been possessions of the old Frendraught family. Mr. Laing has given an engraving of the seal of this James Fraser in his valuable work, and says that it is appended to the charter of these lands.³ The arms upon this seal are a bar sinister indented, between three rosettes or cinquefoils, 2 . 1. No reason, however, can be discovered for the change of the fess chequé into the indented bar, but James Fraser, who was of the same generation as Margaret Fraser, the Chamberlain's grand-daughter, had reduced the number of his rosettes or cinquefoils from six to three.

James Fraser of Frendraught also granted the lands of Little Glensauche, in Kincardine, to the White Friars of Aberdeen, and he was a vassal of the Abbot of Dunfermline for the lands of Cupermaculty, Fordoue, Dulmernak, and Lytilkethie, in the sheriffdom of Perth, the last of which he granted to Henry de Ferendrache, and the charter was confirmed by Abbot John de Torry in 1404.⁴

¹ Antiquities of Aberdeenshire, vol. i. pp. 289, 540; vol. iii. p. 471. Reg. Episc. Aberdeen., vol. ii. p. 287.

² Antiquities of Aberdeenshire, vol. i. p. 524.

³ Laing's Scottish Seals, vol. i. p. 352.

⁴ Antiquities of Aberdeenshire, vol. i. pp. 523, 524.

It is impossible to say whether the Mauld Fraser who married Alexander Dunbar, second son of John Dunbar, Earl of Moray,¹ was the daughter of the last James Fraser; but their son, James Dunbar, was Lord of Frendraught in 1425,² and afterwards succeeded his cousin, Thomas, in the earldom of Moray; and the seal of his daughter, Janet Dunbar, Countess of Moray 1454, where the fess chequé again appears between three rosettes or cinquefoils, 2. 1, seems to show that she could claim a legitimate descent,³ and it is possible that the indented bar in the armorial bearings of James Fraser may have been an error of the engraver, when the rosettes or cinquefoils were reduced from six to three, arising from the slanting position of the fess chequé in the couché shield of the earlier seal, which suggestion is in some degree supported by the rosettes, or cinquefoils, appearing in similar positions to those into which the couché shield of the earlier seal throws the three below the fess-chequé.

Thus the line of the Frasers of Frendraught terminated in a female about the beginning of the fifteenth century, and there is no record of any junior branch of the family.

¹ Pitscottie, p. 42.

² Antiquities of Aberdeenshire, vol. i. p. 524.

³ Laing's Scottish Seals, vol. i. p. 56, No. 297.



Seal of Sir James Fraser, 1371.



Seal of Janet Dunbar, Countess of Moray, 1454.



Seal of James Fraser, 1402.

CADETS OF FAMILY OF COWIE, DURRIS, AND PHILORTH.

THE FRASERS OF FORGLEN AND ARDENDRACHT.

SIR JOHN FRASER, 1373-1390.

MARJORY,

DAUGHTER OF SIR JOHN OF MONYMUSK.

ON the 18th of June 1373, Robert II. granted a charter of the lands of Wester Essintuly to John Fraser, son of the late Sir William Fraser, to be held of the Crown for payment of a silver penny annually, if demanded, at the castle of Mount Durris, in the same manner as they had been held by John of Dalgarnok, who had resigned them into the King's hands.¹

On the 19th of May 1376, Sir Alexander Fraser, Lord of the barony of Cowie, granted to his brother, John Fraser, the lands of Auchinschogill, Loncardy, Plady, Delgady, etc., in the valley of the Deveron, to be held of him and his heirs, for payment of a pair of gilt spurs on each Feast of Pentecost, at the manor-place of Philorth;² and on the 31st of July 1385, the same Sir Alexander gave him a letter of obligation, to the effect that if by any lawful proceeding, at the instance of any of Sir Alexander's heirs, he should be deprived of and ejected from those estates, he should have the whole barony of Durris in lieu of them.³

This obligation was probably given in consequence of some doubt having arisen as to whether it was in Sir Alexander's power to dispose of these lands,

¹ Reg. Mag. Sig., Roll II. No. 17. Antiquities of Aberdeenshire, vol. iii. p. 355.

² Antiquities of Aberdeenshire, vol. i. p. 470.

³ Charter-room, Philorth.

as they were part of the possessions he had acquired by his marriage with Lady Johanna de Ross ; but this doubt was put an end to on the 2d of April 1397, when William Fraser, "filius et heres Domini Alexandri Fraser, militis, domini baronie de Cowy, ac dominus de Philorth," confirmed the charter of 1376 granted by his father.¹

John Fraser married Marjory, daughter and heiress of Sir John of Monymusk, and on the 2d of March 1388 he received a charter from John, Abbot of Arbroath, of the lands of Forglen, near his property of Auchinscho-gill, etc.;² but he seems to have succeeded to these lands, in right of his wife, before that date, for in 1386, as John Fraser of Forglen, he had a dispute with Adam, Bishop of Aberdeen, about the tithes due from that estate, which was settled by arbitration in that year.³

About the year 1388, he also purchased the lands of Balhelvie-Bonville, Colynstoun, and "duas Villas de Ardendracht," together with "tenandriis suis," and those of Blaretoun, Many, and Achlochery from John de Bonville, dominus de Balhelvie;⁴ and about the same time he was one of the arbiters on the part of Adam, Bishop of Aberdeen, in the settlement of a dispute between that prelate and John, dominus de Forbes.⁵

John Fraser, Miles, dominus de Forglen, appears a witness to a charter about 1390,⁶ but there is no record of his death or posterity, save that in the charter of Forglen, 1388, by the Abbot of Arbroath, two sons of his, Andrew and William, are mentioned,⁷ who seem, by the terms of the charter, to be distinguished from his legitimate progeny, and therefore to have been illegitimate ; and in 1402-3 John Fraser, dominus de Forglen, Armiger, is found a witness to a decision by Sir William de Keith, the Marischal, in a suit between Margaret de Lindesay and Henry de Preston, Lord of Formartine, with respect to the Castle of Fyvie, in favour of the latter.⁸

He was most probably the legitimate son and heir of Sir John Fraser, and

¹ Antiquities of Aberdeenshire, vol. i. p. 471. Charter-room, Slaines. This designation appears to show that William Fraser was infert in Philorth on the death of his mother, before that of his father.

² *Ibid.* vol. i. p. 511.

³ Reg. Episc. Aberdon., vol. i. pp. 171-4.

⁴ Antiquities of Aberdeenshire, vol. i. pp. 289, 379.

⁵ *Ibid.* vol. iv. p. 378.

⁶ *Ibid.* vol. iii. p. 93.

⁷ *Ibid.* vol. i. p. 511.

⁸ *Ibid.* p. 502.

in 1411, as John Fraser, dominus de Forglen, he resigned those lands into the hands of the Abbot of Arbroath, and was after that time styled dominus de Ardendracht,¹ under which designation, in 1414, he granted a half davoch of land in Ardendracht for life to his cousin Alexander, son of the late Duncan Fraser, dominus de Tulifour.²

In 1440 John Fraser of Ardendracht was dead, and his male line seems to have failed, for in that year Margaret Fraser, domina de Ardendracht and Auchleuchries, in her widowhood, resigned these lands into the hands of Patrick, dominus de Glamys et Balhelvie, the superior lord;³ and as in 1466 Alexander Hay of Dronlaw was dominus de Ardendracht, they were probably resigned in his favour, and not only these lands, but also Auchin-schogill, Loncardy, Plady, Delgady, etc., passed to the family of the Hays of Dronlaw, possibly by the marriage of an heiress, or of coheiresses, or perhaps in consequence of the right to sell them having been asserted and enforced, in spite of the condition in the charter of 1376, by which they were to revert to the Philorth family on failure of the heirs of the John Fraser, to whom they were then granted by his brother, Sir Alexander; but the details of these transactions cannot be traced accurately. They were, however, sufficiently legal to defeat the claims put forward by Sir Alexander Fraser of Philorth about 1440-45, if those claims were for the recovery of the estates, and not for the superiority alone, which latter was retained by the Lords of Philorth until 1502, when it was sold to Sir Gilbert de Hay by Sir William Fraser, sixth of Philorth.

THE FRASERS OF DURRIS.

ALEXANDER FRASER, 1400.

SIR ALEXANDER FRASER, Lord of Cowie and Durris, and first of Philorth, on the 20th of September 1400, with the consent of his second wife, Elizabeth de Hamilton, gave a charter to his son Alexander Fraser.⁴

¹ *Antiquities of Aberdeenshire*, vol. i. p. 513.

³ *Antiquities of Aberdeenshire*, vol. i. p. 381.

² *Ibid.* p. 380.

⁴ *Ibid.* vol. iii. p. 362.

In the confirmation of that charter by Robert III., on the 5th of October in the same year,¹ and also in a second confirmation of it by James I., on the 8th of August 1430,² the Alexander Fraser to whom it was granted is called "filio naturali" of his father, the granter; but the charter itself does not contain that expression, and was given "Alexandro Fraser filio meo dilecto."

Although "filius naturalis" does not necessarily bear the same meaning as the modern term "natural"—signifying illegitimate—son, yet it may do so, and the tenor of the charter itself will afford the means of discovering the position of its recipient in that respect.

The Latin text will be found in the Appendix of Charters, and the following is a close translation of its principal provisions:—

"Alexander Fraser, lord of the baronies of Cowie and Durris. . . . Know all men that I, with consent of my wife, Elizabeth de Hamylton, have given to Alexander Fraser, my beloved son, for homage and service done and to be done, by the same Alexander to me and the said Elizabeth my wife, and to the survivor of us, and to the heirs legitimately procreated or to be procreated between me and the said Elizabeth, all the lands of the two Kynclonyes, of Balcharn, and of Balfuthachy, with their pertinents, in the barony of Durris, within the sheriffdom of Kyncardine, to be held by the said Alexander and his heirs of his body legitimately procreated or to be procreated (whom failing, to revert freely to me and my heirs), of me and the said Elizabeth, and the heirs legitimately procreated or to be procreated between me and the said Elizabeth; whom failing, which God forbid, I give, concede, and by this present charter of mine, confirm to the aforesaid Alexander my son, for service hitherto done to me, the whole aforesaid barony of Durris, with its pertinents, within the said sheriffdom of Kyncardine. To be held by the aforesaid Alexander, and the heirs of his body legitimately procreated or to be procreated (whom failing, to revert fully to me and my heirs), of me and my heirs in feu, and heritage," etc.

From this it is apparent that, if the granter, the Lord of Cowie and Durris, should have a child by his second wife, Elizabeth de Hamilton, that child was to be proprietor of the barony of Durris, and Alexander Fraser, with the legitimate heirs of his body, were to hold the lands of the two

¹ Antiquities of Aberdeenshire, vol. iii. p. 362.

² *Ibid.* p. 365.

Kynclonyes, Balcharn, and Balfuthachy, as vassals of that barony ; but, on the other hand, if the Lord of Cowie and Durris should have no child by Elizabeth de Hamilton, then Alexander Fraser, with the legitimate heirs of his body, were to become proprietors of the whole barony of Durris, and to hold it as vassals of the Lord of Cowie and Durris and his heirs.

Sir William Fraser of Cowie and Durris, and second of Philorth, was undoubtedly eldest legitimate son and heir of Sir Alexander Fraser, Lord of Cowie and Durris, and first of Philorth, by his first marriage with the Lady Johanna de Ross. This is fully proved by his confirmation, in 1397, of his father's charter to his uncle John Fraser, by his succession to Cowie, Durris, and Philorth, by his sale of the two former baronies to William de Hay, Lord of Erroll, in 1413, and by the service of his son, Sir Alexander Fraser, in the barony of Cowie, as nearest heir to his grandfather, at the inquest held on the 14th April 1461, at Aberdeen.

It seems impossible that a younger legitimate son of that first marriage should be granted lands to be held in feudal subjection to the heirs of a second marriage, because, by the death of his elder brother, without issue, he might succeed to the position held by their father, and in that case would be placed in the anomalous situations of head of the elder line and vassal for part of the barony of Durris to the representative of the younger line ; but such a grant is perfectly intelligible if it were made to an illegitimate son, who could in no way interfere in the succession ; and it seems therefore to be clear that the term " *filius naturalis*," used in the confirmations of Alexander Fraser's charter, means illegitimate son.

As there was no issue of his father's second marriage, Alexander Fraser, on the death or resignation of Lady Elizabeth Hamilton, who in Sir William Fraser's charter of sale is called " *joynte fyffare* " in the lands of Cowie and Durris, obtained the whole barony in accordance with the terms of the charter ; and was the immediate ancestor of the family of Fraser of Durris. Whether the sale of that barony to the Lord of Erroll, in 1413, caused him for a time to become a feudatory of that family is uncertain, but the sasine of William Fraser in 1491 shows that the Laird of Durris had become a tenant-in-chief of the Crown by that time.¹

¹ Antiquities of Aberdeenshire, vol. iii. p. 367.

The family of Fraser of Durris continued down to 1615-16, when Alexander Fraser, then Laird, bought the lands of Cairnbulg, etc., from Sir Alexander Fraser, eighth of Philorth; but, shortly after this, he appears to have got into difficulties, and sold those possessions, in contravention of the conditions under which he had acquired them, to Fraser of Muchalls, and before the middle of the seventeenth century his patrimonial estate of Durris had also passed into the hands of the representative of that family,¹ who had become Lord Fraser. A few years later Sir Alexander Fraser, physician to Charles II., purchased the lands of Durris. He may have been a cadet of the old race, but his connection with it cannot be traced. He had two sons, one by his first wife Elizabeth Dochty, Charles Fraser, who had no male issue, the other by his second wife Dame Mary Carey, Sir Peter Fraser, to whom he left the estate; and as Sir Peter had no heirs-male, it passed through his heir-female into the possession of the famous Earl of Peterborough.

In Laing's *Scottish Seals*, the seal of Sir Peter Fraser is described, and he is said to have been "the last of the direct line of Sir Alexander Fraser, Great Chamberlain of Scotland, A.D. 1396."² Whether this statement originated with Sir Peter Fraser himself, or is the invention of Mr. Laing's correspondent, it is both inaccurate and audacious, for there was no Chamberlain of Scotland of the Fraser name later than 1326; and if Sir Peter Fraser could have established his connection with the old Durris line, it would only have proved him a member of an illegitimate branch of that of Philorth.

The Frasers of Findrack claim descent from "John, fourth son of Thomas Fraser of Durris, son of Alexander Fraser, younger of Durris, slain at the battle of Pinkie."

¹ Castle Fraser Charters.

² Laing's *Scottish Seals*, vol. ii. p. 67, No. 395.

THE FRASERS OF FOREST.

THIS family, which for about three centuries was a near neighbour to that of Philorth, sprang from John Fraser, who in the year 1426 received a charter from Robert de Keith, the Marischal, with consent of his son and heir, William de Keith, "dilecto nostro consanguineo Johanni Fraser, nunc vocato Unicorn," of the lands of New Forest, in the earldom of Buchan and sheriffdom of Aberdeen.¹

This John Fraser has been regarded as a cadet of the house of Philorth, and by some said to have been a younger son of Sir Alexander Fraser first of Cowie, Durris, and Philorth; but the reciprocal charters of entail in 1464 between Sir Alexander Fraser, third of Philorth, and Hugh, Lord Fraser of Lovat, are adverse to such a suggestion, for, unless he were illegitimate, it is very improbable that so near a relation, as the Laird of Forest must in that case have been to Philorth, would have been passed over in the destination of the entail made by the latter; and similar reasons prevent his being considered a cadet of Forglen or of Tulifour; but he may have been one of the Frasers of Durris.

There is no record, however, extant by which to trace his descent with any certainty. From the expression in the charter of 1426, it is probable that he held the office of Unicorn Pursuivant.

The Lairds of Forest, as they were termed, are found from time to time witnesses to charters, members of assizes, or acting as bailies for Fraser of Philorth, down to the years 1623-31,² when Alexander Fraser of Forest sold that property to Fraser of Strichen, who bestowed it upon his second son, Hugh. About 1641-2, however, Alexander Fraser of Forest asserted and enforced his right to redeem the estate from Strichen, and having done so by the assistance of Alexander Fraser of Philorth, afterwards tenth Lord Saltoun, assigned the property to him, who also, in 1687, acquired from the Earl Marischal the superiorities of it and some other lands; and the male line of the family of Forest appears to have become extinct soon afterwards.³

¹ Philorth Charter-room. Antiquities of Aberdeenshire, vol. iv. p. 33.

² Antiquities of Aberdeenshire, vol. iii. p. 14; vol. iv. pp. 88, 104, 125.

³ Philorth Charter-room.

THE FRASERS OF MEMSIE.

DESCENDED FROM THE SECOND SON OF THE THIRD LAIRD OF PHILORTH.

IN the year 1479, James Fraser appears as Laird of Memsie, a small estate in the parish of Rathen and vicinity of Philorth.¹

He was the second son of Sir Alexander Fraser, third of Philorth, and obtained these lands of Memsie as his portion, probably upon the resignation of them by his elder brother, Alexander, to whom they had been granted by their father before 1474.

He was one of those members of the family who, in 1496, in company with his nephew, William Fraser of Philorth, granted an acquittance to Alexander Irvine of Drum for the payment of 100 merks, in part compensation of the outrage and violence committed by him at the Bridge of Balgounie some years previously.

His descendants continued in possession of the estate of Memsie, as feudatories of the Philorth family, until about the year 1606, when an Alexander Fraser in Ardmacron is designated eldest son and heir to Alexander Fraser, sometime in Memsie.

After that the property appears to have passed by some means to a branch of the Technuiry family, for in 1635 William Fraser of Memsie is designated third lawful son of umquhile Mr. Michael Fraser, sometime in Technuiry;² and his descendants appear to have possessed the Memsie estate until 1810, when it was bought back by Alexander George Fraser, sixteenth Lord Saltoun, from William Fraser, Esq., and his only child and heiress, Elizabeth, who became Mrs. Leslie.

THE FRASERS OF TECHMUIRY.

DESCENDED FROM THE SECOND SON OF THE SEVENTH LAIRD OF PHILORTH.

IN the year 1568, "Magister" William Fraser of Technuiry, second son of Alexander Fraser, seventh of Philorth, is found as a witness to his father's purchase of the sunny halves of Kindrocht and Denend, from William Cumming

¹ Antiquities of Aberdeenshire, vol. i. p. 299. Acta Dom. Auditorum, p. 90.

² Philorth Charter-room.

of Inverallochy;¹ and in 1571, with the Vicecomes of Aberdeen, Alexander Irvine of Drum, Alexander Fraser of Philorth, and William Hay of Ury (all being styled "Vicecomites de Abirdene in hac parte"), he was decreed to be answerable for the ward and relief due to the Crown from the lands of Inverallochy, Fortrie, and Ennerurie, possessed by the same William Cumming since the death of his father, Alexander Cumming, at the battle of Pinkie.²

The Frasers of Techmuiry continued to flourish until towards the end of the seventeenth century,³ and their lands then appear to have passed from Alexander Fraser, the last proprietor of that name, into the hands of a family of the name of Gordon, by the marriage of Jane, only daughter and heiress of Alexander Fraser of Techmuiry, to James Gordon, in 1686.⁴

In 1635, as noticed in the account of the Memsie branch, a William Fraser, third son of Mr. Michael Fraser of Techmuiry, is found to have acquired that estate, and to have founded a second family of Frasers of Memsie, which terminated in an heir-female during the first twenty years of the present century.

Crawfurd mentions that a William Fraser, who, on being received into the Scots College at Paris, 1st July 1611, signed himself "Gulielmus Fraser Philorthiensis," was distinguished for his learning at the University there; and dying on the 8th of February 1661, was buried in the Church of the Carmelites in the Place Maubert.⁵ Memoranda in the Charter-room at Philorth suggest that he was a younger son of the second Laird of Techmuiry, and grandson to the first of that family.

THE FRASERS OF STRICHEN.

THOMAS FRASER, THIRD SON OF THE SEVENTH LAIRD OF PHILORTIL.

IN his History of the Family of Fraser,⁶ Mr. Anderson gives an account of the manner in which the estate of Strichen first came into the possession of one of the name that is altogether incorrect. He says that Isabel Forbes, "daughter of Forbes of Corfurdic, had taken as her first husband William

¹ Antiquities of Aberdeenshire, vol. iv. p. 683.

² *Ibid.* p. 685.

³ Philorth Charter-room.

⁴ Gordon's Scots Affairs.

⁵ Lives of Officers of State, p. 282, quoting Registers of Paris University.

⁶ History of the Family of Fraser, p. 175.

Chalmers of Strichen. This person's elder brother, George Chalmers, had been long abroad, and there was little chance of his returning. William died in possession of the estate. His widow sometime after married Thomas Fraser, son of Philorth, who assumed the title of Strichen. But the old proprietors, unwilling to part with their inheritance, threatened to dispossess him, and their disputes led to several fruitless conferences. The Chalmers, in their necessity, had recourse to Gordon of Gight. He and Fraser met at Old Deer, in the hopes of effecting a compromise, but the overtures of either party meeting with contempt, Gordon in a rage followed after Fraser, and coming behind him at the bridge of Deer, laid him dead with one blow of his two-handed sword." Mr. Anderson quotes MSS. of the Strichen family, and the Wardlaw MS., as his authorities; but the following record of the transaction, gathered from the evidence of charters, will show how little dependence can be placed upon those MSS. :—

In 1504, John Chalmers succeeded his father, Thomas Chalmers of Strathechin, or Strichen, who died in that year.¹

In 1528, Andrew Chalmers, whose wife, Christina Fraser, was of the Philorth family, perhaps a daughter of William, the sixth Laird of Philorth, is mentioned in a charter from King James v., erecting the lands of Strichen and others into a free barony in his favour, as son and heir of John Chalmers of Strichen, who was then still alive.²

In 1554, Alexander Chalmers, grandson, or nephew (nepos), and heir-apparent of Andrew Chalmers of Strichen, appears. His wife was Elizabeth Johnstone, and Andrew Chalmers and Christina Fraser were still living at that time.³

In 1558, Alexander Chalmers, "feodatarius terrarum de Strathechin," sold that estate to his cousin, Thomas Fraser, son of Alexander Fraser of Philorth, in two portions, of which he gave him two charters, one on the 11th of May 1558, the other on the 6th of December in the same year, both of which were confirmed by Queen Mary.⁴

¹ Antiquities of Aberdeenshire, vol. iii. p. 383, quoting Lib. Act. Cur. Vic. de Aberdon., vol. i.

² *Ibid.* vol. iv. p. 582, quoting Reg. Mag. Sig., Lib. xxii. No. 265.

³ Antiquities of Aberdeenshire, vol. iv. p. 584, quoting Reg. Mag. Sig., Lib. xxxii. No. 380.

⁴ *Ibid.* p. 585, quoting Reg. Mag. Sig., Lib. xxxii. No. 249; Lib. xxxi. No. 509.

In 1573, King James VI. granted to Thomas Fraser and his wife Isabel Forbes, in conjunct fee, and to the survivor, a charter of the barony of Strichen, which is stated in the charter to have belonged to Thomas Fraser, and to have been resigned into the royal hands by him for new infeftment.¹

Here neither the William Chalmers, nor his elder brother George, copied by Mr. Anderson from the above-mentioned manuscripts, can find a place; and it is clearly shown that Thomas Fraser, son of the Laird of Philorth, did not acquire Strichen in consequence of his marriage with Isabel Forbes, or in any manner that could give rise to dispute, but bought it openly from Alexander Chalmers, who had perfect right to sell it; nor does it appear that Isabel Forbes had any interest beyond that which she acquired by the charter from King James VI. to her husband and herself. The whole story seems, therefore, to have been an invention of the authors of the MSS., and it is highly improbable that the quarrel which took place between Thomas Fraser and Gordon of Gight could have any connection with the purchase of Strichen.

On Christmas Eve 1576, Thomas Fraser and Gordon of Gight appear to have met at the village of Old Deer, a few miles from Strichen, but whether the meeting was for the transaction of business, or in consequence of a social gathering, as the festive season would suggest, it is impossible to say. However, some quarrel occurred between them, and the Laird of Strichen left the place of meeting with the intention of returning home. Gight followed him, and coming up behind him on the bridge that there spans the Ugie river, struck him a blow with his sword, killing him on the spot.²

By his wife, Isabel Forbes, Thomas Fraser left issue two daughters—

Katherine, married to William Forbes of Corsindae.

Violet, married to James Sutherland of Duffus.

Having been left a widow by the murder of her first husband, Isabel Forbes, who, by the charter of 1573, had obtained infeftment in the estate of Strichen, oddly enough, married a second husband, who bore the same name as that of her first. This was Thomas Fraser of Knoekie, second son of Alexander, fourth Lord Lovat, and he, after his marriage, and probably after the birth of his son, made an arrangement by which he bought up the

¹ Antiquities of Aberdeenshire, vol. iv. p. 587, quoting Reg. Mag. Sig., Lib. xxxiv. No. 6.

² Gight was afterwards obliged to pay 5000 merks as compensation for the murder.

interests of his two step-daughters, with the consent of Sir Alexander Fraser, eighth of Philorth, who had obtained the guardianship of the young ladies; and thereupon they resigned in his favour, and disposed to him the estate and barony of Strichen, for which he received a charter under the Great Seal of King James VI. in 1591.¹ Mr. Anderson says that Thomas Fraser of Knockie, "to prevent future disputes, bought up the claims of the family of Chalmers." He quotes the inventory of title-deeds at Strichen, and perhaps had misapprehended the two charters from Alexander Chalmers to the first Thomas Fraser.

The second family of Fraser of Strichen, who were not cadets of Philorth, but of Lovat, and of whom one representative became a Lord of Session and of Justiciary, 1730-6, by the title of Lord Strichen, continued in possession of the estate until, in consequence of the failure of all intermediate branches, Thomas Alexander Fraser, tenth Laird of Strichen, and eighth in descent from Thomas Fraser of Knockie, in 1815 succeeded Colonel the Honourable Archibald Campbell Fraser, second surviving son of the forfeited Lord Lovat, in the possessions belonging to that family, which had been restored in 1774. He was created a Peer of the United Kingdom in 1837, by the title of Lord Lovat; and in 1857 the ancient Scottish Peerage of the same title was restored in him. Lord Lovat afterwards sold the estate of Strichen to the late George Baird, Esquire of Stichell, and it thus passed from the Fraser name.

JOHN FRASER, RECTOR OF THE UNIVERSITY OF PARIS, 1596,

FOURTH SON OF THE SEVENTH LAIRD OF PHILORTH.

IN Dempster's Ecclesiastical History of Scotland, page 299, quoted by Crawford,² this person is called "*Johannes Fraserius ex nobilissimâ familiâ Philorthiæ, rari amænique ingenii,*" and is stated to have been Abbot of Noyon or Compeigne. Dempster adds that, in 1596, he was unanimously elected Rector of the University of Paris, and died there, at an advanced age, on Easter Day 1605, and was buried in the Church of the Franciscans in that city; but Crawford corrects Dempster as to the date of his death, and, referring to the registers of that university, places it in 1609.

¹ Antiquities of Aberdeenshire, vol. iv. p. 587, note, quoting Reg. Mag. Sig., Lib. xxxviii. No. 269.

² Crawford, Lives of Officers of State, p. 282.

Dempster also says that he was an author, and wrote two works, one intituled, "In universam Aristotelis philosophiam commentarii doctissimi;" the other "Controversiæ fidei vernaculi," which last Crawford declares to be the same as a treatise intituled, "Offer made to a gentleman of quality by John Fraser, to subscribe and embrace the Ministers of Scotland's religion, if they can sufficiently prove that they have the true kirk and lawful calling," which was printed at Paris in 1604.

The statement, that the learned and eminent Rector of the Paris University was the fourth son of the seventh Laird of Philorth, rests altogether upon the authority of Crawford; but the age in which he lived would well accord with his having been so, and therefore this account of him has been inserted here.

THE FRASERS OF QUARRELBUSS.

DESCENDED FROM A BROTHER OF THE EIGHTH LAIRD OF PHILORTH.

JOHN FRASER, a brother of Sir Alexander Fraser of Philorth and Fraserburgh, 1570-1624, obtained the lands of Quarrelbuss.¹

He had a son, Andrew Fraser, who with his father bought the lands of Aberdour from Alexander Fraser, younger of Philorth, before 1608.²

Andrew Fraser, however, reconveyed these lands to John Fraser, younger half-brother of Alexander Fraser of Philorth, afterwards tenth Lord Saltoun, who succeeded to them on John's death.³

Nothing further is known of Andrew Fraser of Quarrelbuss, and it is probable that he died without issue.

THE FRASERS OF RATHILLOCK.

DESCENDED FROM A BROTHER OF THE EIGHTH LAIRD OF PHILORTH.

WALTER FRASER, another brother of Sir Alexander Fraser of Philorth and Fraserburgh, 1570-1624, is said to have obtained the lands of Rathillock and Crechie.⁴

¹ Philorth Charter-room.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

He was a witness to several charters of the sale of lands bought by his brother,¹ and he left a son, Andrew Fraser, who is mentioned as a witness to the latter will and testament of his uncle, Sir Alexander Fraser, in 1623,² but of whom nothing more is known.

THE FRASERS OF TYRIE.

DESCENDED FROM THE THIRD SON OF THE EIGHTH LAIRD OF PHILORTH.

JAMES FRASER, third son of Sir Alexander Fraser of Philorth and Fraserburgh, 1570-1624, received the estate of Tyrie from his father as his portion, and died before 1650, for he is mentioned as deceased in the will of Alexander Fraser of Philorth, afterwards tenth Lord Saltoun, made in that year, who calls him his uncle, and who also mentions his son, Alexander Fraser of Tyrie, and his daughter, Jean.³

This Alexander of Tyrie appears to be the same that began to build the house of Tyrie, which was still unfinished at his death in 1690, and of which scarce a vestige remains.⁴

He left a son, by whom, or by his successors, the estate was sold about 1725-30 to Leslie of Iden, and it passed into other hands, until in the end of the last century a large portion of it was purchased from a Mr. Ritchie, by Simon Fraser of Ness Castle, and by him re-united to the Philorth estates.⁵

THE FRASERS OF FRASERFIELD.

THE Honourable William Fraser, second son of William, eleventh Lord Saltoun, was born on the 19th November 1691.⁶

He chose the legal profession, and became a member of the Faculty of Advocates in 1713, and his father appears to have had much confidence in

¹ Antiquities of Aberdeenshire, vol. iv. pp. 647, 649, 684.

² Philorth Charter-room.

³ *Ibid.*

⁴ Antiquities of Aberdeenshire, vol. i. pp. 449, 450.

⁵ Philorth Charter-room.

⁶ *Ibid.*

his ability and integrity, for he constituted him trustee for the £4000 which he had left by will to his eldest grandchild, the son of the Master of Saltoun, and his wife, Lady Mary Gordon, which trust William Fraser rigidly executed, and enforced payment from the twelfth Lord after he had succeeded their father.

The eleventh Lord also left William Fraser a considerable sum of money at his death in 1715, which enabled him in 1721 to purchase the estate of Balgounie, near Aberdeen, from Lord Gray, and he then changed its name to Fraserfield.

At the general election of 1722 he stood for Kintore and its associate burghs, but though successful at the poll, he was found not duly elected.

On the 25th October 1724, he married Lady Katherine Anne Erskine, eldest daughter of David, Earl of Buchan, and, within three years, he died on the 23d of March 1727, in the thirty-sixth year of his age.

He left an only son—

William Fraser of Fraserfield, born September 28, 1725, who served for some years in the army. He married Rachel, daughter of the Rev. Hugh Kennedy, and dying on the 31st October 1788, left a large family—

1. William, who succeeded his father.
2. Margaret, married 15th October 1771, David Steuart, Earl of Buchan, and died without issue 12th May 1819.
3. Katherine Anne, married, 27th March 1777, Duncan Forbes Mitchell of Thainstoun, and had a numerous family. Henry David, her sixth son, married his cousin, Margaret Fraser of Fraserfield, eldest daughter and heiress of his uncle Alexander.

<ol style="list-style-type: none"> 4. Hugh, 5. Anna Alexia, 6. Rachel, 	}	died in infancy.
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7. Alexander, who succeeded his brother William.
8. Henry David, born 27th April 1762, who was an officer in the British army, and a Brigadier-General in the Portuguese service. He married, on the 6th October 1800, Mary Christina, daughter of John Forbes of Skellater, senior general in the Portuguese service, Governor of Rio Janeiro, and Knight Grand Cross of the Order of Avis in Portugal, and of Charles III. in Spain, and died in 1810, leaving issue—

William John, born 11th June 1801, died unmarried.

Sophia Mary Jane, born 8th December 1802, married Count Henry Francis Bombelles, and has issue.

John Henry David, born 27th December 1803, died unmarried.

Margaret Alexia, born 18th June 1805, married the Marquis de Garzallo.

Mary Ann, born 1st February 1807, died 17th May 1877, unmarried.

9. Kennedy, born 20th June 1763, died in 1819 unmarried.

10. Hugh, born 26th September 1764, who became Rector of Woolwich. He married, 25th June 1803, Miss Lloyd, and died in 1837 having had issue—
Erskine William, born 11th January 1806, died young.

11. Erskine, born 23d June 1766, served in the 71st regiment, became colonel of the 109th regiment, acquired the property of Woodhill, in Aberdeenshire, and died on the 21st January 1804. He married, 3d May 1794, Elizabeth, daughter of Thomas Forbes of Ballogie, and had issue—

Rachel, born 4th May 1795, died 25th October 1797.

William, born 21st November 1796, who succeeded to Woodhill, served in the 43d Light Infantry, became colonel in the army, married, in 1833, Mary Elizabeth Shuttleworth, and died in 1872, leaving issue a daughter, Elizabeth.

William Fraser, the eldest son, born on the 14th December 1752, at his father's decease in 1788 succeeded to Fraserfield, but did not enjoy the estate for a whole year, as he died on the 25th October 1789. He was unmarried, and the succession devolved upon his next brother.

Alexander Fraser of Fraserfield, born 8th January 1761, who was in the service of the East India Company. On the 20th April 1795, he married Mary Christina, eldest daughter of George Moir of Scotstoun, in the county of Aberdeen, and dying 18th July 1807, left issue four daughters—

Margaret, who succeeded her father in Fraserfield.

Rachel, born 2d March 1798, married William Maxwell, Esquire, and died in 1867, leaving issue.

Katherine Isabella, born 2d November 1799, died in 1867, unmarried.

Mary, born 2d January 1802, married, in 1825, William Urquhart of Craigstoun, and died in 1873, leaving issue.

Margaret Fraser of Fraserfield, the eldest daughter, was born on the 6th July 1796, and succeeded to that estate on the death of her father in 1807.

On the 27th of May 1816, she married her first cousin, Henry David Forbes, sixth son of Duncan Forbes Mitchell of Thainstoun, by whom she had issue.

At her death in 1839, her eldest son, Duncan Forbes, succeeded to the estate, the name of which has been altered from Fraserfield back to its original and more euphonious title, and the family of Fraser of Fraserfield merged in that of Forbes of Balgounie.

THE FRASERS OF LONMAY.

THE Honourable James Fraser, third son of William, eleventh Lord Saltoun, bought the house and estate of Lonmay, in the parish of that name, from the Honourable Patrick Ogilvie, brother to the Earl of Findlater, in the year 1718, and died on the 10th August 1729.

He married Lady Eleanor Lindesay, daughter of Colin, Earl of Balcarres, and they had an only son, William Fraser, a cornet in Lord Stair's regiment of dragoons, who was killed, or died abroad, under age, and unmarried.

Lady Eleanor, survived her husband, and acquired right to the estate at a judicial sale. She disposed it to William Moir of Whitehills and his son William on the 7th December 1731, and she died in 1735.

THE FRASERS OF PARK.

ALTHOUGH not descended from Philorth on the father's side, the Frasers of Park became so closely connected with that family, that some notice of them is proper in these pages.

William Fraser, factor to the Lord Saltoun of that day, purchased the small estate of Park, lying about five miles south of Fraserburgh, from John Jaffray, at Craigellie, in 1766.

No trace of his origin remains, but from his posterity bearing the arms of Lovat, he probably was a member of some cadet family of that branch, who had come from the Highlands to seek his fortune.

He married Catherine, daughter of John Gordon of Kinnellar, by his wife Henrietta Fraser, second daughter of William, eleventh Lord Saltoun (and

sister of Eleanor Gordon, who was the wife of the fourteenth Lord), and by her had, at least, two sons and two daughters, between the latter of whom he left the estate of Park. Of these, the elder, Henrietta, married John M'Bean, Esq. of Jamaica, and died without issue; the younger, Eleanor, died unmarried.

George Fraser, the eldest son, became a prosperous and affluent merchant in London, and although married, had no issue. He bought the estate of Park from his sisters, generously paying them a price far above its actual value, and, at his death on the 2d November 1837, he left it to his eldest nephew.

John Fraser, the second son, born in 1759-60, entered the army in 1778, and became a general officer, and Knight Grand Cross of Hanover. He served on board the "Defence," under Sir George Rodney, which ship, in the general action of the 16th June 1780, took the Spanish admiral's ship, the "Phoenix," of superior force. He served at Gibraltar during the famous siege of 1800-2, at which time he had attained to the rank of colonel, and was twice severely wounded, once by a splinter, and again by a cannon-ball, which carried off his right leg. In 1804, when in command on the coast of Africa, he was attacked by a very superior force, and at last obliged to capitulate, but not until the loss inflicted upon the enemy exceeded the numbers of the British force at the commencement of the attack.

Sir John Fraser was appointed Lieutenant-Governor of Chester Castle in 1828, which post he retained until his death on the 14th November 1843, in his eighty-fourth year.

He was the beau-ideal of an honourable, upright, chivalrous soldier, and his memory is affectionately cherished by the writer of this history, his god-son, to whom he showed unvarying kindness.

He married, first, on the 15th April 1790, Evorilda, daughter of James Hamer, Esq. of Hamer Hall, Lancashire, and by her had one son and three daughters—

William James.

Catherine, married William Colgrave, Esq. of Branbridge and Mere Hall, Lancashire, and has issue.

Evorilda, married General Chesney (Euphrates expedition), and died on the 21st November 1840, without issue.

Eleonora, died unmarried.

He married, secondly, about three years before his death, Miss A'Court, but had no issue by her.

William James Fraser, only son of Sir John Fraser, succeeded his uncle, George Fraser, in the estate of Park. He married Mary Anne, daughter of Robert Cumming, Esq. of Logie, in Morayshire, by his wife, Leslie Baillie (the "Bonnie Leslie" of Burns), and died on the 8th August 1838, having had issue two sons and four daughters—

- (1.) George Fraser. (2.) A son, died in infancy.
- (3.) Leslie Anne, married the Rev. Edward Whately, son of the Archbishop of Dublin, and died in 1868, leaving issue.
- (4.) Grace Louisa, married Thomas Gilzean Rose Innes, Esq. of Netherdale, in Banffshire, and has issue.
- (5.) Eliza, died on the 30th June 1842, unmarried.
- (6.) Evorilda Eliza Maria, married John Glass Gordon Stuart, lieutenant, 42d Highlanders, and has issue.

George Fraser succeeded his father in Park. He entered the army, and became captain in the 42d Highlanders. He married Angusina, daughter of Thomas Macdonald, Esq., Fort-William, and died in India on the 27th June 1862. His wife died on 5th November thereafter, leaving an only son—

William James Fraser, the present proprietor of Park.

THE FRASERS OF BROADLAND.

NISBET, in his *Heraldry*, vol. ii. Part III. page 15, mentions Fraser of Broadland as descended from a sixth son of some proprietor of Philorth, evidenced by the "fleur-de-luce" in his arms; but this descent is very doubtful, for no Fraser of Philorth is on record as having had six sons, except Sir Alexander, third of Philorth, who died in 1482.

THE FRASERS OF HOSPITALFIELD.

IN Mr. Ochterlony's monograph of the shire of Forfar, James Fraser of Hospitalfield, who lived 1664-1682, is termed "of the familie of Philorth." No record of his descent from that family has been found, but he may have been a younger son of one of its cadet branches of Memsie, Techmuiry, or Tyrie.

ABERNETHY CADETS.

SIR LAURENCE ABERNETHY, 1314-1337, YOUNGER SON OF
SIR WILLIAM, SECOND OF SALTOUN.

IN the charter of the lands of Mackyspoffil, granted to the Abbey of Melrose by this Sir Laurence Abernethy about 1320-25, he mentions "Domino Willelmo de Abyrnethy," his brother, and "Willelmo de Abyrnethy," son and heir of the last, his nephew, as two of the witnesses. At first sight this would appear to afford evidence of his having been a son of Sir William, first of Saltoun, but the date, 1337-8, at which he will be found engaged in very active military operations, seems quite inconsistent with his having then been of such advanced age as that parentage would require. In Douglas' Peerage he is placed as a son of Sir William, second of Saltoun, and it is more probable that he was so, and brother to Sir William, third of Saltoun, and that his nephew William, mentioned in his charter, died without succeeding, which supposition is strengthened by the change of name, George having succeeded as fourth of Saltoun; but the question is one of but little importance.

In the stirring events of the age in which he lived, Sir Laurence Abernethy took an active part, and, like many others, seems to have been a somewhat uncertain partisan, changing sides with much facility; and it is related of him that, in 1314, he was proceeding in command of a body of troops to serve in the English army, when, meeting Sir James de Douglas, the friend of Bruce, in hot pursuit of Edward II. after the decisive victory of Bannockburn, he made no scruple of joining in the chase of the unfortunate king whom he had been marching to assist.¹

¹ Hailes' Annals, vol. ii. p. 56.

During the rest of the reign of Robert I., against whom rebellion was no safe venture, Sir Laurence Abernethy remained a quiet and obedient subject, and received from the King a grant of the Manor of Lambyrton, near Berwick, which had belonged to an Ingram de Guynes;¹ but after the death of that King, upon the invasion of Scotland by Edward Baliol in 1332, he again threw off the mask, and appeared as an ardent supporter of the English interest.

He became a distinguished leader; and a curious incident in his career is mentioned by old Scottish historians. In 1337 he defeated Sir William de Douglas, the renowned knight of Nithsdale, five times in one day, but was in his turn conquered and taken prisoner by that gallant warrior before night-fall.² The true version of the story would probably be that the affair was a running fight, in which Douglas attempted five times to make a stand, but was as often outnumbered, beaten, and forced to continue his retreat, until Sir Laurence, having outridden the bulk of his forces in the heat of pursuit, was overthrown, and made prisoner in a sixth encounter with more equal numbers.

He soon regained his liberty, and towards the end of 1338 he was Governor of the Castle of Hawthornden, one of his own estates, near Edinburgh, for Edward III.³

In consequence of his rebellion and persistent adherence to the English side, his lands were forfeited; and David II. made various grants of his manors. Hawthornden, in Midlothian, was given to Alexander Ramsay; Muir Hall, in Peeblesshire, to Bryce Blair; Lambyrton, in Berwickshire, to Walter Haliburton; and Borthwicksheils, in Roxburghshire, to William de Lindsay.⁴

From the notice of a charter in Robertson's Index, he appears to have had a son named Hugh, to whom his lands were restored by David II., with the exception of Lambyrton;⁵ but this son must have died without issue, for the lands were eventually divided between co-heiresses, the daughters of Sir Laurence, who carried them into other families.

¹ Robertson's Index, p. 4, No. 6.

⁴ Robertson's Index, p. 54, No. 5; p. 56,

² Scotichronicon, Lib. XIII. cap. xlv. No. 14; p. 57, No. 35; p. 116, No. 54.

Wyntoun, Lib. VIII. cap. xxxvi.

³ Rotuli Scotiæ, vol. i. pp. 550-1.

⁵ *Ibid.* p. 45, No. 14.

SIR JOHN ABERNETHY, 1363-1381,

YOUNGER SON OF SIR GEORGE, FOURTH OF SALTOUN.

IN 1363 this John Abernethy received a safe-conduct to enable him to pass into England and return therefrom, and in the document he is designated as valettus to David II.¹

He also appears as Sir John Abernethy of Balgounie, in Fife, and in 1367-8 David II. granted £20 worth of land within the royal manor of Kinghorn, "dilecto bachillario nostro Johanni de Abernethy," which was followed by a second grant of £26 sterling, from the same manor, "Johanni de Abernithy, Militi."²

He was one of the witnesses to a charter granted by Archibald, third Earl of Douglas, to Sir Alexander Fraser, first of Philorth, about 1375-8,³ and he received another safe-conduct in 1381, to enable him to pass through England, with six horsemen, on his way to the Holy Land,⁴ from whence there is no mention of his return. In 1384, Alexander Barclay, son of William Barclay of Kerkhou, is called brother (brother-in-law?) and heir of a John de Abernethy, and if this were he, it shows that he left no posterity.⁵

YOUNGER SONS OF SIR WILLIAM, SIXTH OF SALTOUN.

PATRICK ABERNETHY was one of the witnesses to a charter granted by the Regent Albany to his son, John Stewart, Earl of Buchan, in 1413, and is designated by the Regent "nepos noster dilectus," our beloved grandson.⁶ This shows his parentage, but nothing more is known of him.

John Abernethy received from Sir William Abernethy, dominus de Saltoun, a charter of the lands of Kinnaltie, in the barony of Rethie, or Reddie, in Forfarshire, which was confirmed by Robert III.⁷

¹ Rymer's *Fœdera*, vol. vi. p. 428.

⁵ *Antiquities of Aberdeenshire*, vol. iii. p. 416.

² *Douglas' Peerage*, by Wood, quoting *Reg. Mag. Sig.*, Nos. 49, 61.

⁶ *Douglas' Peerage*, by Wood, quoting *Reg. Mag. Sig.*, No. 255.

³ *Antiquities of Aberdeenshire*, vol. iv. p. 114. *Philorth Charter-room*.

⁴ Rymer's *Fœdera*, vol. vii. p. 337.

⁷ *Robertson's Index*, p. 137, No. 1.

He was probably the Sir John Abernethy whose name is found as one of the witnesses to a charter by Sir Alexander de Seton, Lord of Gordon, in 1432,¹ but there is no record of his posterity.

YOUNGER SON OF THE WILLIAM ABERNETHY
KILLED AT HARLAW, 1411.

OSWALD ABERNETHY, who was one of the witnesses to a truce made by the Wardens of the Marches with the English in 1449,² was in all probability a brother of Sir William, seventh of Saltoun, and of Sir Laurence, first Lord Saltoun.

He had a son, John Abernethy, who is mentioned as one of the substitutes in the entail contained in the charter received by William, second Lord Saltoun ;³ but there is no further information respecting him. Douglas' Peerage calls him "William," by mistake.

YOUNGER SONS OF SIR LAURENCE, FIRST LORD SALTOUN.

THE names of George Abernethy and Archibald Abernethy appear in the charters of tailzie obtained by their elder brother William, second Lord Saltoun, and from the mention of his heirs in one of those charters, after his death, it would appear that Archibald left issue ; but if so, they cannot be traced, and there is nothing more known of George, unless it were he who was one of the assize that arbitrated between Alexander Innes of Innes and Alexander Symson, vicar of Aberkerdor, who had a dispute respecting some lands in 1493.⁴

YOUNGER SON OF ALEXANDER, FOURTH LORD SALTOUN.

IN the proceedings of a lawsuit between the Laird of Innes and Alexander, sixth Lord Saltoun, the name of Laurentius Abernethy is found ;⁵ and he

¹ Antiquities of Aberdeenshire, vol. i. p. 556.

² Rymer's Fœdera, vol. xi. p. 246.

³ Reg. Mag. Sig., Lib. x. No. 42.

⁴ Antiquities of Aberdeenshire, vol. ii. pp. 210-12.

⁵ Spalding Club. Family of Innes, pp. 109-11.

is termed uncle to the sixth Lord, which is evidence of his having been a brother of the fifth Lord Saltoun, but there is no further mention of him in any known record.

YOUNGER SON OF WILLIAM, FIFTH LORD SALTOUN.

IN the year 1543, the Bishop of Aberdeen granted a feu-charter of the lands of Byrnes, near Ellon, to Elizabeth Hay, for her lifetime.¹ She was the wife of the fifth Lord Saltoun, and their second son was William Abernethy, to whom, and to his heirs, the Bishop feued the same lands in fee. From this William descended the family of Abernethy of Birnes, which family no longer exists.

YOUNGER SONS OF ALEXANDER, SIXTH LORD SALTOUN.

THERE is upon record a protestation made on behalf of — Abernethy, brother to Lord Saltoun, in 1587, by his uncle, Robert, the Commendator of Deir, to the effect "that the benefit of a pacificatioun and restitutioun granted generallie to all persons foerfalted suld onnawyse hurt or prejugue the said — Abernethy, his sister's son, anent quhatsumever right of title obtenit be him or his predecessors of the landis or living of Lessindrum."² There is, however, no account extant of the way in which that estate was acquired, nor can his Christian name, nor anything further about him, be discovered.

John de Abernethy, third son of the sixth Lord Saltoun, in 1557 received from his father the lands of Barre, or Barrie, in Strathisla; but as the sixth Lord was only married in 1550, this gift must have been bestowed when John was a mere child.³

In the account of Laurence, first Lord Saltoun, it has been seen that he was probably the person to whom the Abbot of Deer is said to have granted these lands in feu, and they had continued in the possession of successive Lords Saltoun until given by the sixth Lord to his third son, John.

¹ Antiquities of Aberdeenshire, vol. iii. p. 4.

² Acts of the Parliaments of Scotland, vol. iii. p. 470.

³ Antiquities of Aberdeenshire, vol. ii. pp. 420, 426.

John Abernethy of Barrie had a son—

Thomas Abernethy of Barrie, who in 1609 got a wadset of the lands of Auchincloich from John, eighth Lord Saltoun. He had three sons—

George Abernethy of Barrie, who had a son, James Abernethy of Barrie, whose descendants appear to have held that property until 1722, when it was sold to Duff of Crombie.

James Abernethy, the advocate, mentioned in the account of Alexander, ninth Lord Saltoun, who died unmarried.

Alexander Abernethy, in whose favour his elder brother George resigned the wadset of Auchincloich, and who, in 1655, got a heritable disposition of that estate from the superior, Gordon of Rothiemay. He acquired the property of Mayen by marriage with Isobel, daughter and co-heiress of Walter Hacket, and by buying up the share of her sister Elizabeth, wife of Archibald Dunbar of Newton; and he was the person of that name mentioned in the Memoir of Alexander, ninth Lord Saltoun. He died in March 1683, leaving a numerous family by his wife, Isobel Hacket, who afterwards married Alexander Forbes of Blacktoun—

John, his heir.

William, }
George, } of whom nothing is known.

Joan, married James Moir of Stoneywood.

Christian, married Sir Alexander Hay of Arnboth.

Janet.

Elizabeth, married Hugh Innes, minister of Mortlach.

Isobel, married Alexander Shand, minister of Inch.

John Abernethy, second of Mayen, left issue—

James, his heir.

Joan, married Dr. William Moir of Spittell.

James Abernethy, third of Mayen, married Jane Duff.

He quarrelled, at an election dinner in Aberdeen, with John Leith of Leith Hall, and shot him dead in the street. He effected his escape, but was outlawed, and died abroad.

The Earl of Fife obtained a gift of his liferent of Mayen for the benefit of Jane Duff and her children.

James Abernethy left issue by her—

James, his heir.

Jane, married Major Alexander Duff, 68th regiment.

Isobel, married Lieutenant Graham, 42d regiment.

Helen.

James Abernethy, fourth of Mayen, died intestate, without issue, in April 1785, when Major Duff, husband of the eldest sister, bought up the rights of the other sisters, and became Duff of Mayen.¹

A Patrick Abernethy of Nathirdale, or Netherdale, appears in 1618, as tutor or guardian to Alexander, ninth Lord Saltoun, and in 1644 he, or his son, was one of the committee of war for the constabulary of Haddington; and an Alexander Abernethy of Nathirdaill was the first witness to the sasine of William, fifth Lord Saltoun, and Elizabeth Hay, in the lands of Park and Corncairn, in 1537. This family were doubtless cadets of the race, but there is nothing extant to show from whom they were descended; and the same may be said of Major Abernethy, who was second in command of Edinburgh Castle in 1651, of George Abernethy, one of the committee for war in Caithness, 1648, and several more whose names occur at various periods.

¹ For this account of the descendants of John Abernethy of Barrie, Mayen Charter- chest, *pene*s Edward Dunbar Dunbar, Esq. of Sea Park, Forres.

THE FRASERS OF CORNETOUN, LORDS FRASER.

SIR ALEXANDER FRASER.

IN the Ragman Rolls the name of Alexander Fresel appears as having sworn fealty to Edward I. at Berwick, upon the 28th of August 1296;¹ and in the "Historical Documents of Scotland," lately published under the authority of the Lord Clerk-Register, the submission is given at length, in which Alexander Fraser and some others are termed "barones et milites."²

It is evident from this that he was a knight in 1296, and this fact at once shows him to have been a different person from the son of Sir Andrew Fraser, Alexander Fraser, who became Chamberlain of Scotland in the reign of Robert I., for the latter is proved by the clearest evidence not to have been a knight when he witnessed the pardon of that monarch to Gilbert de Carrick, which could not have been granted before 1308, nor, indeed, when he received the charter of Torry from Bernard, Abbot of Arbroath, in 1312.

In 1306 John de Luc made a request to Edward I. for the lands of Cornetoun, in Stirlingshire, "que furent a Alex^r Fraser,"³ and it is very probable that they were the possessions of this individual, and that he was the ancestor of the Frasers of Cornetoun; but a gap of sixty years intervenes, from 1306 to 1366, during which the descent cannot be followed, nor has anything been ascertained respecting his parentage. It is barely possible that he may have been one of the Oliver Castle family, but from his holding an estate in Stirlingshire, in the neighbourhood of Touch-fraser, it is far more probable

¹ Ragman Rolls, p. 119.

² Historical Documents of Scotland, vol. ii. p. 68.

³ Palgrave, p. 303.

that he was a cadet of that family, and perhaps a younger brother of Sir Richard Fraser.

Barbour mentions a Sir Alexander Fraser as one of those taken prisoner at the battle of Methven in 1306.¹ It is doubtful whether he refers to this Alexander or to the younger individual of the same name, the Chamberlain; but if it were the former that then fell into the hands of his enemies, he probably was put to death by order of Edward I., for his name is not found in any later record than the demand of John de Luc for Cornetoun, the wording of which might imply that he was dead.

In 1366 a Thomas Fraser exchanged his lands of Petyndreich, in Stirlingshire, for those of Kinmundy, in the barony of Alden, in Aberdeenshire, belonging to Sir William de Keith, the Marischal,² but died before 1392, for in that year he is mentioned as the late Thomas Fraser in a charter by the Marischal and his wife, Margaret Fraser, dealing with those lands.³

He was probably the same person as Thomas Fraser of Cornetoun, whose name occurs in various documents during 1387-88, and who was associated with Sir Alexander Fraser of Philorth, the Sheriff of Aberdeen, John Fraser of Forglen, and others, in the settlement of a dispute between Adam de Tynninghame, Bishop of Aberdeen, and John, dominus de Forbes.⁴

His grandson, Thomas Fraser, exchanged the estate of Cornetoun, in Stirlingshire, for Stanywood and Muchalls, in Aberdeenshire, and thus transferred the whole interests of his family to the latter district.⁵

The Frasers of Stanywood, Muchalls, and Kinmundy continued to flourish until the year 1633, when their representative, Andrew Fraser, was raised to the peerage by Charles I., under the title of Lord Fraser, which continued in his descendants until it became extinct on the 12th of October 1720, by the death of Charles, fourth Lord Fraser (killed by a fall from a precipice near Banff), without issue, or leaving collateral heirs-male; when the estate of Muchalls, by his disposition, passed to Charles Fraser of Inverallochy, which family is now represented, through a female, by Lieutenant-Colonel Mackenzie Fraser of Castle Fraser.

¹ Spalding Club. The Bruce, p. 40.

² Spalding Club Miscellany, vol. v. p. 404.

³ *Ibid.* p. 319.

⁴ Antiquities of Aberdeenshire, vol. i. p. 511; vol. iv. p. 378.

⁵ Charter-room, Castle Fraser.

THE FRASERS LORDS LOVAT.

IN consequence of the paucity of authentic records respecting its earlier generations as yet discovered, considerable doubt has arisen as to the immediate ancestry of this noble family, which not only attained to great power and eminence, but also became so prolific as to include in its ranks nearly all of the name of Fraser at the present day.

This doubt has been the cause of various lines of descent having been brought forward for it, of which those related in old MS. memoirs of the family, and by the earlier genealogists, appear to have been embodied in a work called, for the sake of brevity, "The Annals of the Frasers," first printed in 1795, and published in 1805, by authority of Colonel Archibald Fraser of Lovat.

The patronymic "Mac Shimi," son or descendant of Simon, by which the family of Fraser of Lovat has been known among the Celtic population of the Highlands, where it settled, affords good reason for the inference that its immediate ancestor was a Simon Fraser; and the author of "The Annals of the Frasers" declares him to have been Sir Simon Fraser, Pater, and that he obtained Lovat in 1253.

It is scarcely necessary, however, to enter upon any refutation of the numerous inaccuracies in that work. The pretended charter of the lands of Lovat from King Alexander III., in 1253, to Sir Simon Fraser, Pater, and that from Donald, King of the Isles, to John Bisset, in 1245, printed in its pages, have long been stamped as forgeries, and this, with other facts, seem to have rendered more recent genealogists unable to support the line of descent put forward in *The Annals*.

Mr. Wood, the editor of the second edition of Douglas' Peerage, and

Mr. Anderson, the author of the "History of the Family of Fraser," published in 1825, have therefore, with much probability, named Sir Simon Fraser, killed at Halidon in 1333, as the immediate ancestor of the family of Lovat.

Mr. Anderson's assertion, made upon his own sole authority, that Sir Simon was the elder brother, and Sir Alexander, the Chamberlain, the younger, has been already dealt with in the memoirs of those individuals in the present work; while Mr. Wood, by retaining the old idea of Sir Alexander Fraser, the Chamberlain, having been younger brother of Sir Simon Fraser, Filius, so hampered himself that he was unable to call Sir Simon Fraser, killed at Halidon, brother to that Sir Alexander, but, while asserting his descent from the Oliver Castle line, was obliged to say that "his precise relationship to them cannot be ascertained."

The first of the name whose possession of Lovat is confirmed by authentic record was

HUGH FRASER, DOMINUS DE LOVAT ET DE KINNELL.

1367-1410.

The editor of Douglas' Peerage ignores the Simon Fraser, eldest son of Sir Simon Fraser, killed at Halidon, whom Mr. Anderson, with more probability, mentions; but both concur in calling the first Hugh Fraser of Lovat his son, and in this they follow the author of the Annals of the Frasers: but although there is no actual impossibility of such having been the case, from the dates at which each lived, some evidence, which will be immediately noticed, appears to cast much doubt upon the correctness of the statement.

This evidence is found in the impression of that Hugh Fraser's armorial seal, which is still extant, appended to charters granted by him in 1377 and about 1390, and seems to throw considerable light upon his parentage.

Leaving, therefore, for a time, the account of him and his possessions, the armorial bearings upon that seal may be considered.

The device upon the seal is couché, a triangular shield bearing three rosettes, or cinquefoils, within a border charged with nine stars, or mullets. The crest, on a helmet, is a stag's head, and the supporters are two lions rampant regardant. The inscription around the seal is somewhat defaced, but "Sill. h . . . (Hugonis) Fraser" is still to be deciphered.

The border, charged with figures, was used to distinguish younger sons, and according to Nisbet, the best of Scottish writers upon Heraldry, the figures were often taken from their mother's insignia; and the arms upon the shield in Hugh Fraser's seal, read by that authority, plainly declare it to have been that of a younger son of a father whose name was Fraser, by a mother who belonged to a family having stars, or mullets, for its cognisance.

Stars, or mullets, were the armorial bearings of two great families in Scotland, those of Douglas and of Moravia, or Moray. No connection with the former can be traced prior to the fifteenth century, but between the family of Moray and that of Fraser two connections by marriage took place towards the middle of the fourteenth century,—one the union of Sir William Fraser of Cowie and Durris with Margaret Moray, a daughter of Sir Andrew Moray of Bothwell; the other that of Alexander Fraser with a sister of Sir Thomas Moray of Bothwell, who, therefore, was also a daughter of Sir Andrew Moray.

Hugh Fraser is, however, nowhere mentioned as a brother of Sir Alexander Fraser of Cowie, Durris, and Philorth, or of Sir John Fraser of Forglen and Ardendracht, the two sons of Sir William Fraser and Margaret Moray, and there is no reason for supposing him to have been so.

It is evident, according to the authority of Nisbet, that a person, bearing on his shield a border charged with mullets, could not have inherited such a device either from a daughter of an Earl of Caithness, or a daughter of an Earl of Ross (Sir Simon Fraser's wife according to the author of the Annals), whose families bore no such insignia; but the arms upon the shield are exactly those which a younger son of the Alexander Fraser who married a lady of the family of Moray would be entitled to bear; and it therefore appears probable that Hugh Fraser was the offspring of the second of the two marriages mentioned above, and if it be held that he was a descendant of Sir Simon Fraser, killed at Halidon, the name of his father Alexander ought to be inserted in the pedigree as younger son of Sir Simon, and younger brother of the Simon Fraser who, according to Mr. Anderson, died unmarried, which there seems no reason to doubt.

In that case this Hugh Fraser was not son, but grandson of Sir Simon

Fraser killed at Halidon, and failing the line of any elder brother of his own, he, or his heir, would become the representative of that branch of the race.

In the account of Sir Alexander Fraser, third of Philorth, the probability that he and the then Lord Lovat, who made mutual entails in 1464, were not only nearest cousins to each other by legitimate male descent, but that the two families were the only legitimate male descendants of their common ancestor, Sir Andrew Fraser, in existence at that date, has been already noticed.

The armorial bearings of this first Hugh Fraser, however, evince that he was a younger son, and it is therefore certain that the line of some elder brother must have failed by that time to cause the representatives of the respective families in 1464 to be nearest of kin to each other, and that line ought to appear under certain conditions.

1st, It ought to have held a position of importance.

2d, It ought to have borne cousinhood to the family of Philorth.

3d, It must be shown to have become extinct in the male line before 1464.

The family of Duncan Fraser of Tulifour completely fulfils these three conditions, as a reference to the account of it will show, for Duncan himself must have been a wealthy and powerful baron; but his son Alexander, who in 1414 was cousin to John Fraser of Ardendracht, and consequently to the line of Philorth also, had lost all his family estates, and so far as can be ascertained, was the last male of his race.

What is known of the career of this Hugh Fraser may now be related.

In 1367 a Hugh de Fraser,¹ without designation of any kind, was a witness to a charter granted by Sir Walter de Leslie, at Inverness, to Euphame de St. Clair,² and on the 12th of September in the same year Hugh Fraser, designated as "dominus de Lowet et portionarius terrarum de Ard," did homage at Elgin to Alexander, Bishop of Moray, for his part of the half davoch land of Kyntallery (Kiltarlity), and of the lands of Esse, and for certain fishings in the water of Forn³ (the river Beaully); and in 1384 an agreement was made between the same parties, by which Hugh Fraser paid

¹ The insertion of the "de" must be a clerical error.

² Antiquities of Aberdeenshire, vol. ii. p. 384.

³ Reg. Episc. Morav., No. 286.

to the Bishop a certain sum for arrears upon his own account, and undertook to use all diligence to recover what was due to the Bishop for the portion of Kyntallery, and Esse, etc., held by William de Fentoun.¹

In 1377 Hugh Fraser, dominus de Lowet, resigned the lands of Fayrelehope, in the barony of Linton and sheriffdom of Peebles, into the hands of James de Douglas, Lord of Dalkeith and Linton, of whom he held them, who granted them to Adam Forster, to be held by him for homage and service, as Hugh Fraser had held them before his resignation.²

At the coronation of Robert II. in 1371, the name of Hugh Fraser appears among those of the barons that had not then attained to the rank of knight, who did homage and swore fealty.³

Hugh Fraser, dominus de Kinnell, in 1390, at Inverness, gave a charter of lands in the barony of Kinnell to Walter Tulloch, and he also granted another, without date, but probably about that period, to William de Camera, dominus de Auchnawys, in the same barony, which is situated in Forfarshire.⁴

In 1394 Thomas Dunbar, Earl of Moray, made an agreement with Alexander, Lord of the Isles, respecting the lands of the earldom within the district of Inverness, from which the estates of Hugh Fraser, Thomas de Cheshelme, and William de Fodryngham were excepted, as being subject to an arrangement between those barons themselves.⁵

In his History of the Family of Fraser, page 51, Mr. Anderson, quoting MSS. in the Advocates' Library, says—"Hugh Fraser of Lovat died at Lovat 1397, and was interred at Beaully with great pomp," and, on the same authority, he states that his son Alexander was served heir to him in 1398. But he appears to have fallen into some confusion on this point, for at page 49 he had previously quoted the charter of 1407, which will immediately be noticed, and as the Hugh Fraser of that date was certainly succeeded by an Alexander, it is beyond doubt that the authors of the MSS. were mistaken as to the date of his death, and that it was the first Hugh Fraser, dominus de Lowet et de Kinnell, who, in 1407, gave a charter of the lands of Easter Breky, in the barony of Kinnell, to his cousin Peter de Stryveline

¹ Reg. Episc. Morav., No. 166.

² Reg. Hon. de Morton, vol. ii. No. 157.

³ Acts of the Parliaments of Scotland, vol. i. p. 181.

⁴ History of the Carnegies, Earls of Southesk, by William Fraser, pp. 497, 498.

⁵ Reg. Episc. Morav., No. 272.

and his son John.¹ But as he is termed the late Hugh Fraser of Lowet in the confirmation of this charter by Robert, Duke of Albany, in 1410,² it is evident that he died between those years. This Hugh is the first Fraser in whose possession the baronies of Kinnell, in Forfarshire, and Lovat, in Inverness-shire, with the lands in the Ard, are found, and it may be interesting to consider by what means these properties were acquired by a Fraser, though the materials for any such inquiry are unfortunately very meagre.

During the first half of the thirteenth century John Bisset was dominus de Loveth (Lowet or Lovat), and of the district in Inverness-shire called the Ard, together with other possessions in Ross and elsewhere; and there are charters granted by him, and agreements between him, his son and successor of the same name, and the Bishops of Moray respecting these, down to 1259,³ about which time John Bisset, the son, appears to have died, leaving one son, a third John Bisset, who died without issue in or before 1268, when the estates seem to have been divided between his three sisters, co-heiresses, two of whom, Muriel and Cecilia, married, respectively, Sir David de Graham and Sir William de Fentoun, while a third, Elizabeth, seems to have been the wife of a Sir Andrew de Bosco, and to have had a daughter, Maria, who married Hugh de Rose, and brought him the estate of Kilravock; and the rights of a powerful family that took the surname of de l'Arde sprang either from a fourth or from the de Fentoun family, which rights eventually passed to the name of Chisholm.⁴ Sir David de Graham's wife may have been the eldest sister, for he is mentioned in various documents during the last thirty years of the thirteenth century as dominus de Loveth, which estate he probably held in chief of the Crown; and he was, at the same time, portioner with Sir William de Fentoun in the lands of the Ard, and with him held the church lands of Kyntallery (Kiltarlity), the lands of Esse, and some fishings in the water of Forn (the river Beaul), of the Bishops of Moray, doing homage to that see for them.⁵

But the lands and properties thus held by Sir David de Graham from the

¹ Robertson's Index, p. 165, No. 2.

² Reg. Mag. Sig., Roll 12, No. 2.

³ Reg. Episc. Morav., Nos. 21, 34, 71, 72, 75, 122, 258.

⁴ History of Beaul Priory, by E. Chisholm

Batten, Esq., who, at p. 85, makes a suggestion as to the descent of the family of Forbes from that of de l'Arde, which is worth the attention of members of that race.

⁵ Reg. Episc. Morav., Nos. 123, 124.

see of Moray were identical with those for which Hugh Fraser, dominus de Lowet, did homage to Alexander, Bishop of Moray, in 1367,—Sir William de Fentoun of Beaufort and Alexander de Chisholm also doing homage for their portions, the former in 1359, the latter in 1368.

Sir David de Graham was one of the Scottish barons released from captivity in England on condition of serving King Edward I. in his war with France in 1297, and he appears to have died abroad, for that king granted the "maritagium" of his son Patrick to Robert de Felton on the 17th May 1298,¹ which would infer the father to be dead, and the son under age; but as Patrick de Graham of Lovat made an agreement with Archibald, Bishop of Moray (who died 5th December 1298), respecting the subjects in which he, as successor to his father, and Sir William de Fentoun were portioners, it would seem that he attained to majority during that year.

Patrick de Graham granted a charter of his part of the lands of Altre, with the cultures of Lovat, Fingask, and Donaldston, to the monks of Beauly, not later than 1325, in which year Thomas, Bishop of Ross, one of the witnesses, died.²

He is also named in a mandate from King Edward III., of date 4th March 1334, for the restoration of the third part of the "vills" of Sempring, Dalton, and Merton, in Berwickshire, to Thomas de Weston, which had been given to his father, John de Weston, by "Patricius de Graham de Lovet,"³ and as he is not styled "quondam" (the late), but is spoken of as a living man, it may be inferred that he was still in existence.

This, however, is the latest notice as yet discovered of any Graham in connection with Lovat, and although it is possible that forfeiture may have been incurred by that family, and Lovat granted to a Fraser, there is no record of such an event; and Hugh Fraser having also held the other possessions, which the Grahams, father and son, possessed as portioners with Sir William de Fentoun, and those for which they were feudatory to the see of Moray, renders it far more probable that it was a marriage with the heiress of Lovat that brought the whole into the Fraser name.

¹ Historical Documents of Scotland, vol. ii. p. 271.

² Charter printed in History of Beauly Priory, p. 78.

³ Rotuli Scotiæ, vol. i. p. 269.

There is, however, no ground for considering the marriage thus suggested to have been that of Sir Simon Fraser, either with Margaret, daughter of an Earl of Caithness, or with Julia, a daughter of an Earl of Ross, or that of Alexander Fraser with a daughter of Sir Andrew Moray of Bothwell; and, indeed, as Hugh Fraser was a younger son, any elder brother of his would have been more likely to inherit property acquired by their father or grandfather, and therefore the conclusion appears reasonable that it could only have been Hugh Fraser himself who contracted the marriage, and thus acquired Lovat and the other estates in Inverness-shire, and the appearance of his name without any designation as a witness to Sir Walter de Leslie's charter in 1367, while on the 12th of September in the same year he is found as "*dominus de Lowet et portionarius terrarum de Ard,*" seems to point to the actual period of that acquisition.

There is even less information to be found as to the time at which, or the way in which, this branch of the race obtained the barony of Kinnell, in Forfarshire.

Hugh Fraser was *dominus de Kinnell* in or about the year 1390, and is the first of the name found in that position; but in the charter which he gave to William de Camera, he says that for stronger evidence and additional security, the seal "*domini mei*" John Dunbar, Earl of Moray, is also affixed. The seal of the Earl of Moray shows, Couché, a shield bearing three cushions within the royal tressure; crest, a stag's head; supporters, two lions sejant regardant; Hugh Fraser's crest was the same, and he probably adopted it from that of his feudal superior, as was not unusual.

The Dunbars, Earls of Moray, were, therefore, overlords of Kinnell, and this branch of the Frasers held that estate of them about the year 1390, though, from the absence of all earlier record respecting it, the time at which it passed into the possession of the former, and whether it was granted by John Dunbar, Earl of Moray, to Hugh Fraser himself, or by a former Earl to one of Hugh's predecessors, cannot be ascertained.

Attention may now be directed to the four generations of the family of Lovat immediately succeeding the above Hugh Fraser, with the view of correcting some errors into which genealogists appear to have fallen respecting them.

The comparatively modern genealogists who have given the most detailed

accounts of the family are Mr. Wood, the editor of the second edition of Douglas' Peerage, and Mr. Anderson in his History of the Family of Fraser ; but as each account differs from the other in some degree, while both are wrong in several points, a brief *résumé* of the main statements in each is necessary.

In the Peerage, Hugh Fraser, who died in or before 1410, is said to have left four sons, of whom the eldest, Alexander, died in 1430 unmarried, and was succeeded by his brother Hugh, which Hugh married Janet de Fentoun in 1416, and had an only son, also named Hugh, who succeeded him, and who, dying about 1501, was succeeded by his eldest son, Thomas.¹ It is not explained how the second Hugh Fraser, who was possessor of Lovat when married to Janet de Fentoun in 1416, came to be so while Alexander, said to have been his elder brother, was still living.

The account given by Mr. Anderson is rather confused, but the following statements may be extracted from it :²—

That Hugh Fraser, who died between 1407 and 1410, was succeeded by his eldest son Alexander, who died unmarried in 1415, when his younger brother Hugh succeeded him.

That this second Hugh Fraser married Janet de Fentoun in 1416, and had two sons, Alexander the elder, and Hugh the younger, and died in 1440.

That Alexander the elder son died in 1430, unmarried, and was succeeded in some lands in the Ard, Abertarf, Glenelg, etc., by his brother Hugh, who also succeeded to Lovat at their father's death in 1440.

That this third Hugh Fraser died in 1450, aged twenty-eight, having had an eldest son Thomas, who was prior of Beaulieu *ad commendam*, and died young ; and a second son, Mr. Anderson's fourth Hugh Fraser, who died in 1501, and was succeeded by his eldest son Thomas.

In support of his statement, Mr. Anderson quotes the retour in 1430 of Hugh Fraser of Lovat to his brother, Alexander Fraser of Lovat, in lands in the Ard, Abertarf, Glenelg, etc. ; but he misquotes the retour by using the nominative "lator," instead of the genitive "latoris," and thereby commits the absurdity of terming the dead Alexander "lator presencium ;" and he

¹ Douglas' Peerage, second edition, vol. ii.—Lord Lovat.

² History of the Family of Fraser, pp. 51-69.

also says, on the authority of MS. histories of the family, that his fourth Hugh Fraser was retoured to his father in 1450, and died in 1501, "in good old age, after witnessing the government of two Regents and four Kings," and was succeeded by his eldest son Thomas.

The names of some younger sons mentioned in the Peerage, without any authority for them being given, and of some younger sons and daughters, named by Mr. Anderson without much better authority, are omitted, as having no bearing on the question of succession, and the circumstances which evince both the above genealogies to be erroneous in several points may now be detailed.

In the first place, Alexander Fraser, eldest son of the first Hugh Fraser, according to both genealogies, who must have died before 1416 to enable the second Hugh, married to Janet de Fentoun in that year, to be Lord of the Lovat at the time (he is so styled in the contract), was not unmarried, for the Regent, Robert, Duke of Albany, gave a charter of confirmation of Kinnell to Alexander Fraser and his wife, Elizabeth de Keith.¹

Secondly, The second Hugh Fraser of both genealogies, Lord of Lovat and Kinnell, married Janet de Fentoun in 1416, was a member of a Court of the Earldom of Moray in 1420, was one of those who went into England, to meet and welcome King James I. in 1424, was Sheriff-depute of Inverness in 1429, and Sheriff of that district in 1431.²

But the Hugh Fraser of Lovat who in 1430 succeeded his brother, Alexander Fraser of Lovat, in some lands in the Ard, Abertarf, Glenelg, etc., held of the Earl of Moray, was of full age, a fact overlooked by Mr. Anderson. It is so stated in the retour, "et est legitime ætatis,"³ and he therefore could not have been a son of the marriage of the second Hugh Fraser in 1416, but must have been that Hugh Fraser himself.

But then, again, as he succeeded a brother Alexander in those lands in 1430, and the retour is explicit on that point, it is absurd to suppose that the Alexander whom he had succeeded in the lordship of Lovat and Kinnell before 1416 was also his brother.

¹ Robertson's Index, p. 159, No. 2.

Family of Fraser, p. 62. Family of Kilravock, p. 128.

² Reg. Mag. Sig., Lib. iii. No. 95. Reg. Episc. Morav., No. 475. Rymer's Fœdera, vol. iv. part iv. p. 102. History of the

³ Reg. Mag. Sig., Lib. iii. No. 94.

The only reasonable conclusion from these data is, that his succession in 1430 was that of an elder brother to a younger brother, dying without issue, in lands acquired by himself,—by *conquest* (as legal phraseology has it), and that he and his brother Alexander were sons of the Alexander Fraser of Lovat and Kinnell, who died before 1416, and consequently grandsons of the first Hugh Fraser.

Thirdly, The Peerage is not only silent as to the date of the death of the second Hugh Fraser, whose only son and successor it makes the Hugh Fraser who died in 1501 to have been, but from 1431 to 1472 it gives no account whatever of the family. Mr. Anderson's authorities for his account of this period have been already mentioned.

Evidence is, however, extant, which proves that a Thomas Fraser was in possession of Lovat from 1440 to about 1456. He is not mentioned in the Peerage; and by Mr. Anderson he is said to have been the eldest son of his third Hugh Fraser, and to have died young, without succeeding.

Hugh Fraser, the second of that name, was alive down to 1437 of the present computation, for on the 8th of January 1436-7, he granted a charter of the third part of the lands of Glenelg to Alexander, Lord of the Isles, and Earl of Ross;¹ but he must have died before the 20th of July 1440, when Thomas Fraser, Dominus de Lovet, was a witness to a charter from the same Lord of the Isles and Earl of Ross, granted at Inverness to Hugh de Rose of Kilravock.²

The death of this Thomas Fraser of Lovat before the 22d of September 1456 is proved by an account for the previous half year, rendered on that day by Master David Stewart, afterwards Bishop of Moray, but at that time the King's Chamberlain for the districts north of Spey, who mentions certain dues from lands in the Ard, Strathglas, Abertarf, and Strathardok [Stratherrick], which had been held of the Earl of Moray before the reversion of that earldom to the Crown in 1455, but were then in the hands of the King, as superior, on account of the death of the late Thomas Fraser of Lovat. He also refers to some rents of lands in Invernairn, which had belonged to the same Thomas Fraser; and in a similar account, rendered on the 19th of July 1457 by

¹ Family of Innes, by Mr. Cosmo Innes, p. 97.

² Family of Rose of Kilravock, edited by Mr. Cosmo Innes, p. 131.

William, Thane of Cawdor, and Master Thomas de Carmichael, from Martinmas 1456, it is mentioned that the King had granted the ward of those properties, together with the maritagium of the heir to them, to Lord Glamis.¹

There is, therefore, no place for Mr. Anderson's third Hugh Fraser between 1440 and 1450, and the retour in the last of these years, which he mentions on the authority of MS. histories, must have been misread by their authors, if it ever existed.

The above Thomas Fraser must have been the son of Hugh Fraser and Janet de Fentoun, and was probably the subject of the contract of marriage between his father and Thomas Dunbar, Earl of Moray, on the 9th August 1422, to the effect that he should marry a daughter of the Earl,² but the marriage appears never to have been solemnised, in all probability on account of the death of the Earl's daughter, if he ever had one, for the Earl himself was succeeded by his cousin, James Dunbar of Fren draught, before 1430.³ No evidence as to the name or family of Thomas Fraser's wife has been discovered.

As Hugh Fraser, third of that name, who succeeded Thomas Fraser about 1456, was a minor at that time, he could not have been born before 1436. The statement in the Wardlaw MS., quoted by Mr. Anderson, that this Hugh witnessed the government of two Regents and four Kings, is, however, worth attention; and if he were born in the year 1436, as he died in 1501, he would have lived in the regencies caused by the minorities of James II. and James III., and in the reigns of the first four Kings of that name. There seems no reason to doubt his having been a son of Thomas, his predecessor (though it is possible that he might have been his younger half-brother, by a second marriage of the second Hugh Fraser), and from the manner in which his name appears in a contract of marriage, dated 20th May 1455, between George, Master of Huntly, and Elizabeth, Countess of Moray, the widow of Archibald Douglas, where provision is made for the safety of "James, appearand heir to the said Lady, Huchone Fraser of the Lovate, and Janet, the said lady's daughter,"⁴ it is probable that he was at first a ward of the Countess, and was

¹ The Thaness of Cawdor, edited by Mr. Cosmo Innes, pp. 22, 24, 25, 28.

² Lovat Case, A.D. 1730.

³ Douglas' Peerage, by Wood. Dunbar, Earl of Moray.

⁴ Spalding Club Miscellany, vol. iv. p. 128.

destined to espouse her daughter Janet ; but it has been seen that, upon the reversion of the earldom of Moray to the Crown, his ward and maritagium were granted to Lord Glamis, whose daughter, Violetta, he married.

It was this Hugh Fraser who made the reciprocal entails with Sir Alexander Fraser, third of Philorth, in 1464, and from the expression used in that granted by him, "si contingat me de hac vita migrare, et decedere, sine heredibus masculis, vel herede masculo," it may be inferred that he had then no son, and perhaps had not long been married. In the charter of entail he reserves the terce of his wife, Violetta Lyonne,¹ and he afterwards had several children, of whom the eldest, Thomas, succeeded him in 1501.

In Douglas' Peerage, and also in Mr. Anderson's History, the second Hugh Fraser is said to have been created a Peer of Parliament, and is accordingly styled in them first Lord Lovat ; but this appears to be erroneous, as on all occasions where his name is mentioned, it is as Hugh Fraser, dominus or Lord of Lovat, or Hugh Fraser of Lovat, and his successor, Thomas Fraser, was also dominus de Lovat in 1440, and after his decease, about 1456, was styled "quondam Thome Fraser de le Lovet."

In the reciprocal entails of 1464, however, Hugh Fraser both adopts, and receives from Sir Alexander Fraser, a different style, and it is that which expressly marks the creation of a Lord of Parliament. He is called "Hugo Dominus Fraser de Lowet," in contradistinction to the Thomas, or Hugo Fraser, Dominus or Lord of Lowet, of his father and grandfather.

It is probable that the reversion of the earldom of Moray into the royal hands in 1455, which caused him to become tenant-in-chief of the Crown in the estates formerly held of that earldom (Lovat seems to have been always a royal fief), together with the large extent of his possessions, and the influential connections which he obtained by his marriage (for his elder brother-in-law, Alexander, second Lord Glamis, married Agnes, daughter of William, Lord Crichton, Chancellor of Scotland, and, dying without issue, was succeeded by his brother John, third Lord Glamis, who attained to considerable eminence, and was Justiciary of Scotland in 1489,²) were the

¹ Copy in Philorth Charter-room.

² Douglas' Peerage, by Wood, Earldom of Strathmore.

circumstances that led to his creation as a Peer of Parliament between 1456 and 1464.

During the latter half of the fourteenth century and the first decade of the fifteenth, the descendants of Sir Andrew Fraser must have been very influential in the north of Scotland, on account of the numerous estates held by the various branches, which were all closely connected. The great heiress of the Chamberlain, Margaret Fraser, appears to have retained full power over her own estates, which she exercised in conjunction with her husband, the Marischal. Sir Alexander Fraser was proprietor of Cowie, Durris, and Philorth, besides lands in Ross and Galloway, and was Vicecomes of Aberdeen. Sir John Fraser and his son were successive Lords of Forglen, Ardendracht, and other properties. Duncan Fraser of Tulifour had extensive possessions in the districts of Aberdeen, Banff, Moray, and Perth. Hugh Fraser, if he is to be considered a descendant of Sir Andrew, held Lovat, and other considerable estates in those of Inverness, Ross, and Nairn. Sir James Fraser was Lord of Fren draught, in Aberdeenshire, and also had lands in Perthshire.

By the middle of the fifteenth century a vast change had taken place. Margaret Fraser's estates had been partitioned between the Keiths Marischal and the Seton-Gordons of Huntly. The family of Philorth had lost Cowie, Durris, and the lands in Ross and Galloway. The families of Forglen, Tulifour, and Fren draught had become extinct in the male line, and their possessions had passed to other names; and the Frasers of Lovat appear to have been the only branch of Sir Andrew Fraser's legitimate descendants which, during that half century, not only preserved its possessions intact, but increased their extent, and consequently its power and influence.

Until the middle of the fifteenth century the younger sons of the family of Lovat appear to have been but few in number, and there is no authentic record of any of their descendants; but after that time the race multiplied very rapidly, and established many cadet branches. These, with the original Celtic inhabitants of the possessions acquired by them, who doubtless, in many instances, adopted the surname of their superior lords in addition to their own patronymics, became the Highland Clan Fraser, and



SIMON FRASER, LORD LOVAT.

DECÓLAT. APRIL 9. 1747. ÆTAT. SUÆ 80.

ORIGINAL SKETCH BY HOGARTH.

formed a powerful following, of which the families of Struy, Belladrum, Farraline, Foyers, Culbockie, Auchnagairn, Culduthel, Leadclune, Balnain, Aldourie, Gortuleg, Erchitt, Moniack, Relig, etc., were the principal heads, and which rendered the Lords Lovat very influential among the nobles of the north; while Thomas Fraser, second son of Alexander, fourth Lord Lovat, was ancestor of the Frasers of Strichen, in Aberdeenshire, about 1570-80; and Simon Fraser, second son of Simon, sixth Lord, of those of Inverallochy, in the same county, about 1616-20, both possessions having been purchased from the family of Philorth. The male line of Inverallochy failed about 1793, and that family is now represented in the female line by Colonel Mackenzie Fraser of Castle Fraser.

The title of Lord Lovat continued in the direct line from 1456-64 to the death, without male issue, in 1696, of Hugh Fraser, ninth Lord Lovat, leaving four daughters, between the eldest of whom, Amelia Fraser, and Thomas Fraser of Beaufort (fourth son of Hugh, seventh Lord), with his son Simon Fraser, the succession was long in dispute, but was eventually decided in favour of Simon Fraser as heir-male about 1730.

He was beheaded in 1747 on account of his share in the rebellion of 1745, and the title and estates were forfeited; but the estates having been restored in 1774, were enjoyed in succession by his two sons, Simon and Archibald, and upon the decease of the latter without surviving issue on the 8th December 1815, they passed to the nearest collateral heir-male, Thomas Alexander Fraser, tenth of Strichen, who was created Lord Lovat in the Peerage of the United Kingdom in 1837, and proved his right to the ancient Scottish Peerage of Lovat, the attainder of which was reversed by an Act of Parliament in his favour in 1857. He held the Lovat estates for the long period of sixty years, and his ability and courtesy, with his excellent business habits, gained him universal esteem and respect throughout the north of Scotland. He died in 1875, and was succeeded by his eldest son, Simon Fraser, now fifteenth Lord Lovat (not counting the forfeiture), and, if that ancestry be correct, nineteenth in descent from Sir Simon Fraser, who was killed at Halidon in 1333.

These pages, however, are not the proper place for any more detailed account of this line of the Fraser race and its numerous branches; and the

above remarks upon the early genealogy of the house of Lovat are merely intended to rectify some errors and omissions of former genealogists, and to enable them to be avoided by any author who may write the separate history which that noble family so well deserves.



Hugh Fraser, first of Lovat, 1377 and
circa 1390.



John Dunbar, Earl of Moray, *circa* 1390.

REMARKS ON BRUCE'S CAMPAIGNS DURING THE YEARS 1307-8.

AS RELATED BY FORDUN AND BY BARBOUR.

THE discrepancy between the accounts of the campaigns of 1307-8 in the works of these authors, to which reference has been made in the Memoir of Sir Alexander Fraser, the Chamberlain, proceeds from contradictory statements which cannot be reconciled.

Fordun says that Bruce, "montes pertransiens," crossing the mountains from Carrick, took the Castle of Inverness, levelled it with the ground, and, in the same way, reduced and destroyed the rest of the strongholds and castles in the north, until he got with his army as far as the Slevach, in Aberdeenshire, where he was encountered by the Earl of Buchan and his associates, on Christmas Day 1307; that they, ashamed and confounded, asked for a truce, which he granted, and that eight days afterwards he was seized with such severe illness as to be obliged to keep his bed. That in 1308 the Earl of Buchan and his allies again assembled at Inverury, when Bruce, though not yet recovered from his illness, ordered himself to be armed and mounted, and, supported on horseback by two men, led his forces against them, and completely defeated them, pursuing their routed army as far as Fyvie, after which he ravaged and destroyed the district of Buchan.¹ Although Fordun, in his *Gesta Annalia*, does not assign any date for the battle of Inverury, except that of the year, those who have followed his account place it on Ascension Day, or the 22d of May.

On the other hand, Barbour says that Bruce advanced from the south-west

¹ *Gesta Annalia*, Nos. cxxi., cxxii., cxxiv.

of Scotland to the "Month," the Grampian chain of mountains, and thence "held straight the way to Inverury;" that he was there attacked by the illness that prostrated him, upon which his brother, Sir Edward Bruce, assumed the command, and retreated to the Slevach, a strong position, where they were attacked by the Earl of Buchan and his allies, "after the Martinmas," *i.e.* about the end of November. That, after three days of skirmishing, Edward Bruce decided to continue his retreat, but marched out for that purpose in such discipline, and with such resolute demeanour, that the hearts of his enemies "begouth to fail," and they did not dare to pursue him in his retreat, which he continued as far as Strathbogie. That, after a sojourn there, Bruce began to recover his health, and returned with his army to Inverury, in order to winter in the plain country, and to obtain provisions, arriving there shortly before Christmas 1307. That the Earl of Buchan and his friends, hearing of this, assembled their forces at Old Meldrum, the day before Christmas Eve, and that, on the morning of Christmas Eve, Sir David de Brechin surprised some of Bruce's outlying troops at Inverury. That Bruce, upon this, though far from restored to full strength, insisted upon being armed and mounted, and leading his army towards Old Meldrum, completely routed the Earl and his adherents. That he then ravaged and destroyed the district of Buchan, and that, after these events, the whole country "benorth the Month" (to the north of the Grampians) submitted to him.¹

There is a certain amount of agreement in these statements. Both authors mention a rencontre at the Slevach, and a sort of temporary panic in the Earl of Buchan's army on that occasion; both relate Bruce's illness, and state that he gained the victory of Inverury when not yet restored to full strength; but in other points there is a wide divergence, affecting the whole plan of the campaign and events of the year; for while Fordun makes the conquest of Inverness and the rest of the north of Scotland precede the rencontre at the Slevach, which he fixes on Christmas Day 1307, makes the illness of Bruce commence eight days after that, or early in January, and continue during the remainder of the winter, and all the spring of 1308, and makes the battle of Inverury and the destruction of the district of Buchan the concluding events of the campaign: Barbour states that the illness of

¹ Barbour's Bruce, pp. 187, 192-203.

Bruce began before the rencontre at the Slevach, which he places about the end of November; that he had nearly recovered from it by Christmas Eve, 1307, which he makes the date of the battle of Inverury; and that these events, and the ravaging of Buchan, were followed by the reduction and submission of the remainder of the country north of the Grampian range.

Although the errors in chronology, of which Barbour was undoubtedly guilty, may make any comparison of him as an historian with the methodical and generally accurate Fordun appear presumptuous, yet in the account of this particular campaign, there is reason to believe that his version is correct, and that the more eminent historian was misinformed.

Both authors flourished about the same time, and both were clergymen of the diocese of Aberdeen. According to the best authority,¹ Fordun compiled his History of Scotland before 1385, so far as he was enabled to write his full work, viz., down to the death of David I. in 1153; and he left his *Gesta Annalia*, or notes of the remainder, which were used by his continuator, Walter Bowyer. Barbour himself says that he wrote his poem in 1375.² Both were probably born about the middle of the reign of Robert I., and might, therefore, have heard the events of his career described by those who had taken a part in them. Barbour, indeed, says that he did so.

The facilities for acquiring information possessed by each, appear, therefore, to have been as nearly as possible equal; but it is curious that, although they belonged to the same diocese, neither seems to have been aware of the labours of the other.

It may be noticed here that Fordun places the death of Edward I. on the 5th of April 1307,³ or three months earlier than the date at which it actually occurred, the 7th of July. Barbour also, though he gives no date, seems to have imagined that event to have taken place quite as early in the year, for he says that the prisoners, captured in Kildrumie Castle during the winter, were brought to Edward I. on his death-bed, and that he died very soon after ordering them to execution; and he makes the lady, who met Bruce on his arrival in Carrick early in the spring, acquaint him with their fate.⁴ It is

¹ Preface to *Historians of Scotland*, Fordun, vol. i. pp. xiv, xxxiii.

² *The Bruce*, p. 319.

³ *Gesta Annalia*, No. cxxiii.

⁴ *The Bruce*, pp. 86, 108.

possible that the error as to the date of the great King of England's death may have in some degree influenced both in their respective accounts.

From the battle of Methven, on the 19th of June 1306, down to the landing of Bruce in Carrick early in 1307, there is no variance worthy of remark, for although in his concise notes Fordun depicts Bruce as reduced to far greater extremities than any that Barbour describes in his more ample narrative, and omits many circumstances related by the latter, yet there is no contradiction between them upon any important point; and Fordun states that, after nearly a year of wandering, Bruce got to Carrick by a roundabout way, which agrees in the main with Barbour's story; but after that event the two accounts differ so widely as to be utterly irreconcilable.

From his not mentioning any of the events in Carrick and Galloway related by Barbour, as will be seen below, it is evident that Fordun, perhaps misled by his idea that the death of Edward I. occurred on the 5th of April, believed that Bruce, freed from the fear of his most powerful enemy, began his northern campaign very soon after his arrival in Carrick, and his capture of one of his castles in the spring or early summer of 1307; and, therefore, filled up the remainder of that year with the account of the march across the mountains to Inverness, the reduction and destruction of that castle, and of all other fortresses in the north, and the subjugation of the whole district, as far as the Slevach, in Aberdeenshire, by Christmas Day, all of which was perfectly consistent and probable if it were the fact that Bruce moved towards the north when Fordun believed him to have done so.

Turning to Barbour's narrative of events,¹ in the spring of 1307, he says that, upon Bruce landing in Carrick, Percy, alarmed at his approach, abandoned the castle of Turnberry, and retreated into England; that Douglas, with Bruce's leave, went to try his fortune in Douglasdale, where on Palm Sunday he took Douglas Castle, burned all but the walls, and made the celebrated Douglas larder; that Clifford, to whom Edward I. had granted the estate, coming from England with fresh forces, repaired and regarrisoned the castle; and that Douglas soon afterwards tempted the new commandant to a sally, in which he surprised and killed him, but did not succeed in again taking the castle, and that he then went to rejoin Bruce at Cumnock.

¹ The Bruce, pp. 109-187.

That Bruce, meanwhile, had remained in Carrick with very few men, Edward Bruce being in Galloway with another small company; that some of the people of Galloway, to the number of 200, attempted to surprise Bruce by night, but were defeated at a ford.

That the Earl of Pembroke (Barbour calls him Sir Aymer de Valence) and John of Lorn assembled a force to attack Bruce in the fastnesses of Cunnock, who had been rejoined by Edward Bruce and Douglas.

That Bruce was defeated and put to flight, but that the same night, having rallied his men, he surprised an outlying portion of Pembroke's army. That Pembroke went to Carlisle (where Barbour appears to have thought he was in command, nothing being said of Edward I. or Edward II.).

That Bruce went with his men to Glentruell, in Galloway, to hunt, "for then deer were in season." Pembroke attempted to surprise him in Glentruell, but was defeated, and retired again to Carlisle. Bruce marched to the district of Kyle, subdued it and a great part of Cunningham. Pembroke, who had returned to Bothwell Castle, detached Sir Philip de Mobrai, with 1000 men, towards Kyle. Douglas waylaid and defeated him at Edrigford. Bruce marched to "Gawlistone" [Galston], near Loudoun. Pembroke sent him a challenge to fight at Loudon Hill on the 10th of May, which he accepted, and on that day completely defeated Pembroke, who rode to England, and gave up his "wardanry" to the King. That immediately after the victory of Loudoun Hill, or about the middle or end of May, Bruce commenced his march to the north, went to the "Month," the Grampian chain, where he heard from Alexander Fraser and his brother Simon full particulars of the coalition of the Earl of Buchan and other barons of the north-east against him; thence that he "held straught the way to Inverury," where he was attacked with illness; Edward Bruce assumed the command of the army, and retreated to the Slevach (in the parish of Drumblait, in Aberdeenshire), arriving there after Martinmas, or about the end of November.

Omitting the personal adventures of his hero, the above is the sequence of the principal events, as told by Barbour, and it is at once apparent that it is utterly unchronological. Between Palm Sunday, when Douglas captured and burned Douglas Castle, and the encounter at Cunnock, which must have taken place before the battle of Loudoun Hill on the 10th of May, there was

not time for Clifford to have come from England and to have repaired and regarrisoned the castle, to say nothing of the subsequent surprise and death of its new commandant by Douglas. The statement that the Earl of Pembroke (Sir Aymer de Valence) went to Carlisle between the encounter at Cumnock and the battle of Loudoun Hill is also very doubtful, for Edward I. was at Carlisle then, though Barbour was ignorant of the fact, evidently misled by the idea that he died earlier in the year.

In Barbour's poem it is impossible to avoid being struck with the wonderful exactness and minuteness of detail, and with the no less remarkable faults in chronological arrangement, and this leads to the inference that the poet, though he faithfully related each separate adventure or occurrence, as he heard it from the lips of his informants,—often eye-witnesses,—was obliged to trust to his own very imperfect knowledge in order to connect one event with another, and that, in doing so, he often went wrong; but the extreme fidelity with which he told each story, as he heard it, enables his chronological errors to be corrected, in some degree, even from the internal evidence of his own work.

Thus, in the present case, though he placed the events that occurred in Glentruell before the battle of Loudoun Hill, on the 10th of May, yet his accuracy in repeating what had been told him, obliged him to say that Bruce went there to hunt, "for then deer were in season,"¹ which at once fixes the time of the sojourn in Glentruell later in the year, about the end of June or July, and contradicts his statement that Bruce commenced his march to the north immediately after his decisive victory on the 10th of May. Again, although he makes that unchronological statement, yet the same accuracy in relating only what he had heard prevented his recording any events, after mentioning Bruce's movement to the north of Scotland, except the unopposed march to "the Month," and thence straight to Inverury, with the further retreat to the Slevach, by the end of November,² for all which there was plenty of time, even if Bruce had not begun his march until four months later in the year than the period he assigned for its commencement.

Hitherto the internal evidence of each account has been considered, and it has been shown that no fault can be found with that of Fordun, if only

¹ The Bruce, p. 168.

² *Ibid.* pp. 192-196.

he is correct in ignoring the events in Carrick and Galloway, and in supposing that Bruce went to Inverness and the north soon after his arrival in Carrick; while that of Barbour is found to be very faulty in chronological arrangement, though apparently truthful in detail of adventure, and it remains now to be seen what light contemporary documents throw upon the question.

There is extant very clear evidence that Bruce did not leave the south-west of Scotland, on his expedition to the north until after Edward II. had retired from the Border. Having succeeded his father, Edward I., on the 7th of July, that King advanced from Carlisle into Galloway, and was at Dumfries on the 6th of August, from the 21st to the 28th at Cumnock, on the 30th at Tynewald and Dalgarnock, returning to Carlisle by the 4th September, from whence he went, *viâ* York, to Lenton, where, on the 30th September, he issued orders to John of Brittany, Earl of Richmond, to repel the enemy; and says in the mandate that he has heard from Sir John de St. John that Robert de Bruce and his adherents have lately overrun Galloway, "ad easdem partes Galwydiæ jam venerunt," burning, slaying, and compelling the inhabitants to rise against the English authority,¹ which must have referred to operations after Edward's retirement from the Border.

This record is decisive between the two authors, so far as the events of the first three quarters of the year 1307 are concerned, and proves Fordun to be altogether wrong in believing that Bruce crossed the mountains to Inverness soon after his arrival in Carrick, while Barbour, though evidently incorrect as to the order of events and the time of Bruce's march to the north, is yet so far borne out, that there was sufficient time for the various occurrences related by him to have taken place before Bruce left the south-west of Scotland, and it may be conjectured that the true sequence of those events was something like the following order:—

Bruce lands in Carrick early in spring, and Percy evacuates Turnberry Castle, and retreats into England.

Douglas takes Douglas Castle on Palm Sunday, burns it, and rejoins Bruce. Bruce having meanwhile repulsed the Galwegians, is defeated

¹ Rymer's *Fœdera*, vol. iii. pp. 4-14.

at Cumnock by the Earl of Pembroke and John of Lorn, but speedily rallies his forces.

Bruce overruns the districts of Kyle and Cunningham.

Douglas defeats Sir Philip de Mobray at Edrigford.

Bruce defeats Pembroke at Loudoun Hill, 10th May. Pembroke goes to Edward I. at Carlisle.

Bruce marches southward to Glentruell, to watch the movements of Edward I. at Carlisle, and to hunt deer for subsistence.

Pembroke attempts to surprise Bruce in Glentruell, is defeated, and returns to Carlisle.

Thus far Barbour.

After the death of Edward I., on the 7th of July, Edward II. advances into Galloway and the south-west of Scotland as far as Cumnock, during August, returns to Carlisle by the 4th of September, and retires from the Border. Bruce having retreated before the advance of Edward II., on his retirement overruns Galloway, and then begins his march to the northward about the end of September or beginning of October.

During the summer Clifford repairs and regarrisons Douglas Castle, and the new commandant is tempted out and slain by Douglas about the beginning of autumn.

The fact that Bruce did not commence his expedition to the north until the beginning of October 1307, or the end of September at earliest, being established by the record of his presence in Galloway during September, the account given by each author may be examined from that standpoint, for though Fordun was evidently mistaken as to the time of Bruce's march northward, that alone does not prove him to be wrong in his statement that the conquest of Inverness and the northern districts preceded the rencontre at the Slevach, and other events in Aberdeenshire.

Against that statement, however, the following other objections present themselves :—

It is impossible to imagine any route through the mountains, from the south-west to Inverness, that Bruce could have followed without encountering very serious opposition, for the Red Comyns were Lords of Badenoch and had great power in Moray ; Alexander of Argyll and John of Lorn were in pos-

session of the more western passes ; and the Earl of Ross was very powerful in the district around Inverness.

It is most improbable, not to say impossible, that there could be time between the end of September and Christmas Day for the long march from Galloway to Inverness, which must have been a continual conflict, and from thence to the Slevach, accompanied by the very important operations described, the reduction and destruction of the Castle of Inverness, and of all the other fortresses in the north ; and in addition to these objections taken from the internal evidence of the narrative, there is positive evidence that the Earl of Ross had not been reduced to submission by Bruce during the year 1307, in the shape of a letter, of date 20th May 1308, from Edward II. to him and his son Hugh, thanking them for past service, and requesting future assistance.¹

In the further account of the campaign, according to Fordun, the illness of Bruce began eight days after Christmas 1307, and he was not fully restored to health in May 1308. It is incredible that his powerful adversaries in the north-eastern districts should have allowed him to remain in quiet, prostrated by sickness, for at least four months, in the very heart of their country.

None of these objections confront the account given by Barbour. His error in the time he assigns for the movement of Bruce to the north is corrected, as has been shown, by his truthful relation of details, and there was abundance of time between the beginning of October and the end of November for the unopposed march from Galloway to the southern base of the Grampians, thence through Athole, a district then friendly to his cause, in which he had found shelter during the previous summer—and the mountains, to Inverury, and, on the occurrence of his illness, for the further retreat to the Slevach ; and it may here be observed that the recent succession of Edward II. to the English throne may have been one cause that prevented the army of the Earl of Pembroke, which had been defeated in May, from receiving such reinforcements as would have enabled it to offer opposition to the earlier part of Bruce's march ; for at the commencement of a fresh reign the great barons would wish to keep their forces in hand, while adventurous spirits would be attracted to the new Court.

¹ Rymer's *Fœdera*, vol. iii. p. 81.

The want of discipline in the Earl of Buchan's army, its demoralisation from having been outflanked and hurriedly brought back, and the sort of panic which both authors assert to have occurred in its ranks, may fully account for the Earl not having pursued Bruce into the then wild and inhospitable district of Strathbogie ; but upon the return of the royal army towards Inverury, he immediately led his troops to attack it, and sustained the decisive defeat there on Christmas Eve. It may here be noticed that there was sufficient time between the end of November and Christmas Eve for the partial recovery of Bruce from his attack of illness ; that the reasons Barbour gives for the return of the royal army to Inverury, viz., to winter in the low country and get provisions, show that he had no idea of there having been any communication at that time between Bruce and the districts of Moray and Inverness ; and also, that the ravaging and destruction of the district of Buchan, and the reduction of the power of the Comyn family, would be far more effectually carried out immediately after Christmas, in the depth of winter, when the inhabitants could not live without shelter, than, as Fordun places it, in the summer, when they might have fled to the woods and waste places, without so much risk of perishing from exposure. In addition to this, it has been shown above, that the Earl of Ross had not been subdued by Bruce in 1307, nor probably during the first three or four months of 1308, though it does not follow that he was still on the English side when Edward II. wrote the letter of the 20th of May, for that monarch might not have heard of recent events in so distant a part of the country. But it is certain that he was reduced to submission during the spring or summer of 1308, for, on the 31st of October, at Auldearn, in the district of Moray, he executed a deed of fealty to Bruce, in which he recited that he had been graciously pardoned for all his offences, and that his lands and earldom had been restored to him.¹

The effect of the whole evidence presented above is to prove that Fordun must have been ignorant of the events of the summer and autumn of 1307, and must have been misinformed as to those of the first half of 1308, and that he was altogether mistaken in his statement that the country around Inverness and the rest of the northern district had been reconquered by Bruce before the battle of Inverury and the devastation of Buchan ; and that

¹ Acts of the Parliaments of Scotland, vol. i. p. 117.

Barbour's account, which makes these events precede the submission of the remainder of the northern parts of Scotland, is correct on that point; and it follows that the date of Ascension Day, 22d May 1308, assigned for the battle of Inverury by the majority of historians and other writers who have trusted to Fordun rather than to Barbour, must be erroneous, and that of Christmas Eve 1307, as stated by Barbour, is the true date. This correction of the date receives confirmation from the impossibility of the harrying of Buchan, the reduction of the whole northern district, and the subjection of the open country of Kincardine, Forfar, Perth, and Stirling having taken place in the two months between the end of May and August, about the middle of which latter month, according to Fordun, Bruce was in the heart of Argyll,¹ engaged in his expedition against Alexander of Argyll; while, between Christmas 1307 and August 1308, there would have been sufficient time for these important events to occur, and for Bruce to proceed on his expedition to the West Highlands.

In their narratives of the conquest of Argyll another instance of discrepancy between Barbour's account and that of Fordun may be noticed, in which extraneous evidence proves the former to have been correct.

Barbour says, that after the capture of Dunstaffnage Castle, Alexander of Argyll submitted, and swore fealty to Bruce, but that his son, John of Lorn, continued in rebellion, and fled by sea.² Fordun states that Alexander of Argyll—he does not mention John of Lorn—refused to do homage to Bruce, and was allowed to retire into England, where he soon after died.

On the 16th of March 1309, however, Alexander of Argyll was one of the barons who attended Bruce's Parliament held at St. Andrews,³ in order to reply to the letter from the King of France, while John of Lorn, or of Argyll as he is termed, at a later period was appointed to command a fleet on the western coast in the English service,⁴ to which he adhered until captured and imprisoned by Bruce in 1315; and these facts fully confirm Barbour's version of their conduct.

In reviewing the campaigns of 1307-8, the proceedings of Bruce, as

¹ *Gesta Annalia*, No. cxxvi.

³ *Acts of the Parliaments of Scotland*, vol. i. p. 99.

² *The Bruce*, p. 223.

⁴ *Rotuli Scotiae*, vol. i. p. 58.

imagined by Fordun, are very inferior in point of military skill and good generalship to his actual conduct, as related in Barbour's account, read by the corrections of his chronology.

It would have been most imprudent on the part of Bruce, soon after landing in Carrick, to have thrown himself into the wilds of the Highlands, from whence he had been obliged to fly only a few months previously, and to have left an organised and unbroken force under the Earl of Pembroke, supported by the advancing power of Edward I., in his rear, while he went to meet fresh enemies. A march from Carrick to Inverness, even if it could have been accomplished without opposition, together with such important operations as the reduction and destruction of all the fortresses in the north of Scotland, would have given time for the Earl of Pembroke, with the Earl of Buchan and his allies, to have brought support to the Earl of Ross and their adherents in those districts, and to have assembled overwhelming odds against him; whereas the defeat of Pembroke at Loudoun Hill, and the retreat of Edward II., relieved him from immediate danger in that direction; while the march from Galloway to the Month, and thence straight to Inverury, cut his other adversaries in two, and enabled him eventually to subdue each division of them in detail.

It must not, however, be forgotten that Fordun's *Gesta Annalia* were merely concise notes, upon which his more ample history was to be based; and it may be supposed, with reason, that if he had lived long enough to bring his full history down to that period, he would have ascertained the real facts of the campaign, and would have altered his statements in accordance with them, a task which his continuator did not attempt, and consequently one of the most brilliant military achievements of the hero King of Scotland has been very generally misrepresented.

Dno Edwardo Regi Anglie Dno

plene et dno regnatore illustri p epm
saludē in xpo.

APPENDIX OF CHARTERS, ETC.

I.—LETTER UPON RUMOUR OF THE DEATH OF QUEEN MARGARET,
THE MAID OF NORWAY.

I. From WILLIAM FRASER, Bishop of St. Andrews, to KING EDWARD
THE FIRST. 7th October 1290.

EXCELLENTISSIMO Principi et Domino reuerentissimo Domino Edwardo Dei gracia Regi Anglie, Domino Ybernie, et Duci Acquitanie illustrissimo, suus deuotus capellanus W. permissione diuina ecclesie Sancti Andree in Scocia minister humilis, salutem et felices ad vota successus, cum incremento glorie et honoris. Sicut in presencia vestra nuper extitit ordinatum, conuenerunt nuncii vestri, et nuncii Scocie qui fuerant vobis missi, necnon et aliqui proceres regni Scocie, apud Perth, dominica proxima post festum Beati Michaelis Archangeli, ad audiendum responsum vestrum super hiis que petita et tractata fuerunt per nuncios Scocie coram vobis: Quo responso vestro audito et intellecto, fideles proceres, et quedam pars communitatis regni Scocie, celeitudini vestre immensas referebant gratiarum actiones. Predicti vero nuncii vestri et nos deinde, versus partes Orcadie, ad tractandum cum nunciis Norwagie et ad recipiendum dominam nostram Reginam, gressus nostros arripere disposuimus, et ad hoc parauimus iter nostrum. Set insonuit in populo dolorosus rumor, quod dicta Domina nostra debuit esse mortua; propter quod regnum Scocie est turbatum, et communitas disperata. Audito eciam et publicato rumore predicto, Dominus Robertus de Brus, qui prius non intendebat venire ad congregationem prenominatam, cum magna potencia, ad interpellacionem quorundam, ibidem venit; set quid intendit facere, vel qualiter operari adhuc ignoramus. Set Comites tamen de Marre et Atholie iam eorum exercitum demandarunt, et quidam alii magnates terre

trahunt se ad partem suam; et idcirco timetur de gerra communi et magna strage hominum, nisi Altissimus, per industriam et ministerium vestrum, festinum remedium apponat. Domiui Episcopus Dunelmensis, Comes Warrennie, et nos audiimus postmodum quod Domina nostra predicta conualuit de infirmitate sua, set adhuc est debilis; et idcirco inter nos ordinauimus prope partes de Perth moram trahere, quousque per milites qui sunt in Orchadium missi, de statu ipsius Domine nostre (utinam prospero et felici!) certitudinem habeamus. Et si de ipsa optatos habuerimus rumores, quos de die in diem expectamus, ad partes illas, prout ordinatum est, parati erimus proficisci, ad perficiendum, pro posse nostro, negocium memoratum. Si Dominus Johannes de Balliolo uenerit ad presenciam uestram, consulimus quod cum ipso tractare curetis, ita quod in omni eueutu honor uester et commodum conseruentur. Si uero contingat Dominam nostram predictam ab hac luce migrasse (quod absit), dignetur, si placet uestre Excellencie, versus Marchiam, ad consolacionem populi Scotici, et ut effusioni sanguinis parcat, appropinquare; ita quod fideles regni suum possunt sacramentum conseruare illesum, et illum preficere in regem qui de iure debeat hereditare; dum tamen ille uostro consilio uoluerit aderere. Valeat Excellencia uestra per tempora diuturna, prosperum et felicem.

Datum apud Locris, die Sabati, in crastino Sancte Fidis Virginis, anno Domini M^oCC^o. nonogesimo.

Dorso: Domino Edwardo, Dei gracia Regi Anglie, Domino Ybernie, et Duci Acquitauie illustri, per Episcopum Saucti Andree iu Scotia.¹

II.—CHARTERS RELATING TO SIR ALEXANDER FRASER, THE CHAMBERLAIN, AND TO COWIE AND DURRIS.

2. TRANSUMPT, made 21st April 1453, of Charter by ROBERT, the Janitor of Kincardine in the Mearns, to DUNCAN KYMBEDY, of the lands of Achichdonachy. *Circa* 1317.

IN NOMINE Domini Amen. Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno eiusdem millesimo quadringentesimo quinquagesimo

¹ Royal Letters, Public Record Office, London, No. 1302.

tertio, mensis vero Aprilis die vicesimo primo, indictione prima, pontificatus sanctissimi in Christo patris et domini nostri, domini Nicholai diuina prouidentia Pape quinti anno vij; coram venerabili et circumspecto viro, Magistro Henrico Herwy, precentore Abirdonensi ac commissario reuerendi in Christo patris et domini, domini Ingerami Dei et Apostolice sedis gratia episcopi Abirdonensis, pro tribunali sedente in ecclesia cathedrali Abirdonensi, meique notarii publici et testium infrascriptorum presentia, personaliter constitutus prouidus vir, Johannes Kymbdy, burgensis de Abirdon, quamdam cartam bone memorie Roberti janitoris de Kyncardyn in le Mernys, domini de Portarstoun et de Achichdonachy, in pergameno scriptam, eius sigillo circularis figure clauem et uirgam in se continente impendente in cera alba, vna cum sigillis armorum honorabilium virorum, domini Alexandri Fraser, militis, et Johannis Crag, testium in dicta carta contentorum, sigillatam, non rasam, non cancellatam, nec in aliqua sui parte suspectam, sed omni prorsus vitio et suspicione carentem, mihi notario publico infrascripto tradidit perlegendam; quam de manibus eius suscepi, et de uerbo ad uerbum alta et intelligibili voce perlegi: Cuiusquidem carte tenor sequitur in hec uerba:—

SCIANT presentes et futuri quod ego, Robertus, janitor de Kyncardyn in le Mernys, dominus de Portarstoun et de Achichdonachy, concessi, dimisi, et hac presenti carta mea confirmaui ad feodofirmam Dunecano Kymbdy, burgensi de Abirdon, totam terram meam de Achichdonachy cum suis pertinentiis et rectis diuisis: Tenendam et habendam ad feodofirmam eidem Dunecano et heredibus suis uel suis assignatis, de me et heredibus meis, libere, quiete, plenarie, honorifice, bene et in pace, sine aliquo impedimento; saluo forinseco seruicio domini Regis quantum ad dictam terram de jure pertinet: Reddendo inde annuatim mihi et heredibus meis uel meis assignatis sex denarios sterlingorum ad duos anni terminos, uidelicet, vnam medietatem ad festum Saucti Martini in yeme, et aliam medietatem ad festum Penthecostes, pro omni alio seruicio seculari, exactione et demanda, inde contingentibus seu contingere valentibus: Ego vero predictus Robertus, heredes mei et mei assignati, totam predictam terram de Achichdonachy, cum omnibus suis justis pertinentiis, libertatibus et asiamentis, in pratis et pascuis, moris, maricis, stagnis, molendinis, aquis, piscariis, boscis, planis, viis, semitis, brasinis, et in omnibus aliis commoditatibus, libertatibus, asyamentis, ad dictam terram pertinentibus uel pertinere valentibus, cum curia et conthal, predicto Dunecano et heredibus suis uel suis assignatis contra omnes homines et

feminas, pro predicta feodofirma annuatim soluenda, warandizabimus, acquietabimus et in perpetuum defendemus: In cuius rei testimonium presenti carte mee sigillum meum apposui; et ad plenioram eidentiam huius facti, sigilla domini Alexandri Fraser tunc vicecomitis de Mernys, Symonis Fraser, fratris sui, Johannis de Crag et Johannis Bennom, ad instantiam meam presenti carte gratia testimonii perhibendi apponi procuravi. POST cuiusquidem carte traditionem et lecturam, idem Johannes Kymbdy instanter supplicavit ut huiusmodi cartam propter vetustatem transcriberem et in formam publicam suis sumptibus redigerem: Quamquidem cartam visam et diligenter per me inspectam copiaui, transumpsi, et de mandato dicti domini commissarii in hanc publicam formam redegi, ut huiusmodi transumpto, tam in iudicio quam extra, fides plenaria adhibeat, sicut carte originali: De et super quibus omnibus et singulis predictus Johannes Kymbdy a me notario publico infrascripto sibi fieri petiit publicum instrumentum: Acta erant hec, anno, mense, die, loco, indictione et pontificatu prenotatis: presentibus ibidem venerabilibus viris, dominis et magistris Henrico Rynde, thesaurario, Waltero Fowlarton, Thoma Edname, canonicis Abirdonensibus; necnon domino Thoma Ettale, notario publico, David Prowdy, vicario Beati Macharii, Patricio Meldrum et Johanne Schewas, capellanis, cum multis aliis, ad premissa vocatis specialiter et rogatis.

Et ego Laurentius Dunecani, presbiter Aberdonensis diocesis, magister in artibus, publicus auctoritate imperiali notarius [*etc., in forma communi.*]¹

3. CHARTER by KING ROBERT BRUCE to SIR ALEXANDER FRASER, knight,
of six acres in Auchincarnie. 22d September [1323].

ROBERTUS, etc. Sciatis nos, etc., confirmasse Alexandro Fraser militi dilecto et fideli nostro, sex acras terre arabilis iacentes in tenemento nostro [de] Auchincarnie, juxta manerium nostrum de Kincardin, per has metas et diuisas, videlicet, a veteri via plaustris ville de Achincarny versus orientem vsque ad novam fossam iacentem versus occidentem in latitudine, et a rivulo de Vethi versus boream vsque ad moram de Cambov versus austrum in longitudine: Tenendas et habendas

¹ From a Transcript of the Original in Arbuthnot Charter-chest.

eidem Alexandro et heredibus suis inter ipsum et quondam Mariam de Bruce sponsam suam, sororem nostram dilectam, legitime procreatis, in unum liberum hostilagium, cum communi pastura thaynagii nostri de Kincardin pro duobus equis, decem bobus, duodecim vaccis, centum ouibus, et eorum sequelis ad complementum etatis unius anni, adeo libere et quiete, plenarie et honorifice, cum omnibus libertatibus commoditatibus asiamentis et iustis pertinentiis suis, in omnibus et per omnia, sicut aliquod hostilagium de nobis infra regnum nostrum liberius, quietius, plenius aut honorificentius, tenetur aut possidetur, cum libertate fodiendi petas et turbas infra thanagium nostrum predictum. In cuius rei, etc. Apud Kynrosser, xxij die Septembris, anno regni nostri xvij.^o¹

4. CHARTER by KING ROBERT BRUCE to SIR ALEXANDER FRASER, knight, and JOHN his son, the king's nephew, of the forest of Cragy, in the thanage of Cowie. 6th April [1327].

ROBERTUS, etc. Sciatis nos, etc., confirmasse Alexandro Fraser, militi dilecto et fideli nostro, et Joanni filio suo, nepoti nostro, pro vno parco quem fieri facient ad opus nostrum in forresta de Cragy, in thaynagio de Colli, continente in precinctu clausure mille et quingentas particatas terre, totam dictam forrestam extra clausuram dicti parci cum pertinentiis: Tenendam et habendam predicto Alexandro et Joanni filio suo, et eorum heredibus, de nobis et heredibus nostris, in feodo et hereditate, per omnes rectas metas et divisas suas, libere, quiete, plenarie et honorifice, in bosco et plano, pratis, pascuis et pasturis, viis, semitis, moris, maresiis, aquis, stagnis, vivariis, multuris et molendinis, in aucupationibus, piscationibus et venationibus, et cum omnibus aliis commoditatibus, asiamentis, libertatibus et iustis pertinentiis suis, ad predictam forrestam pertinentibus, debitis et consuetis, in liberam forrestam in perpetuum: Sustinendo dicti Alexander et Joannes filius suus et heredes sui clausuram dicti parci et ipsum custodiendo ad opus nostrum, cum viridi et venatione, pro omni alio servitio, exactione et consuetudine seu demanda: Saluis hominibus nostris asiamentis eiusdem forreste debitis et consuetis. In cujus rei, etc. Apud Striuelyn, sexto die Aprilis, anno regni nostri vicesimo secundo.²

¹ Haddington Collections. MS. in the Library of the Faculty of Advocates, Edinburgh. vol. ii. p. 63, last division.

² *Ibid.*

5. CHARTER by KING DAVID THE SECOND to ALEXANDER FRASER, of the
Thanage of Durris, created a Barony. 4th September [1369].

DAVID Dei gracia Rex Scottorum, omnibus, etc. Sciatis nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto consanguineo nostro, Alexandro Fraser, omnes et singulas terras nostras thanagii de Durrys cum pertinenciis, infra vicecomitatum de Kyncardyn: Tenendas et habendas eidem Alexandro et heredibus suis, de nobis et heredibus nostris, in feodo et hereditate, in vnam integram et liberam baroniam, per omnes rectas metas et diuisas suas, in boscis et planis, moris, marresiis, etc., libere et quiete: Faciendo inde tres sectas ad tria placita nostra capitalia vicecomitatus de Kyncardyn ac seruicium vnus architinentis ad exercitum nostrum tantum, pro omni alio seruicio, onere, consuetudine, exactione et demanda, que de dictis terris cum pertinenciis aliquo tempore exigi poterunt seu requiri. In cuius rei, etc. Testibus, etc. Apud Edynburgh, quarto die Septembris anno regni nostri quadragesimo.¹

6. CONFIRMATION by ROBERT II. of Charter by SIR ALEXANDER FRASER, knight,
to ALEXANDER BANNERMAN, burgess of Aberdeen, of Alesek, in the barony
of Cowie. 19th October [1387].

ROBERTUS Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, clericis et laycis, salutem. Sciatis nos . . . confirmasse donacionem illam et concessionem quas fecit et concessit Alexander Fraser miles, consanguineus noster, Alexandro Banerman burgensi nostro de Aberdene, de terris de Alesek cum pertinenciis in baronia de Colly, infra vicecomitatum de Kyncardyn: Tenendis et habendis eidem Alexandro et heredibus suis in feodo et hereditate . . . sicut carta dicti consanguinei nostri sibi exinde confecta in se iuste continet et proportat; saluo seruicio nostro. In cuius rei testimonium presenti carte nostre confirmationis nostrum precepimus apponi sigillum; testibus, venerabilibus in Christo patribus Waltero et Johanne cancellario nostro, Sanctiandree et Dunkeldensis ecclesiarum episcopis; Johanne primogenito nostro de Carric senescallo Scocie,

¹ Registrum Magni Sigilli, Lib. i. No. 229.

Be it made knallyn al al men thurgh vnr pnt lres
and myne assignais for eimare al a noble lord and myne
assignais. all my landis of ye baronryis of Colly. and of
ye schyppredome of ye meremysch whid ye ptenance to me pnt
of ye whilke solme. J. hald me vbele purys and content. an
me for eimare be vnr pnt lres. ffor al hald and for al haff
ayris and his assignais of oure lord ye kyng m to fre
ye fornemyt landys in ony tyme to ad. In to ye whilke
as joyntefyffe as nll. And what tyme at ye forsayde lres
lord ye duke at gonuolbre al m fesse willm ffras m pa
m ye handis of ye olbrelard for al m fesse ye sayde lord
lord of Croff dissese or yhere ye sayde willm ffras. as g
resignacion of ye sayde landis to ye olbrelard or ellie
naes to pay to ye fornemyt lord of Croff his ayris or h
land ilke yhere he yhere at vhuale tyme pporcionally pat
fulfyllt in fourme and effecte as it is before Wryt
npt m ye contrary. In ye witneff of ye whylke thyn
neth of Octobr m ye yhere of oure lord a tholsant

William Fraser lord of Ffylorth for al haf saulde fra me and myne ayris
to William de Hay lord of Groll and constable of Scotland. his ayris and his
wyff wid tenand and tenandryis and seruice of fre tenand. hand widin
twand. for a solbme of fplid before hand in my mykyl myst to me payit
ye fornemyt lord of Groll. his ayres executores and assignaes. I quite clay
l ye laudee fornemyt wid ye ptenace to ye fornemyt lord of Groll hys
romyis wid outon any clayme of me oz of myne ayris to be made in
nyde dame elizabeth of hampton ye wyfe whilk of sir Aleyr Fraser
ye may be dretyt al bygyf va landis al oure lord ye kyng oz al oure
yde landis he beand in lachfull possession sal resigne ya sayde landys
of Groll frely his ayres oz his assignes. And in case yat ye fornemyt
forbede me conand beand unfullfyllit widin folbrety dayis efter ye
ir dissese. ye fornemyt William Fraser obbyse hy. his ayres and his assig
assignae a hondreth pond of vsuale mone of ye kyngryke of Scot
to say at Witsonday and martinemess. ay al ye conand be fullyly
na remede in lath canoy na enile agayne standand yat may be pp
my secle is putte to yr psent lres at Perth ye tend day of ye ay
folbre hondreth and threttene.

Roberto de Fyf et de Menteth, Jacobo de Douglas, filijs nostris dilectis, comitibus ; Archebaldo de Douglas et Thoma de Erskyne consanguineis nostris, militibus. Apud Seonam nonodecimo die Octobris, anno regni nostri septimo decimo.¹

7. LETTERS OF SALE by WILLIAM FRASER, lord of Philorth, to WILLIAM DE HAY, lord of Errol, of the baronies of Cowie and Durris. 10th October 1413.

BE it made knawyn til al men thurch thir present letteris, me, William Frasare, Lord of Fylorth, for til haf saulde fra me and myne ayris and myne assignais for euirmare, til a noble lord and mychty William de Hay, lord of Eroll and constable of Scotland, his ayris and his assignais, all my landis of the barounryis of Colly and of Durriss, wid tenand and tenandryis and seruice of fre tenand, lyand widin the schyreffdome of the Merenyss, wid the pertenance, to me perteignand, for a sowme of syluer beforehand in my mykyl myster to me payit : Of the whilke sowme I hald me wele payid and content, and the fornemnyt lord of Eroll, his ayres, executores, and assignaes, I quite clayme for euirmare be thir present letteris : For til hald and for til haff al the landes fornemnyt, wid the pertenance, to the fornemnyt lord of Eroll, hys ayris and his assignais, of oure Lord the Kyng in to fre barounryis, wid outyn ony clayme of me or of myne ayris to be made in the fornemnyt landys in ony tyme to cum, in to the whilke landys Dame Elizabeth of Hamyltoun, the wife whilum of Sir Alexander Frasare, es joyntefyffte as nw ; and what tyme at the forsayde lady may be tretyt til vpgyf tha landis til oure Lord the Kyng, or til oure Lord the Duke as Gouvernowre, til infeffe William Frasare in tha sayde landis, he beand in lachfull possessioun sal resigne tha sayde landys in the handis of the owrelard for til infeffe the sayde Lord of Eroll frely, his ayres or his assignes : And in case that the fornemnyt Lord of Eroll dissese, or yhete the sayde William Frasare, as God forbede, this couand beand vnfullfyllit widin fowrety dayis eftyr the resignacioun of the sayde landis to the owrelard, or ellis hir dissese, the fornemnyt William Frasare oblysis hym, his ayres and his assignaes, to pay to the fornemnyt Lord of Eroll, his ayris or his assignais, a hondreth pond of vsuale mone of the kyngryke of Scotland ilke yhere be yhere at vsuale termys proporionali ; that is to say, at Witsunday and Martinemess, ay til this couand be fullily fulfyllt in fourme and effecte, as

¹ Antiquities of Aberdeenshire, vol. iv. p. 642.

it is before wrytin, na remede in lach, canoun na ciuile, agayne standand that may be proponyt in the contrary : In the witness of the whylke thyng, my seele is putte to thir present letteris, at Perth, the tend day of the moneth of October, in the yhere of oure Lord a thowsand fowre hondreth and threttene.¹

8. CHARTER by ROBERT DUKE OF ALBANY, Governor of Scotland, to WILLIAM DE HAY OF ERROL, constable of Scotland, of the lands of the barony of Cowie.
14th May 1415.

ROBERTUS Dux Albanie, comes de Fife et de Menteth, ac regni Scocie Gubernator, omnibus probis hominibus tocius regni predicti, clericis et laicis, salutem. Sciatis nos dedisse, concessisse, et hac presenti carta nostra confirmasse carissimo nepoti nostro, Willelmo de Haia de Erole, constabulario Scocie, totas et integras terras baronie de Colly cum pertinenciis, iacentes infra vicecomitatum de Kincardin : Quequidem terre cum pertinenciis fuerunt Willelmi Frasere de Fillorth hereditarie, et quas idem Willelmus Frasere, non vi aut metu ductus, nec errore lapsus, sed mera et spontanea voluntate sua, in manus nostras, per fustem et baculum ac per suas literas patentes sub sigillo suo, coram subscriptis testibus, sursum reddidit, pureque simpliciter resignauit, ac totum ius et clameum que in dictis terris cum pertinenciis habuit vel habere poterit, pro se et heredibus suis, omnino quitum-clamauit imperpetuum : Tenendas et habendas totas et integras terras baronie predictae, cum tenandiis et liberetenencium seruiciis ac ceteris pertinenciis quibuscunque, predicto Willelmo de Haia, nepoti nostro, et heredibus suis, de domino nostro Rege et heredibus suis, in vnam integram et liberam baroniam, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas ; cum omnibus et singulis libertatibus, comoditatibus et aisiametis ac iustis pertinenciis quibuscunque ad dictam baroniam spectantibus seu iuste spectare ualentibus quomodolibet in futurum, adeo libere et quiete, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia, sicut idem Willelmus Frasere aut predecessores sui dictam baroniam cum pertinenciis, ante dictam resignacionem nobis inde factam, liberior tenuit seu possedit, tenuerunt seu possederunt : Faciendo inde domino nostro Regi et heredibus suis dictus

¹ This and subsequent writs, when no reference is given, are from the Charter-room at Philorth.



Robertus Dux Albane comes de fife & de Menteith ac

et laicus Salutem Saanis nos dedisse concessisse et hac presentia caris
et integris terras baronie de Colly cum pertinentiis iacentes infra di-
fyllorch hereditarie. Et quas idem Willms frater non di aut mecu ducis
culum ac per suas lras patentes sub sigillo suo coram subscriptis testib
terris cum pertinentiis habuit vel habere poterit pro se & heredibus
me predictis cum tenandis & libertatibus seruis ac ceteris pertinen-
heredibus suis in vnam integram & liberam baroniam in feodo & in
singulis libertatibus comoditatibus et auxiliis ac iustis pertinen-
in futurum Ideo libe & quiete plenarie integre & honorifice bene et i-
baroniam cum pertinentiis ante dictam resignacionem nobis in de-
regi & heredibus suis dictus Willms de haia nepos noster & heredes
Presenti carta nra magni sigillum officij nri apponi precepimus
Thome Richmanie filio nro Alexandro de grame filio domini de gra-
Andree de hab. rectore de liston secretario nro apud fallilande
Et gubernacione nra nono.

Lign Socae gubernator omnibus probis hominibus totius regni predicta Clerias
mea confirmasse carissimo nepoti meo Willmo de Haia de Scote constabulario Socae totas
comitatum de Lincardm. Que quidem terre cum pertinentiis fuerunt Willm fratris de
nec errore lapsus. Et mera et spontanea voluntate sua in manus meas per fustem et ha
ius sumum reddidit pureque simpliciter resignavit. De totum ius et clamorem que in dais
suis omnino quiete clamavit imperpetuum. Tenend et habend totas et integras terras hanc
caus quibuscumque predicto Willmo de Haia nepoti meo et heredibus suis de domino meo regere
editate imperpetuum per omnes rectas metas suas antiquas et diuisas. Cum omnibus et
s quibuscumque ad dcaim baroniam spectantibus seu iuste spectare ualentibus quomodolibet
pax in omnibus et per omnia Sicut idem Willmo fratris aut predecessores sui dicta
actam liberius tenuit seu possedit tenuerunt seu possederunt faciendo inde domino meo
a seruicia de dca baronia cum pertinentiis debita et consueta In cuius rei testimonium
scribas Reuerendo in xpo pater Gilberto episcopo Aberdonen cancellario Socae Johanne Stenart
me Thoma Sussbane Willmo de portubone Willmo de Cochrane. David Dallndase et
iavodecime die mensis may Anno domini millesimo quadringentesimo quintodecimo

Willelmus de Haia, nepos noster, et heredes sui, seruicia de dicta baronia cum pertinentiis debita et consueta: In cuius rei testimonium presenti carte nostre magnum sigillum officii nostri apponi precepimus; testibus, reuerendo in Christo patre Gilberto episcopo Aberdonensi, cancellario Scocie, Johanne Steuart comite Buchanie, filio nostro, Alexandro de Grame filio domini de Grame, Thoma Brisbane, Willelmo de Portduvine, Willelmo de Cochrane, Daudid Dallirdase, et Andrea de Hawie, rectore de Listoun, secretario nostro; apud Falklande, quarto decimo die mensis Maii, anno Domini millesimo quadringentesimo quintodecimo, et gubernacionis nostre nono.

9. RETOUR of SIR ALEXANDER FRASER, knight, as heir to SIR ALEXANDER FRASER, his grandfather, in the barony of Cowie. 14th April 1461.

INQUISITIO facta apud Kincarden, coram Patricio Berkley, vicecomite de Kincarden deputato, decimo quarto die mensis Aprilis, anno millesimo quadringentesimo sexagesimo primo, per probos et fideles subscriptos, viz., Alexandrum Straton de eodem, Alexandrum Fraser de Dores, Gilbertum Middleton de eodem, Wilielmum Grem de Morphy, Andream Straton de Cragy, Joannem Alerdes, Willielmum Gardin de Drumely, Robertum Mortimer de Balandro, Georgium Ramsay de Canterland, David Moncur de Knap, Joannem de Stratheth, Alexandrum Berceley, Alexandrum Stratheith de Monbodow, Thomam Sibalde, Walterum Bissate et David Crukshank: Qui jurati dicunt quod quondam Alexander Fraser, miles, avus Alexandri Fraser militis, lator presentium, obiit vestitus et saisitus, ut de feodo, ad pacem et fidem domini nostri Regis, in totam et integram baroniam de Cowie cum pertinentiis, jacentem infra vicecomitatum de Kincarden; et quod dictus Alexander Fraser miles, lator presentium, est legitimus et propinquior heres quondam Alexandri avi sui . . . illa baron . . . Willielmus Haya obiit ultimo vestitus et saisitus de terris illius baroniae . . . et quod prefatus Alexander Fraser, miles, est legitime etatis; et quod dicta baronia nunc valet per annum quadraginta libras in tempore pacis; et dicte terre prefate baronie tenentur de domino comite de Erole, per servitium warde; et quod dicte terre nunc existunt in manibus prefati domini comitis, tanquam in manibus superioris domini, per obitum Willielmi de Haya, a tempore trium mensium vel

circiter: Actum et clausum sub testimonio sigilli predicti vicecomitis deputati, unacum sigillis qu . . . qui dicte inquisitioni . . . anno, die mensis, et loco supradictis.¹

10. CONFIRMATION by KING JAMES THE FIRST, dated 8th August 1430, of Confirmation by King Robert the Third, dated 5th October 1400, of CHARTER by ALEXANDER FRASER, lord of Cowie and Durris, to his natural son ALEXANDER, of the lands of Kynclonyes, etc. 20th September 1400.

JACOBUS Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis nos quandam cartam confirmacionis excellentissimi principis, Roberti Dei gracia Regis Scotorum illustris, patris nostri, factam Alexandro Fraser filio naturali Alexandri Fraser de Colly et de Durrys, de terris de Kinclonyes, de Balcharne et de Balfuthachy cum pertinentiis, iacentibus in baronia de Durrys infra vicecomitatum de Kyncardyne, de mandato nostro visam, lectam, inspectam et diligenter examinatum, non rasam, non abolitam, non cancellatam, nec in aliqua sui parte viciatam, sed omni prorsus vicio et suspicione carentem, intellexisse ad plenum in hunc modum:—ROBERTUS Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis nos quandam cartam Alexandri Fraser de Colly et de Durrys, militis, sub sigillo suo, factam Alexandro Fraser filio suo naturali, de mandato nostro visam, lectam, inspectam et diligenter examinatum, non rasam, non abolitam, non cancellatam, nec in aliqua sui parte viciatam, intellexisse et veraciter inspexisse ad plenum in hec uerba:—OMNIBUS hanc cartam visuris uel auditoris, Alexander Fraser dominus baroniarum de Colly et de Durrys, salutem in Domino sempiternam. Vestra nouerit vniuersitas, me, cum consensu et assensu Elizabeth de Hamyltoun sponse mee, dedisse, concessisse, et hac presenti carta mea confirmasse Alexandro Fraser filio meo dilecto, pro homagio et seruicio mihi et dicte Elizabeth sponse mee, et nostrum alteri diucius viuenti, et heredibus inter me et dictam Elizabeth legitime procreatis seu procreandis, per ipsum Alexandrum impenso et impendendo, totas illas terras de duabus Kynclonyes, de Balcharne, et

¹ Crawford's Officers of State, p. 281, quoting the charter as in the possession of the Lord Saltoun.

de Balfuthachy, cum pertinentiis, in baronia de Durrys, infra vicecomitatum de Kyncardyne: Tenendas et habendas dicto Alexandro et heredibus suis de corpore suo legitime procreatis seu procreandis, quibus forsán deficientibus, ad me et heredes meos libere reuertendas, de me et dicta Elizabeth, et heredibus inter me et dictam Elizabeth legitime procreatis seu procreandis; quibus forte deficientibus, quod absit, do, concedo, et hac presenti carta mea confirmo predicto Alexandro filio meo, pro seruicio mihi hactenus impenso, totam et integram baroniam predictam de Durrys cum pertinentiis infra dictum vicecomitatum de Kyncardyne; tenendam et habendam dicto Alexandro et heredibus de corpore suo legitime procreatis seu procreandis, quibus forsán deficientibus, ad me et heredes meos libere reuertendam, de me et heredibus meis, in feodo et hereditate, imperpetuum; per omnes rectas metas et diuisas suas, cum tenentibus et tenandriis, bondis, bondagiis et natiuis, curiis et curiarum exitibus et eschaetis, molendinis, bracinis et fabrilibus, et eorum sequelis, cum siluis, boscis, planis, moris, marresiis, pratis, pascuis et pasturis, viis, semitis, aquis, stagnis, viuariis et ripariis, venacionibus, piscacionibus et aucupacionibus; ac cum omnibus aliis libertatibus, commoditatibus et asiamentis et ceteris pertinentiis quibuscunque, tam sub terra quam supra terram, tam non nominatis quam nominatis, ad dictas terras et baroniam de Durrys spectantibus seu spectare valentibus aliquo tempore tenui seu possedi: Faciendo inde domino nostro Regi dictus Alexander et heredes sui predicti seruicium inde debitum et consuetum, pro omni alio seruicio seculari, exactione seu demanda, que de dictis terris et baronia predicta cum pertinentiis aliquo tempore tenui seu possedi: Et ego vero predictus Alexander Frasers et heredes mei predicti totam terram et baroniam de Durrys predictas cum pertinentiis prefato Alexandro filio meo et heredibus suis predictis contra omnes homines et feminas warrantizabimus, acquietabimus et defendemus: In cuius rei testimonium presenti carte mee sigillum meum apposui; apud Aberdene, vicesimo die mensis Septembris, anno gracie millesimo quadringentesimo. QUAMQUIDEM cartam, donacionem et concessionem in eadem contentas, in omnibus punctis suis et articulis, condicionibus et modis ac circumstantiis suis quibuscunque, forma pariter et effectum, in omnibus et per omnia, approbamus, ratificamus, et pro nobis et heredibus nostris pro perpetuo confirmamus; saluo seruicio nostro, vna cum vardis, releuijs et

maritagiis cum contigerint de eisdem : In cuius rei testimonium presenti carte nostre confirmacionis nostrum precepimus apponi sigillum ; testibus, venerabilibus in Christo patribus, Valtero episcopo Sanctiandree, Gilberto episcopo Aberdonensi, cancellario nostro, carissimo primogenito nostro Dauide duce Rothesaie, comite de Carryk et Atholie, Roberto duce Albanie, comite de Fyf et de Menteth, Archebaldo comite de Douglas, domino Galuidie, Jacobo de Douglas, domino de Dalketh, et Thoma de Erskyne, consanguineis nostris dilectis, militibus : Apud Renfrew, quinto die mensis Octobris, anno Domini millesimo cccc° et regni nostri xj°. QUAMQUIDEM cartam, donacionem et concessionem in eadem contentas, in omnibus punctis suis et articulis, condicionibus et modis ac circumstanciis quibuscunque, forma pariter et effectu, in omnibus et per omnia, approbamus, ratificamus et imperpetuum confirmamus ; saluis nobis vardis, releuijs et maritagiis, cum contigerint, ac aliis seruijs de dictis terris debitis et consuetis : In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus ; testibus, reuerendo in Christo patre, Johanne episcopo Glasguensi, cancellario nostro, Johanne Forestarij, camerario nostro, Valtero Ogilby, thesaurario nostro, militibus, et magistro Willelmo Foullis, custode priuati sigilli nostri, preposito ecclesie collegiate de Bothwil ; apud Perth, viij° die mensis Augusti, anno regni nostri xxv^{to}.¹

III.—CHARTERS RELATING TO PHILORTH AND OTHER LANDS ACQUIRED AND ADDED TO PHILORTH.

11. CHARTER by KING DAVID THE SECOND to WILLIAM EARL OF ROSS, of the earldom of Ross and lordship of Skye. 23d October [1370].

DAVID Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, salutem. Sciatis nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto consanguineo nostro, Willelmo comiti de Ross, totum comitatum de Ross et dominium de Sky ac omnia alia dominia et terras cum pertinentiis que fuerunt ipsius comitis, vbicunque infra regnum, exceptis dominijs illis et terris que fuerunt dicti comitis infra vicecomitatus de Abirdene, de Drumfres, et de Wygtoun :

¹ Registrum Magni Sigilli, Lib. iii. No. 72.

Quemquidem comitatum, terras et dominia cum pertinentiis, idem comes, non vi aut metu ductus, nec errore lapsus, sed mera et spontanea voluntate sua, nobis apud Perth, in pleno parlamento nostro tento ibidem vicesimo tercio die mensis Octobris anno Domini millesimo trecentesimo septuagesimo, in presencia Roberti Senescalli Scocie comitis de Stratherne, nepotis nostri, Willelmi comitis de Douglas, Georgij comitis Marchie, Johannis Senescalli comitis de Carryk, Archebaldi de Douglas, Roberti de Erskyne, Alexandri de Lyndesay, Willelmi de Disschyngtoun, militum, et aliorum plurium baronum et nobilium regni nostri, per suas literas patentes, ac eciam cum fusto et baculo per manus procuratorum suorum sufficientem ad hoc commissionem habentium, sursum reddidit pureque et simpliciter resignavit, ac totum jus et clameum, que in dictis comitatu, dominijs et terris, habuit vel habere potuit in futurum, pro se et heredibus suis, omnino quietum clamavit in perpetuum : Tenendum et habendum dicto comiti, et heredibus suis masculis de corpore suo legitime procreandis ; quibus deficientibus, Waltero de Lesley, militi, et Eufamie sponse sue, ac eorum alteri diucius viventi, et heredibus de ipsa Eufamia legitime procreatis seu procreandis ; ita, videlicet, quod si heres masculus de ipsa Eufamia non exierit, et plures forte de se habuerit filias, senior semper filia, tam ipsius Eufamie quam suorum heredum de se exeuncium, deficientibus heredibus masculis, habeat totum ius et integrum dictum comitatum, dominia et terras cum pertinentiis, exceptis supra exceptis, sine diuisione aliquali ; et ipsis Waltero et Eufamia sponsa sua, et heredibus de ipsa Eufamia legitime procreandis fortasse deficientibus, Johanna iunior filia dicti comitis et heredes sui ; et quando ipsi heredes femelle fuerint, semper senior heres femella sine diuisione et participacione aliqua, totum et integrum dictum comitatum, dominia et terras predictas cum pertinentiis, exceptis supra exceptis, teneat et teneant, de nobis et heredibus nostris, in feodo et hereditate, per omnes rectas metas et diuisas suas, cum tenandijs, seruicijs liberetenencium, et advocacionibus ecclesiarum, adeo libere et quiete, in omnibus et per omnia, sicut dictus Willelmus comes de Ross consanguineus noster, vel aliquis predecessorum suorum, dictum comitatum, dominia et terras predictas cum pertinentiis, aliquo tempore, liberius, quiccius et honorificencius, iuste tenuit seu possedit : Faciendo inde seruicia debita et consueta. In cuius rei, etc. Testibus, etc. Apud Perth, xxiiij^{cio} die Octobris, anno regni nostri quadragesimo primo.¹

¹ The Acts of the Parliaments of Scotland, vol. i. p. 537.

12. COMPLAINT by WILLIAM EARL OF ROSS to KING ROBERT THE SECOND.

24th June 1371.

EXCELLENTISSIMO Principi ac Domino suo reuerendissimo, domino Roberto Dei gracia Regi Scottorum, et suo bono concilio, vester humilis nepos Willelmus comes de Rosse conqueritur, sub hac forma, videlicet : Quod quondam bone memorie dominus meus, Rex, predecessor vester, domino Waltero de Lesly militi, ad impetracionem eiusdem, dedit omnes terras meas et tenementa, et eciam fratris mei Hugonis de Rosse, iupra Buchaniam existentes, me et fratre meo predicto non requisitis, non citatis, uon in iure confessis, nec in iudicio couuictis ; et cum constauerat de saysina dictarum terrarum sic predicto domino Waltero ex arupto et sine iuris processu deliberata, scripsi domino episcopo Brechynensi, tuuc cancellario Scocie, pro vna litera attornatoria de capella regia continente has personas, videlicet, Robertum seuescallum Scocie, dominos Thomam comitem de Marre, Willelmum de Keth, et Willelmum de Meldrum, et singulis eorum singulariter vnam literam clam supplicatoriam, vt dignentur esse attornati ad petendum a domino meo Rege terras meas et fratris mei predicti ad plegium ; vna eciam cum vna litera domino meo Regi, et alia domine Eufamie sorori mee, super eadem materia ; et cum predictis literis preuentandis singulariter oneraui dominum Johannem de Gamery, clericum meum, canonicum Cateneusem : Cui itiueranti occurreus Johaunes de Aberkyerdor, dicens se armigerum predicti domini Walteri, ipsum arrestauit, hominemque suum atrociter verberauit, quod magistrum suum ad caudam equi sui noluit ligare, ipsum de omnibus literis suis spoliauit, et eum ad nemora et loca deuia deduxit : De cuius arrestacione predictus clericus meus non potuisset deliberari, quousque conuenisset sibi sex marcas sterlingorum infra tres septimanas, plegiis domino Roberto rectore de Forglen et Willelmo Byset de Hovthyrlys ; et fecit dictum clericum meum iurare super sancta ewangelia, presente domino Cristino vicario de Forg, quod non presentaret aliquam literam de eisdem alicui, nisi pixidem cum dictis literis suo sigillo sigillatam domino Waltero de Lesly, domino suo ; et quod intraret se ipsum predicto domino Waltero, cum dicta pixide sigillata et sua litera. Quo facto, predictus clericus sic deliberatus laborauit ad dominum suum Episcopum Aberdonensem conquerendo et ad domium Willelmum de Keth, qui ipsum de soluacione pecunie predictae resoluebant, et ab hinc laborauit in Rossiam nuncios michi ista : Quo facto sciens quod per medias personas terras meas ad plegium habere

non potui, laboravi in propria persona ad dominum meum Regem vsque villam de Aberden, ad petendum terras meas ad plegium: quas habere non potui nisi concederem predicto domino meo Regi, pro vsu Johannis de Logy, totum ius meum de la Platan de Forfare. Cuius concessione facta, vocatus ad prandium cum domino meo Rege, peccii responsum negociorum meorum post prandium: a quo, post auisacionem suam, missa fuit michi in ecclesia vna magna sedula questionum pro responso, allegatis in eadem pluribus autoritatibus iuris ciuilibus: Qua lecta, dixi quod litis constrictacionem facere nolui cum domino meo Rege, nec pro illa omnino veni: Et tunc, nulla licencia petita vltiori, laboravi versus Rossiam, nec plus cum dicto domino meo Rege vsque aduentum suum apud Innernys loquebar, vbi percipientes predictum dominum meum contra me et fratrem meum Hugonem motum, et dictum dominum Walterum secum valde potentem, ego et frater meus Hugo predictus ad statum pristinum et corporalem possessionem terrarum nostrarum Buchanie non restaurati, predictam donacionem terrarum nostrarum predictarum, factam per dominum Regem predicto domino Waltero, sub sigillis nostris ratificauimus, propter maiora pericula tunc eminencia, vt estimauimus, predicto fratre nostro tunc a nobis remoto in memoribus et aliis deuis: Et non celando veritatem rei, in re vera et fide qua Deo tenemur, nec fuit filia nostra cum dicto domino Waltero sponsata cum voluntate nostra, set omnino contra voluntatem nostram, nec aliquam concessionem vel donacionem terrarum vel bonorum, vel conuencionem quamecunque, sibi fecimus aliquo tempore vsque diem obitus domini nostri Regis Dauid, predecessoris vestri, nisi ex rigore eiusdem domini Regis et sue iracundie timore, nullo tempore nostra spontanea voluntate bona ad hoc adhibita: Et hoc Deo et sue maiestati celorum, et vobis vestreque maiestati terrestri innotescimus presenti scripto. In cuius rei testimonium presenti scripto sigillum meum est appensum. Datum apud Edynburgh, vicesimo quarto die mensis Junii, anno Domini millesimo trecentesimo septuagesimo primo.

13. TRANSMPT made 18th April 1455, of Charter by WALTER DE LESLIE, knight, LORD OF ROSS, to his brother and sister, Sir ALEXANDER FRASER, knight, and JOHANNA his spouse, of the lands of Philorth and others, in compensation and satisfaction for their lands in Ross. 4th June 1375.

IN DEI nomine amen. Per hoc presens publicum instrumentum siue transsumptum cunctis pateat euidenter, quod anno ab incarnatione Domini millesimo quadrin-

gentesimo quinquagesimo quinto, mensis vero Aprilis die decimo octavo . . . in mei notarii publici ac testium subscriptorum presentia, personaliter constitutus honorabilis et prouidus vir, Alexander Fraser dominus de Philorth, cum notario infrascripto, quendam cartam magno sigillo nobilis et potentis domini Valteri de Leslie domini de Ross sano et integro sigillatam, non rasam, non abolitam . . . sed prorsus omni vitio et suspicione carentem, vt prima facie apparebat . . . tradidit perlegendam . . . in modum sequentem :—OMNIBUS hanc cartam visuris vel audituris, Valterus de Leslie miles, dominus de Ross, salutem in Domino sempiternam. Noueritis nos dedisse, concessisse, et hac presenti carta mea confirmasse dilectis fratri et sorori nostris, domino Alexandro Fraser militi et Johanne sponse sue, et eorum alteri diutius viuenti, heredibusque inter ipsos legitime procreatis seu procreandis, omnes et singulas terras de Phillorth, videlicet, terras de Kirktoon, Cairubuilg, Inuerloch, Ardglassy, Kinglasse cum molendino, Kinbog, Ardmakren cum molendino, duos Brakours, Auchintuin, Auchmacludy, Braklawmoir, terras de Maiore Drumquhendill et Minore Drumquhendill, Auchinchogill, Plady, Loncardy et Delgady cum le Querell, terras de Maiore Fyntrie, Balchern et Blaktouue, cum iustis pertinentiis, jaceutes infra vicecomitatum de Aberdein; terras de Ferdonald in Ross, cum octodecim libris sterlingorum iufra vicecomitatum de Inuernes; et terras baronie de Kregiltoun cum pertinentiis, et quadraginta libras tenendriarum jacentium in partibus de Galuidia; reseruato nobis loco castris de Kregiltoun, cum residuo tenendriarum dictarum partium: Teuendas . . . predictas terras cum pertinentiis prefato Alexandro et Johanne sponse sue, et alteri eorum diutius viuenti, heredibusque inter ipsos legitime procreatis seu procreandis, pro recompensatione et satisfactione predictarum terrarum suarum de Ross cum pertinentiis, de supremo domino nostro Rege, ita libere sicut nos prefatus Valterus et Eufamia sponsa nostra totas terras cum pertinentiis tenemus siue tenuimus aliquibus temporibus retroactis . . . Faciendo inde predictus Alexander et Johanna sponsa sua et heredes eorum supremo domino nostro Regi pro dictis terris seruicium debitum et consuetum . . . In cuius rei testimonium sigillum meum presentibus est appensum, apud Aberdein, quarto die mensis Junii, anno Domini millesimo tricentesimo septuagesimo quinto: Testibus, Villedmo comite de Douglas, Georgio de Dunbar comite Marchie, Archibaldo de Douglas, Roberto Erskin, Willelmo de Dyssyngtoun, militibus, et Thoma de Rate, cum multis aliis. POST CUIUSQUIDEM carte traductionem et

eiusdem diligentem inspectionem dictus Alexander a me notario publico infrascripto sibi fieri petiit presens publicum instrumentum: Acta erant hec apud Aberdein . . . presentibus prouidis et discretis viris, Joanne Fraser de New Forrest, Johanne Futhes de Rothebyrsbane, Andrea Menzes, Johanne Vocat, burgensibus de Aberdein, et Alexandro Donaldsone, cum multis et diuersis aliis testibus . . .

Et ego Joannes Duffous, presbiter Morauiensis diocesis, publicus imperiali autoritate notarius [*etc. in forma communi*].¹

14. TRANSUMPT, made 6th March 1480, of TRANSUMPT made 17th October 1437, of CHARTER by WALTER LESLY, knight, Lord of Ross, and EUFAMIA ROSS his spouse, to ALEXANDER FRASER, knight, and JONET (JOHANNA) ROSS his spouse, of the lands of Auchinchogyl, and others, in excambion and more full satisfaction for their heritable part of Ross. 4th June 1375.

IN DEI nomine, amen. Vniuersis et singulis presentes literas siue presens publicum instrumetum siue trausumptum inspecturis, lecturis, pariter et auditoris, David Meldrum in artibus magister, in decretis licenciatus, canonicus ecclesie cathedralis Duukeldensis ac officialis Sancti Andree principalis, salutem in Domino, et presentibus fidem indubiam adhibere: Noueritis quod nuper pro parte honorabilis viri Alexandri Fresell, primogeuiti et apparentis heredis Alexandri Fresel de Fylortht, quoddam transsumptum, diuersas literas de quo et quibus infra fit mencio et cuius seu quarum tenor inferius inseritur in se continens, nobis presentari et exhiberi; nosque vt idem et easdem transsumi, copiari et exemplari mandari, nostrumque decretum, vt moris est, interponere auctoritate ordinaria nobis iu hac parte commissa, ad futuram rei memoriam, propter eiusdem transsumpti seu literarum vetustatem, dignaremur, cum iustancia debita requisitum fuerat: Nos etenim, huiusmodi requisicioui fauorabili[ter] annuentes ac volentes in huiusmodi negocio rite procedere, quasdam literas citatorias sigillo officii nostri sigillatas ad instar edictorum publicorum, contra omnes et singulos sua communiter vel diuisim in premissis interesse habentes vel habere putantes, ad comparendum coram nobis seu nostris commissariis, pluribus aut vno, in ecclesia Beati Leonardi infra ciuitatem Sancti Andree, in certo ad hoc eis in eisdem literis nostris limitato

¹ Antiquities of Aberdeenshire, vol. iv. p. 87, from Original at Philorth.

termino, ad videndum et audiendum huiusmodi transsumptum, ad dicti Alexandri primogeniti vel eius certi et legitimi procuratoris instanciam, per nos transsumi, copiarum et exemplari mandari, decretumque nostrum desuper, ut premititur, interponi, vel ad allegandum, obiciendum et probandum causam seu causas, rationabilem seu rationabiles, quare premissa fieri non deberent, cum intimacione in talibus fieri solita et consueta, emisimus, et easdem in valuis ecclesie metropolitane Sancti Andree publice et sepius affigi mandauimus et fecimus cum effectu: Quo quidem termino comparuit coram nobis in ecclesia Beati Leonardi predicta pro tribunali sedentibus venerabilis et discretus vir, dominus Robertus Lorymer presbyter, procurator dicti Alexandri iunioris apud acta curie nostre legitime constitutus, prefatas literas citatorias, sic ut premititur, in valuis prescriptis affixas et executas reproduxit, et easdem per magistrum Duncanum Zhalolok, notarium publicum, scribam curie nostre, coram nobis perlegi postulauit: Quibus per eundem notarium de nostro mandato receptis et perlectis, vocatisque omnibus et singulis in eisdem contentis, sicut prefertur, citatis et minime comparentibus, idem dominus Robertus procurator, eorundem citatorum, vocatorum et non comparentium contumacias accusauit, ipsosque contumaces per nos reputari petiit; et in eorum contumacias, quoddam transsumptum fulminatum a quodam venerabili et circumspeto viro, magistro Willelmo Karnys, vicario de Glammys, olim commissario Sancti Andree, tenores diuersarum literarum in se continens, sigillo officii officialitatis Sancti Andree, signoque et subscriptione quondam Willelmi Boyis notarii publici sigillatum, roboratum, nobis pro tribunali sedentibus presentauit; ipsumque transsumptum de nouo copiarum et exemplari mandari, decretumque nostrum auctoritate ordinaria, ut moris est, desuper interponi, ad futuram rei memoriam, cum instancia postulauit: Nos vero David officialis predictus huiusmodi citatos, vocatos, et non comparentes reputauimus, prout merito erant, contumaces, et in eorum contumacias predictum transsumptum de manibus dicti domini Roberti procuratoris recepimus, et idem vidimus, inspeximus, et de suspicione examinauimus diligenter; et quia post examinacionem huiusmodi transsumpti, lecturam ibidem etiam per notarium prescriptum de nostro precepto publice factam et expletam, comperimus huiusmodi transsumptum insuspectum, ac omni vicio, ut apparuit nobis prima facie, carens, necnon fore sigillum officii officialitatis Sancti Andree, sicut in eodem asseritur et cui in ipso transsumpto ascribitur, in quantum ex eius impressione formali cognoscere potuimus: Idcirco

nos, Daudid, officialis sepedictus, pro tribunali sedentes, in contumacias eorum citatorum, vocatorum et non comparencium predictorum, prefatum transsumptum per notarium prenommatum, scribam curie nostre, transumi, copiari, exemplari, et in publicam transsumpti formam de nouo redigi decreuimus et mandauimus, ad perpetuam rei memoriam et veritatis fidem ac testimonium sempiternum : Cuiusquidem transsumpti tenor sequitur in hec verba. IN NOMINE Domini amen. Vniuersis et singulis hoc presens publicum instrumentum siue transsumptum inspecturis, Wilelmus de Karnys, bachalarius in decretis, perpetuus vicarius ecclesie parrochialis de Glammys, Sancti Andree diocesis, reuerendique in Christo patris domini Henrici Dei et apostolice sedis gracia episcopi Sancti Andree, in sui officialis generalis absentia, ad vniuersitatem causarum commissarius specialiter deputatus, salutem in Domino et presentibus fidem indubiam adhibere : Noueritis quod prouidus vir Alexander Fraser quasdam literas sigillo paruo in cera viridi impressa cum cordula pergameni impendentis sigillatas, quarum tenor inferius est insertus, coram nobis exhibuit, et iudicialiter presentauit ac produxit, petens humiliter a nobis vt huiusmodi literas transsumi et exemplari mandare dignaremur ad futuram rei memoriam, ex auctoritate ordinaria qua fungimur in hac parte, ita et taliter quod ipsi transsumpto possit et debeat vbique plenaria fides adhiberi, sicuti dictis literis originalibus si in earum originali forma in medium producerentur : Vnde nos Willelmus, commissarius prefatus, huiusmodi petitioni fauorabiliter annuentes, volentesque in huiusmodi negocio rite procedere, ipsas literas vidimus, tenuimus, perlegi fecimus, inspeximus et de suspicione diligenter examinauimus : Et quia, post diligentem inspectionem et examinationem comperimus huiusmodi literas fore sanas, integras et illesas, non viciatas non cancellatas, nec in aliqua sui parte suspectas, sed omni prorsus vicio et suspicione carentes, neenon et sigillum fore et fuisse illius cui in ipso ascribitur, prout in circumferencia ipsius sigilli patere poterat intuenti ; idcirco, nos Willelmus, commissarius prefatus, pro tribunali sedentes huiusmodi literas per notarium publicum infrascriptum transsumi et exemplari, ac in publicam transsumpti formam redigi mandauimus et iussimus ad futuram rei memoriam. Quarumquidem literarum tenor, de verbo ad verbum, sequitur et est talis. OMNIBUS hanc cartam visuris vel auditoris, Walterus Lesly miles, dominus de Ross, et Eufamia Ross sponsa sua, salutem in Domino sempiternam : Noueritis nos, vnanimi consensu et assensu, dedisse, concessisse et hac presenti carta nostra

confirmasse, necnon dare, concedere, et hac presenti carta nostra confirmare dilectis confratri et sorori nostre, Alexandro Fraser militi et Jonete Ross sponse sue, et eorum alteri diucius viuenti, totas et integras terras nostras de Auchinchogyl cum pertinenciis, et terras nostras de Mekil Fyntra cum pertinenciis, iacentes in comitatu Buchanie infra vicecomitatum de Abbirdene; necnon terras nostras de Crekiltoun cum pertinenciis, iacentes in dominio Galwydie infra vicecomitatum de Wigton; et annum redditum octodecim librarum sterlingorum annuatim leuandum et percipiendum ad duos anni terminos vsuales, Penthecostes videlicet et Sancti Martini in hyeme, per equales porciones, de totis et integris terris de Faryndonalde in Ross cum pertinenciis, iacentes infra vicecomitatum de Innernys; in merum, liberum et legitimum excambium, ac in recompensationem, contentacionem et satisfactionem plenariam dictorum Alexandri militis et Jonete, ac heredum suorum, pro vniuersis et singulis suis partibus hereditariis terrarum de Ross cum pertinenciis, iacentibus infra vicecomitatum de Innernys, per dictos Alexandrum et Jonetam sponsam suam, vnanimi consensu et assensu, pro se et heredibus suis, similiter in excambium et contentacionem nostrum, Walteri et Eufamie, et heredum nostrorum, pro dictis terris et anno redditu nostris datis hereditarie et concessis: Tenendas et habendas totas et integras terras predictas de Auchinchogyl, Mekyl Fyntra, Crekyltoun et annum redditum octodecim librarum terrarum de Faryndonalde, cum pertinenciis, dictis Alexandro et Jonete sponse sue, et eorum alteri diucius viuenti, et heredibus inter ipsos legitime procreatis seu procreandis, quibus deficientibus heredibus legitimis dicte Jonete quibuscunque a nobis et heredibus nostris, de supremo domino nostro Rege et successoribus suis, in merum et legitimum excambium et contentacionem antedictam, in feodo et hereditate imperpetuum, per omnes rectas metas suas et antiquas et diuisas, prout iacent in longitudine et latitudine, in boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, pratis, riolis, pascuis et pasturis, molendinis, multuris et eorum sequelis, aucupacionibus, venacionibus, piscacionibus, petariis, turbariis, carbonariis, lapicidiis, lapide et calce, fabrilibus, brasinis, bruariis, et genestis; cum curiis et earum exitibus, herezeldis, bludewitis et merchetis mulierum; cum communi pastura ac libero introitu et exitu, ac cum omnibus aliis singulis libertatibus, commoditatibus et asiamentis ac iustis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, tam procul quam prope, ad dictas terras et predictum annum redditum cum pertinenciis

spectantibus seu iuste spectare valentibus quomodolibet in futurum; et adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliquo retinemento aut contradictione aliquali, sicut aliquę terre et annuus redditus infra regnum Scocie alicui per aliquem in merum et legitimum excambium et contentacionem pro quibuscunque terris, retroactis temporibus, hereditarie liberius dantur et conceduntur, aut dari vel concedi poterint qualitercunque in futurum: Reddendo inde annuatim dicti Alexander et Joneta, et eorum alter diucius viuens, et heredes sui predicti, supremo domino nostro Regi et successoribus suis, seruicium dictarum terrarum et annui redditus debitum et consuetum, ac vardam et releuium cum contigerit: Et nos vero dicti Walterus et Eufamia et heredes nostri totas et integras predictas terras de Auchinchogyl, Mekyl Fyntra, Crekyltoun, et annum redditum octodecim librarum terrarum Faryndonalde cum pertinenciis dictis Alexandro et Jonete sponse sue, et eorum alteri diucius viuenti et heredibus suis predictis, adeo libere et quiete, in omnibus et per omnia; vt predictum est, in merum et liberum excambium et contentacionem predictam, contra omnes mortales varantizabimus, acquietabimus et imperpetuum defendemus: In cuius rei testimonium sigillum meum presentibus est appensum, apud Abberden, quarto die mensis Junii, anno Domini millesimo ccc^o septuagesimo quinto; testibus, Wilelmo comite de Douglas, Georgeo de Dunbar comite Marchie, Archibaldo de Douglas, Roberto Erskyne, Wilelmo de Dyschy[n]toun, militibus, et Thoma de Rat cum multis aliis. POST QUE omnia et singula supradicta, nos Wilelmus, commissarius prefatus, presens transumptum publicum cum ipsis literis originalibus diligenter ascultari, collacionari et concordari fecimus: Et tandem, quia post diligentem collacionacionem et ascultacionem, comperimus presens transumptum publicum cum predictis literis originalibus in omnibus et per omnia concordare et in nullo discrepare, idcirco, auctoritate ordinaria qua fungimur in hac parte, decreuimus et tenore presencium decernimus quod ipsi transumpto publico, tanquam prescriptis literis originalibus, vbique locorum, tam in iudicio quam extra iudicium, merito possit et debeat plena integra et indubitata fides adhiberi, ac talis et tanta, qualis et quanta, dictis literis originalibus adhiberetur, si in medium in earum originali forma producerentur: In quorum omnium et singulorum premissorum fidem et testimonium hoc presens publicum instrumentum siue transumptum, per notarium publicum infrascriptum de mandato nostro desuper publicatum sigilli officialitatis Sancti Andree iussimus et fecimus appensione com-

muniri: Datum et actum apud Sanctum Andream in ecclesia parrochiali Beati Leonardi, nobis inibi pro tribunali sedentibus, sub anno Domini millesimo quadringentesimo tricesimo septimo, indictione prima, ac mensis Octobris die decima septima, pontificatus sanctissimi in Christo patris ac domini nostri domini Eugenii diuina prouidencia Pape quarti anno septimo; presentibus ibidem nobilibus et venerabilibus viris, dominis Johanne de Lyndesay, milite, domino de Biris, Johanne de Scheues decretorum doctore, canonico Glasguensi, Thoma de Camera priore prioratus de Maya, ordinis Sancti Benedicti Sancti Andree diocesis, Johanne Feldew decretorum doctore, et Johanne de Lummysden, scutifero, domino de Glegyrnach, cum multis aliis ad premissa vocatis specialiter et rogatis. Sequitur subscripcio notarii. Et ego Willelmus de Boys, Sancti Andree diocesis, almeque vniuersitatis eiusdem bedellus iuratus, publicus auctoritate imperiali notarius, premissis omnibus et singulis, dum sic vt premittitur dicerentur et fierent, vna cum preuominatis testibus presens interfui, eaque sic fieri et dici vidi et audiui ac in notam sumpsi, ideoque presens publicum instrumentum siue traussumptum manu aliena, me aliis uegociis occupato, fideliter scribi feci, signoque et nomine meis solitis et consuetis, vna cum appensione sigilli officialitatis Sancti Andree signaui rogatus et requisitus, in fidem et testimonium omnium et singulorum premissorum. POST QUE omnia et singula supradicta, nos Daud officialis sepedictus presens transsumptum publicum cum ipso originali transsumpto diligenter ascultari, collacionari et examinari fecimus; et quia, post diligentem collacionacionem, ascultacionem et huiusmodi examinacionem, comperimus presens transsumptum publicum cum dicto originali transsumpto in omniibus et per omnia concordare et in nullo discrepare, idcirco auctoritate ordinaria qua fungimur in hac parte decreuimus, et teuore presencium decernimus quod presentium traussumpto publico, tanquam prescripto traussumpto originali vbique locorum, tam in iudicio quam extra iudicium, merito possit et debeat integra plenaria et indubitata fides adhiberi, ac talis et tanta, qualis et quanta, dicto traussumpto originali seu literis in eodem contentis adhiberetur, si in ipsius originalis transsumpti vel literarum originalium in eodem contentarum forma in medium produceretur seu producerentur: In quorum omnium et singulorum fidem et testimonium premissorum, presentes literas siue presens publicum instrumentum, huiusmodi transsumptum in se continentes siue continens, per dictum uotarium nostrum scribam curie exemplari et publicari sigillique officii nostri quo vtimur iussimus et fecimus appensione com-

muniri. Datum et actum in ecclesia Beati Leonardi prescripta, loco videlicet sessionis nostre ad causas audiendas solito et consueto, die sexta mensis Marci, anno Domini millesimo quadringentesimo octuagesimo, secundum cursum et computum ecclesie Scoticane, indictione decima quarta, pontificatus sanctissimi in Christo patris et domini nostri domini Sexti diuina prouidencia Pape quarti anno decimo ; presentibus ibidem venerabilibus et circumspectis viris, magistris et dominis Willelmo Mowat canonico Morauienti, Johanne Gardyne vicario de Kellymoir, Johanne Zonge vicario de Drone, in artibus magistris, Daud Dewar presbytero, Symone Campion notario publico, et Willelmo Thortone clerico, cum diuersis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Duncanus Yhalulok, presbyter Sancti Andree diocesis, publicus auctoritatis imperiali et regia notarius, quia premissis [*etc. in forma communi*].

15. TRANSMPT, made 24th March 1424-5, of CHARTER by KING ROBERT THE THIRD, confirming the grants made by SIR WALTER DE LESLIE, Lord of Ross, to SIR ALEXANDER FRASER. 28th October 1405.

TRANSSUMPTUM de Registro Regis Roberti tercii. ROBERTUS Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis nos approbasse, ratificasse et hac presenti carta nostra confirmasse donationes, concessiones, condiciones et pacta, que et quas fecit et concessit quondam Walterus de Lesli miles, dominus de Rosse, dilecto et fideli nostro Alexandro Fraser militi, de certis terris cum pertinenciis et annuis redditibus, iacentibus infra comitatus de Rosse et de Buchane ac dominium Galwidie: Tenendis et habendis dicto Alexandro et heredibus suis in feodo et hereditate, adeo libere et quiete, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia, sicut in literis siue euidenciis dicti quondam Walteri dicto Alexandro et heredibus suis inde confectis plenius continetur: Saluo nobis et heredibus nostris seruicio nostro inde debito et consueto: In cuius rei testimonium presenti carte nostre confirmacionis nostrum precepimus apponi sigillum: Testibus, reuerendo in Christo patre Gilberto episcopo Aberdonensi, cancellario nostro, Willelmo de

Conyngham de Kilmauris, Daud Fleming de Bigare, Johanne de Ros de Haukhede, militibus; Johanne Senescalli fratre nostro naturali, clerico probacionis domus nostre, Johanne de Craufurde custode sigilli nostri secreti, secretario nostro in remotis agente, et Jacobo de Rermonth; apud Dundonalde, vicesimo octauo die mensis Octobris, anno Domini millesimo quadringentesimo quinto, regni nostri anno sexto decimo. Datum sub testimonio excellentissimi Principis sigillo Jacobi Dei gracia Regis Scottorum illustris ad instanciam Willelmi Fraser de Filorth; apud Perth, vicesimo quarto die mensis Marci, anno Domini millesimo quadringentesimo vicesimo quarto et regni sui decimo nono.

16. CONFIRMATION by KING ROBERT THE SECOND, of a CHARTER by ARCHIBALD DE DOUGLAS, Lord of Galloway and Bothwell, to SIR ALEXANDER FRASER, knight, of eighty merk land in the lordship of Aberdour. Dated 31st December [1378].

ROBERTUS Dei gratia Rex Scottorum, omnibus probis hominibus totius terre sue, clericis et laicis, salutem. Sciatis nos cartam Archebaldi de Douglas, militis, domini Galwydie, consanguinei nostri dilecti, de mandato nostro visam, lectam, inspectam, et diligenter examinatum, non rasam, non abolitam, non cancellatam, nec in aliqua sui parte viciatam, intellexisse ad plenum, sub hac forma.—OMNIBUS hanc cartam visuris vel auditoris, Archebaldus de Douglas, dominus Galwydie et de Botheuill, salutem in Domino sempiternam. Noueritis nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto confederato nostro, domino Alexandro Fraser militi, pro homagio et seruicio suo nobis impenso et impendendo, octoginta marcas in terris et molendinis, cum eorum multuris et sequelis, in dominio nostro de Abredover infra vicecomitatum de Abredene: Tenendas et habendas predicto domino Alexandro et domine Johanne sponse sue, vel eorum diucius viuenti, et heredibus dicti domini Alexandri de corpore suo legitime procreatis vel procreandis, de nobis et heredibus nostris; quibus forte, quod absit, deficientibus, de Johanna sponsa nostra et heredibus suis dicti domini de Abredouer, in feodo et hereditate, per omnes rectas metas et diuisas suas, in boscis et planis, moris, marresiis, pratis, pascuis et pasturis, aquis, stagnis, venacionibus, aucupacionibus et piscariis, et cum omnibus aliis commoditatibus,

libertatibus, aysiamentis et iustis pertinenciis quibuscunque, tam non nominatis quam nominatis, ad easdem terras et molendina spectantibus, seu quoquo modo iuste spectare valentibus in futurum: Faciendo inde nobis et heredibus nostris, quibus forte, quod absit, deficientibus, dicte Johanne sponse nostre, et heredibus suis dicti domini de Abredouer, dictus dominus Alexander et heredes sui de corpore suo legitime procreati vel procreandi, forinsecum seruicium quantum pertinet dictis terris et molendinis: Et nos dictus Archebaldus, et heredes nostri domini de Abredouer, dictas octoginta marcas terrarum dictarum et molendinorum cum pertinenciis, predicto domino Alexandro et Johanne sponse sue, vel eorum diucius viuenti, et heredibus dicti domini Alexandri de corpore suo legitime procreatis vel procreandis, contra omnes homines et feminas warrantizabimus, acquietabimus et imperpetuum defendemus: Quibus heredibus dicti Alexandri de corpore suo legitime procreatis vel procreandis forte deficientibus, volumus quod dicte octoginta marcate terrarum predictarum et molendinorum cum pertinenciis ad nos et heredes nostros, quibus forte deficientibus, quod absit, ad dictam Johannam sponsam nostram, et heredes suos dominos dicti domini de Abredouer, libere et integre reuertantur: In cuius rei testimonium presenti carte nostre sigillum nostrum est appensum; hiis testibus, dominis Patricio de Hepburne, Roberto Senescalli de Innermeth, Johanne de Abernethy, militibus; domino Johanne de Carric canonico Glasguensi, rectore ecclesie de Botheuyll, Thoma de Irwyne, Johanne de Crechtoun, Eustacio de Maxwell et Thoma de Rate cum aliis. QUAM QUIDEM cartam, donacionemque et concessionem in eadem contentas, in omnibus punctis suis et articulis, condicionibus et modis ac circumstanciis suis quibuscunque, forma pariter et effectum, in omnibus et per omnia, approbamus, ratificamus, ac pro nobis et heredibus nostris inperpetuum confirmamus; saluo seruicio nostro: In cuius rei testimonium presenti carte nostre confirmacionis nostrum precepimus apponi sigillum; testibus, venerabilibus in Christo patribus Willelmo et Johanne cancellario nostro, Sancti Andree et Dunkeldensis ecclesiarum episcopis; Johanne primogenito nostro de Carric, senescallo Scocie, Roberto de Fyf et de Meneteth filio nostro dilecto, Willelmo de Douglas et de Marre consanguineo nostro, comitibus, Jacobo de Lyndesay nepote nostro karissimo, et Alexandro de Lyndesay, militibus: apud monasterium de Aberbrothok, ultimo die Decembris, anno regni nostri octauo.

17. CHARTER by JAMES DE DOUGLAS, Lord of Abercorn and Aberdour, to WILLIAM FRASER, of the lands of Over Pettouly, etc. 25th October 1408.

OMNIBUS hanc cartam visuris uel auditoris, Jacobus de Douglas, dominus de Abircorn et de Abirdowir, salutem in Domino sempiternam. Sciatis nos dedisse, concessisse, et hac presenti carta nostra, pro nobis et heredibus nostris ac successoribus imperpetuum, confirmasse carissimo consanguineo nostro, Willelmo Fraser, pro suis benemeritis nobis multipliciter impensis, totas et integras terras de Ouir Pettouly, de Nethir Pettouly, Petslegach, Culburty, le Quarale, Ardelach, Achlun, le thre Bulgenis, cum molendino de Bulgeny, Glascelach, Culcaoch, Achmacludy, Drumwhendil cum molendino eiusdem, Mamsy cum molendino de Badechale et de Rathin, cum pertinenciis, iacentes in baronia de Abirdowir infra vicecomitatum de Abirden : Que quidem terre cum pertinenciis fuerunt domini Alexandri Fraser, militis, patris sui, hereditarie, et quas idem Alexander, non vi aut metu ductus nec errore lapsus, sed mera et spontanea voluntate sua, in manus nostras, coram testibus infrascriptis, per fustum et baculum sursum reddidit, pureque simpliciter resignauit, ac totum ius et clameum que in dictis terris cum pertinenciis habuit uel habere poterit, pro se et heredibus suis omnino quitum clamauit imperpetuum : Tenendas et habendas omnes et singulas prenominatas terras cum pertinenciis predicto Willelmo et heredibus suis, de nobis et heredibus nostris, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, in boscis, planis, moris, marresiis, aquis, stagnis, viis, semitis, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, cum curiis, escaetis et curiarum exitibus, aucupacionibus, venacionibus et piscariis, cum fabrinis et bracinis, petariis, turbariis et carbonariis, ac cum omnimodis aliis libertatibus, commoditatibus et aisiamentis ac iustis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, procul et prope, ad predictas terras cum pertinenciis spectantibus seu iuste spectare valentibus quomodolibet in futurum, adeo libere et quiete, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia, sicut predictus dominus Alexander predictas terras cum pertinenciis de nobis ante dictam resignacionem nobis factam, liberius, quiecius, plenius et honorificencius, tenuit seu possedit : Faciendo nobis et heredibus nostris predictus Willelmus et heredes sui, de predictis terris cum pertinenciis seruicia debita et consueta :





inibus hanc cartam visuris uel auditoris Jacobus de Douglas dominus de Lincorn et
carta nra pro nobis et heredibus nris ac successoribus impetuum confirmasse cari
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cum pertinentis fuerunt domini Alexandri fratris militis patris sui hereditarie Et qu
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habuit uel habere poterit pro se et heredibus suis omnino quitum clamauit impetuum
et heredibus suis de nobis et heredibus nris in feodo et hereditate impetuum per omnes
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ac nris pertmencus quibuscumqz tam non nommatis q. nommatis tam sub terra q. supra terram
is quomodo debet in futurum. Ideo libere et quiete plenarie pacifice et honorifice bene et in pace in
rius de nobis ante dictam resignationem nobis factam libere quiete plenarie et honorifice
sui de predictis terris cum pertmencus seruicia debita et consueta reseruato tamen predicto domino
ac eam reseruat. Domine Elizabeth sponse sue tertia parte sua dictarum terrarum cum pertmencus
Et nos vero dictus Jacobus de Douglas et heredes nri omnes et singulas pdictas terras cum per
ntzabimus acquiescimus et impetuum defendemus. In cuius rei testimonium presenti nre carte
Anno domini millesimo quadringentesimo octavo. Idibus Feuerendis. in xpo patribus. Dñs
magnifico et potente domino domino Archibaldo comite de Douglas domino yalldie Dno
laug fenore etre de turay Willmo de berthelz filio cum multis aliis

Reseruato tamen predicto domino Alexandro liberotenenento dictarum terrarum cum pertinenciis, pro toto tempore vite sue ; ac eciam reseruata domine Elizabet, sponse sue, tercia parte sua dictarum terrarum cum pertinenciis, pro toto tempore vite sue, si superuixerit dominum Alexandrum maritum suum antedictum : Et nos vero dictus Jacobus de Douglas et heredes nostri omnes et singulas predictas terras cum pertinenciis predicto Willelmo Fraser et heredibus suis contra omnes homines et feminas warantizabimus, acquietabimus et imperpetuum defendemus : In cuius rei testimonium presenti nostre carte sigillum nostrum apponi fecimus ; apud Edynburgh vicesimo quinto die mensis Octobris, anno Domini millesimo quadringentesimo octauo ; testibus, reuerendis in Christo patribus, dominis Gilberto episcopo Abirdonensi, cancellario Scocie, Roberto episcopo Dunkeldensi, Waltero episcopo Brechinensi, magnifico et potente domino domo Archibaldo comite de Douglas domino Galwidie, domino Willelmo de Borthwik milite, magistro Alexandro Barbare archidiacono Catanensi, Willelmo Lang rectore ecclesie de Turray, Willelmo de Borthwik filio, cum multis aliis.

18. CONFIRMATION by ARCHIBALD EARL OF DOUGLAS, of the GRANT in the preceding CHARTER. 28th October 1408.

OMNIBUS hanc cartam visuris uel audituris, Archibaldus comes de Douglas et dominus Galwidie, sa[lutem in Do]mino sempiternam. Sciatis nos ratificasse, approbasse, et pro nobis et heredibus nostris, imperpetuum confirmasse donacionem et concessionem, qu[as] carissimus frater noster germanus, Jacobus de Douglas, dominus baroniarum de Abircorn et de Abirdoure, fecit et concessit dilecto consanguineo nostro, Willelmo Fraser, de omnibus et singulis terris de Ouirpettoully, de Nethirpettoully, Petslegach, Culburty . . . le thre Bulgenis cum molendino de Bulgeny, Glascelach, Culcaoch, Achmacludy, Tulynamolt cum molendino eiusdem, . . . de Badechale et de Rathin cum pertinenciis, iacentibus in dicta baronia de Abirdoure, infra vicecomitatum de [Abirden : Tenendas et habendas] dictas terras cum pertinenciis predicto Willelmo et heredibus suis, in feodo et hereditate imperpetuum, per omnes rectas met[as suas antiquas et] diuisas, cum omnibus et singulis libertatibus, commoditatibus et aisiamentis ac iustis pertinenciis quibuscunque, ad predic[as terras cum] pertinenciis spectantibus seu iuste spectare valentibus quomodolibet in futurum, adeo

libere et quiete, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia, sicut carta dicti Jacobi fratris nostri dicto Willelmo consanguineo nostro inde confecta in se plenius [contin]et, proportat, et testatur: In cuius rei testimonium presenti carte nostre confirmacionis sigillum nostrum apponi fecimus, apud Edynburgh, vicesimo octauo die mensis Octobris, anno Domini millesimo quadringentesimo octauo.

19. CONFIRMATION by ARCHIBALD EARL OF DOUGLAS, of CHARTER by his brother JAMES DE DOUGLAS, lord of Abercorn and of the barony of Aberdour, to PATRICK REEDE RAMSAY, of the lands of Little Drumwhendill, on the resignation of SIR ALEXANDER FRASER. Charter dated 31st October 1408.

OMNIBUS hanc cartam visuris vel audituris, Archibaldus comes de Douglas, dominus Galwidie et vallis Anandie, salutem in Domino sempiternam. Noueritis nos quamdam cartam carissimi fratris nostri, Jacobi de Douglas domini de Abircorne, factam dilecto nostro Patricio Reede Ramsay de terris de Drumqwhendill cum pertinenciis, in baronia de Abirdour, infra vicecomitatum de Abirdoun, de mandato nostro visam, lectam, inspectam et diligenter examinatum, non rasam, non abolitam, non cancellatam, nec in aliqua sui parte viciatam, sed omni prorsus vicio et suspicione carentem, intellexisse ad plenum, sub hac forma.—OMNIBUS hanc cartam visuris vel audituris, Jacobus de Douglas, dominus de Abircorne et baronie de Abirdour in Buchania, salutem in Domino sempiternam. Nouerit vniuersitas vestra nos dedisse, concessisse, et hac presenti carta nostra confirmasse, pro nobis, heredibus et successoribus nostris dicte baronie de Abirdour, dilecto scutifero nostro Patricio Reede Ramsay, pro fideli seruicio suo nobis impenso et pro toto tempore vite sue impendendo, omnes terras nostras de Litol Drumqwhendill cum pertinenciis, in dicta baronia nostra de Abirdour, infra vicecomitatum de Abirdoun: Quequidem terre cum pertinenciis fuerunt domini Alexandri Fraser, militis, consanguinei nostri, hereditarie; et quas idem dominus Alexander, non vi aut metu ductus nec errore lapsus, sed mera et spontanea voluntate sua, apud Edinburgh, in manus nostras sursum reddidit, per procuratores suos, videlicet, reuerendum in Christo patrem, Gilbertum Dei gracia episcopum Abirdonensem, cancellarium Scocie, et discretum virum dominum

Willelmum Lang, rectorem ecclesie de Turre, sufficientem potestatem ad hoc habentes, et specialiter constitutos, et per eosdem procuratores, per fustem et baculum et literas dicti domini Alexandri resignacionis, pureque et simpliciter resignauit, in presentia reuerendorum in Christo patrum, dominorum Gilberti Dei gracia Abirdonensis, cancellarii Scoeie, Roberti Dunkeldensis, et Walteri Brechinensis ecclesiarum episcoporum, necnon magnifici et potentis domini, domini Archibaldi comitis de Douglas, domini Galwidie, fratrisque nostri carissimi, Willelmi de Fentoun domini eiusdem, Willelmi de Fayrle domini de Brade, et aliorum multorum fidedignorum, vicesimo quinto die mensis Octobris; anno Domini millesimo quadringentesimo octauo, ac totum ius et clameum que in dictis terris cum pertinenciis habuit uel habere potuit a se et heredibus suis omnino quietum clamauit imperpetuum: Tenendas et habendas dictas terras de Litol Drumqwhendill cum pertinenciis dicto Patricio, heredibus et assignatis suis, de nobis et heredibus ac successoribus nostris, baronibus de Abirdoure, in feodo et hereditate imperpetuum, per omnes rectas metas et antiquas diuisas suas, in moris, marresiis, boscis, planis, pratis, pascuis et pasturis, viis, semitis, aquis, stagnis, molendinis, multuris et eorum sequelis, aucupacionibus, piscacionibus, venacionibus, petariis, turbariis, brueriis et genestis, lapide, calce et carbonibus, ac cum communi pastura et libero introitu et exitu, cum curiis et curiarum exitibus, heryheldis, blodwitis et merchetis mulierum, et cum omnibus aliis et singulis libertatibus, commoditatibus, aysiamentis et iustis pertinenciis suis quibuscunque, tam nominatis quam non nominatis, tam sub terra quam supra terram, tam prope quam procul, ad dictas terras cum pertinenciis spectantibus seu iuste spectare valentibus quomodolibet in futurum, adeo libere et quiete, plenarie, integre et honorifice, bene et in pace, in omnibus et per omnia, sicut dictus dominus Alexander Fraser easdem terras cum pertinenciis liberius, quocius, plenius, integrius et honorificencius, ante resignacionem suam nobis inde factam, tenuit seu possedit: Reddendo inde annuatim dictus Patricius, heredes et assignati sui, nobis et heredibus nostris, vnum denarium argenti nomine albe firme, si petatur, ad capitale meswagium dicte baronie in festo Pentecostes, tantum, pro omni alio seruicio seculari, consuetudine, exactione, onere vel demanda, que de dictis terris cum pertinenciis per quoscunque aliquo modo exigi poterunt aut requiri: In cuius rei testimonium presenti carte nostre sigillum nostrum apponi fecimus; apud Edinburgh, vltimo die mensis Octobris predicti, anno supranotato; testibus, reuerendis in Christo

patribus ac dominis, Gilberto Abirdonensis, Roberto Dunkeldensis et Waltero Brechinensis ecclesiarum episcopis; magnifico et potente domino, domino Archibaldo comite de Douglas domino Galwidie, fratre nostro carissimo; domino Willelmo de Borthwyke domino de Ligartwode, Willelmo de Borthwyke filio suo et herede, consanguineis nostris; Willelmo de Fentoun domino eiusdem, domino Willelmo Lang rectore ecclesie de Turre, Georgeo de Lawedir, scutifero nostro, cum multis aliis.—QUAMQUIDEM cartam, donacionemque et concessionem in eadem contentas, in omnibus punctis suis et articulis, condicionibus et modis ac circumstantiis suis quibuscunque, forma pariter et effectu, in omnibus et per omnia, approbamus, ratificamus, et pro nobis et heredibus nostris imperpetuum confirmamus: In cuius rei testimonium presenti carte nostre confirmacionis sigillum nostrum apponi fecimus: Hiis testibus, nobilibus et prouidis viris, carissimo fratre nostro, Jacobo de Douglas antedicto; necnon dominis Willelmo del Haya domino de Louchqworwart, Willelmo de Borthwyke domino de Ligeartwode, Willelmo de Craufurde domino del Ferme, militibus, consanguineis nostris dilectis, ac magistris Alexandro de Carnys, preposito ecclesie collegiate de Lyncludane, et Matheo de Gedes, rectore ecclesie Beate Marie de Foresta, clericis nostris dilectis, cum multis aliis.

20. CHARTER by ISOBEL DE DOUGLAS, Countess of Mar and Garioch, to WILLIAM FRASER her kinsman, and ELINOR DE DOUGLAS his spouse, of the lands of Tibarty and Utlaw. 8th December 1404.

OMNIBUS hanc cartam visuris . . . Issobella de Dowglas, comitissa de Marr et Garuiauch, salutem. . . Noueritis nos, in nostra pura viduitate, dedisse . . . et hac presenti carta nostra confirmasse dilecto nostro affini, Gulielmo Fraser, et Elinore de Duglas sponse sue, et eorum diutius viuenti, et heredibus suis, in libero maritagio, totas terras nostras de Tibarty et Wtlaw cum pertinentiis, infra baroniam de Strauthaveth in vicecomitatu de Baumff: Tenendas . . . de nobis et heredibus nostris, in feudo et hereditate . . . Reddendo inde . . . nobis et heredibus nostris annuatim tres sectas ad curias nostras capitales . . . In cuius rei testimonium sigillum nostrum presentibus fecimus apponi; apud castrum nostrum de Kyndromie, octauo die mensis Decembris, anno Domini millesimo quadringentesimo quarto: Testibus, reuerendo in Christo patre et domino, domino

Alexandro episcopo Rossensi, Magistro Joanne decano eiusdem ecclesie, Andrea de Lesly, milite, Valtero Ogiluy, Wilhelmo de Ca . . . Thoma Gray, Alexandro de Irwing, cum multis aliis.¹

21. LETTERS OF BAILLIARY by JAMES DE DOUGLAS of Balvany, for infesting ALEXANDER FRASER of Philorth in the lands of Culburty and others. 6th October [1430].

VNIERSIS ad quorum noticiam presentes litere peruenerint, Jacobus de Douglas de Balvany, salutem in Domino. Sciatis me fecisse, constituisse, et tenore presentium ordinasse, ac per presentes facere, constituere et eciam ordinare dilectum meum Simonem Banerman balliuum meum hac vice specialiter deputatum, ad dandum, pro me et no[m]ine meo, Alexandro Frasare, filio et heredi Willelmi Frasare de Fylorth, sasinam hereditariam terrarum de Culburty, Mamsy, et terrarum de Ouir Pettouly, Nethir Pettouly et de Rathin, cum pertinenciis, iacencium in dominio de Abrecorn, infra vicecomitatum de Abirdene: Ad quod vero faciendum dicto Simoni hac vice meam committo plenariam potestatem, saluo iure cuiuslibet: In cuius rei testimonium presentibus, quia sigillum proprium ad presens non habui, sigillum nobilis domini Alexandri de Setone, domini de Gordone, coram testibus subscriptis, apponi presentibus procuravi, viz. Johanne de Sancto Michaeli, Roberto de Dalzell, et Willelmo de Setone, testibus cum m[ultis] a[liis]; apud Perth, sexto die mensis Octobris, anno Domini millesimo cccc^{mo}xx[x].

22. CONFIRMATION by ALEXANDER STEWART, Earl of Mar and Garioch, of GRANT by WILLIAM FRASER of Philorth to ALEXANDER FRASER his son and MARJORY MENZIES his spouse, of the lands of Tibarty and Utlaw. *Circa* 1430. [Copy.]

OMNIBUS hoc scriptum visuris vel audituris, Alexander Stewart comes de Marr et de Gervyauch, salutem in Domino. Sciatis nos approbasse, ratificasse, et hac presenti carta nostra confirmasse donationem et concessionem illas quas dilectus noster Willelmus Fraser de Fillorth fecit et concessit Alexandro Fraser, filio suo et heredi, et Meriorie Meignes sponse sue, de terris de Cuberdy [Tiberdy] et Utlaw cum pertinenciis, iacentibus in baronia de Strathalbeth, infra vicecomitatum de Bamf:

¹ Antiquities of Aberdeenshire, vol. iii. p. 576, from Original at Philorth.

Tenendas et habendas totas predictas terras de Cuberdy [Tiberdy] et Utlaw cum pertinenciis predictis Alexandro et Meriorie, ac eorum diutius viventi, et heredibus inter ipsos legitime procreandis, quibus forte deficientibus Isabelle filie sue et heredibus inter ipsam et Gilbertum Meignes procreatis seu procreandis, de nobis et successoribus nostris, in feodo et hereditate imperpetuum, per omnes rectas metas suas et divisas; ac cum omnibus aliis et singulis comoditatibus, libertatibus et aysiametis ac iustis pertinencijs quibuscunque, ad dictas terras spectantibus seu spectare valentibus quovismodo in futurum, adeo libere et quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, prout in carta dicti Willelmi Fraser eisdem Alexandro et Meriorie ac heredibus supradictis inde confecta plenius continetur; salvo tamen nobis et successoribus nostris servicio debito et consueto. In cuius rei testimonium presenti scripto nostro sigillum nostrum apponi fecimus, apud burgum de Perth; hiis testibus, Alexandro de Setone domino de Gordon, Willelmo de Seton, Willelmo de Lesly, Alexandro de Ogilwy, Thoma de Camera, Johanne Waus, Georgio de Inchemartyne, cum multis aliis.

What is above written is an exact copy of the original charter of confirmation found in the Charter-chest of John Menzies, Esq. of Pitfoddels, without any addition or diminution, only the contractions are not always exactly copied. Which is attested by me, notary publick subscribing, at Aberdeen, the 4th July 1790.

Premissa rogatus attestor,

WILLIAM SMITH, N. P.

23. CHARTER by KING JAMES THE SECOND to ALEXANDER FRASER,
of the barony of Philorth. 9th February 1455-6.

JACOBUS Dei gracia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto et fideli nostro Alexandro Fresaille de Fillorth, terras de Fillorth cum pertinenciis, et terras de Abirdoure cum pertinenciis, que fuerunt dicti Alexandri, iacentes infra vicecomitatum nostrum de A[bird]ene; ac eciam terras de Tebarti de Vtelaw cum pertinenciis, iacentes in baronia de Strathalva, infra vicecomitatum nostrum de Bamf: Que omnes et singule terr[e p]redictae cum pertinenciis fuerunt dicti Alexandri Fresale hereditarie; et quas idem

Alexander, non vi aut metu ductus, nec errore lapsus, sed sua mera et spontanea voluntate, in manus nostras apud Abirdene, coram subscriptis testibus, per fustem et baculum, personaliter sursum reddidit, pureque simpliciter resignauit, ac totum ius et clameum que in dictis terris cum pertinenciis habuit seu habere potuit, pro se et heredibus suis omnino quitumclamauit imperpetuum : Quas terras de Fillorth, de Abirdoure, de Tebarty et de Vtelaw cum pertinenciis, in vnam meram integram et liberam baroniam Baroniam de Fillorth perpetuis futuris temporibus nuncupandam, incorporauimus, annexauimus et vniuimus, ac incorporamus, annectimus et vnimus pro perpetuo, tenore presentis carte : Tenendas et habendas [omnes et] singulas supradictas terras de Phi[lorth, d]e Abirdoure, de Tebarti et de Vtelaw cum pertinenciis, per nos in vnam meram et liberam baroniam Baroniam de Philorth, vt premittitur, perpetuis temporibus affuturis nuncupandam, vnitas et incorporatas, predicto Alexandro et heredibus suis, de nobis, heredibus et successoribus nostris, regibus Scocie, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, prout iacent in longitudine et latitudine, cum tenandiis, tenandriis et liberetenencium seruiciis, furca et fossa, sok, sac, thol, theme, infangandtheif, outfangandtheif, in boscis, pla[nis], moris, marresiis, viis, semitis, aquis, stagnis, riuolis, pratis, pascuis et pasturis, molendinis, multuris, et eorum sequelis, aucupacionibus, venacionibus, piscacionibus, petariis, turbariis, carbonariis, lapidiciis, lapide et calce, fabrilibus, brasinis, brueriis et genestis, cum curiis et earum exitibus, herizeldis, bludewittis et merchetis mulierum, ac cum omnibus aliis et singulis libertatibus, commoditatibus et asiamentis ac iustis pertinenciis suis quibuscunque, tam non nominatis quam nominatis, ad dictas terras de Fillorth, Abirdoure, Tebarti de Vtelaw cum pertinenciis, per nos in vnam meram et liberam baroniam, vt premittitur, incorporatas et vnitas, spectantibus seu quouismodo iuste spectare valentibus in futurum ; et adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, sicut dictus Alexander aut aliquis predicesorum suorum prenominas terras cum pertinenciis, de nobis aut predicesoribus nostris, ante dictam resignacionem nobis inde factam, liberius tenuit seu possedit : Reddendo annuatim dictus Alexander et heredes sui tres sectas ad tria placita capitalia vicecomitatus nostri de Abirdene singulis annis apud burgum nostrum de Abirdene imperpetuum teneuda, tantum. In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus ; testibus, reuerendo in Cristo patre Georgeo episcopo Brechinensi ;

dilectis consanguineis nostris, Jacobo de Levingstoune, magno [camerario] nostro, Thoma domino Erskin, Alexandro domino Montgomerie, Willelmo de Morauia de Tulibardin, et magistro Ricardo Forbas, nostrorum compotorum rotulatore; apud Spine, nono die mensis Februarii, anno Domini millesimo quadringentesimo quinquagesimo quinto, et regni nostri decimo nono.

24. CHARTER by SIR ALEXANDER FRASER, Knight, to ALEXANDER his son, and others, failing whom, to his cousin HUGH LORD FRASER of Lovat, of the Barony of Philorth. 13th July 1464.

OMNIBUS hanc cartam visuris vel auditoris, Alexander Fraser de Fillorth, miles, salutem in Domino sempiternam. Noueritis me dedisse, concessisse, et hac presenti carta mea confirmasse carissimo filio meo et apparenti heredi, Alexandro Fraser, omnes et singulas terras meas baronie de Fillorth, tam in proprietate quam in tenandiis, iacentes infra vicecomitatum de Abirdene: Tenendas et habendas totas et integras terras predictas cum suis pertinenciis prefato Alexandro filio meo, et heredibus suis masculis de corpore suo legitime procreatis aut procreandis; quibus forte deficientibus, quod absit, Jacobo Fraser, filio meo secundario, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis; quibus forte deficientibus, Willelmo Fraser, filio meo ternario, et heredibus suis masculis de corpore suo legitime procreatis aut procreandis; quibus forte deficientibus, Johanni Fraser, filio meo quaternario, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis; quibus forte deficientibus, Andree Fraser, filio meo quinquinario, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis; quibus forte deficientibus, Georgio Fraser, filio meo sexternario, et heredibus suis masculis de corpore suo legitime procreatis aut procreandis; quibus deficientibus, quod absit, heredibus meis veris et legitimis de corpore meo procreandis quibuscunque; quibus omnibus deficientibus, quod absit, dilecto consanguineo meo, Hugoni domino Fraser de Lowet, et heredibus suis masculis de corpore suo legitime procreatis aut procreandis quibuscunque; quibus forte deficientibus, heredibus propinquioribus cognominis nostri vocati Fraser, in forma tallie strictissima et firmissima, de domino nostro Rege, in feodo et hereditate imperpetuum; per omnes rectas metas suas antiquas et diuisas, in moris, marresiis, pratis, planis, pascuis et pasturis, aquis, stagnis, siluis et virgultis, molendinis,

multuris et eorum sequelis ; cum curiis et curiarum exitibus ; cum brasinis et fabrilibus, herieldis, bludwetis et merchetis mulierum ; cum infangandthef et outfangandthef, cum toll et theme, ariagiis, cariagiis, boudagiis et dietis, et cum omnibus aliis et singulis libertatibus, commoditatibus et aisiamentis ac iustis suis pertinenciis quibuscuque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, tam prope quam procul, ad dictas terras cum pertinenciis spectantibus seu iuste spectare valentibus in futurum, adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, sicut ego prefatus Alexander aut predecessores mei dictas [terras] et tenandias cum suis pertinenciis de domino nostro Rege tenui et possedi, tenuerunt et possederunt, sine reuocatione aliquali : Saluo michi libero tenemento dictarum terrarum cum pertinenciis pro toto tempore vite mee, et racionabili tercia earundem Mariorie Meignes, sponse mee, et iure suo quantum pertinet ad easdem terras cum pertinenciis : Faciendo inde domino nostro Regi et heredibus suis, prefatus Alexander Fraser, filius meus, et heredes sui masculi de corpore suo legitime procreati aut procreandi, et ceteri in ordine in huiusmodi tallia expressati, ut premittitur, vice sua, cum contigerit, seruicium de dictis terris debitum et consuetum, tantum, pro omni alio seruicio seculari, exactione seu demanda, que de predictis terris cum pertinenciis et suis tenandiis aliqualiiter exigi poterit aut requiri : Et ego vero prefatus Alexander Fraser de Fillorth, miles, totas et integras terras baronie de Fillorth cum tenandiis earundem, cum suis pertinenciis, prefato Alexandro, filio meo primogenito, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis ; quibus forte deficientibus, Jacobo Fraser filio meo secundario, et heredibus suis masculis de corpore suo legitime procreatis aut procreandis ; quibus forte deficientibus, Willelmo Fraser, filio meo ternario, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis ; quibus forte deficientibus, Johanni Fraser, filio meo quaternario, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis ; quibus deficientibus, Andree Fraser, filio meo quinquinario, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis ; quibus forte deficientibus, Georgio Fraser, filio meo sexternario, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis ; quibus deficientibus, quod absit, heredibus meis legitimis et masculis de corpore meo procreandis quibuscunque ; quibus omnibus deficientibus, quod absit, dilecto consanguineo meo Hugoni domino Fraser de Lowet, et heredibus suis masculis de corpore

suo legitime procreatis aut procreandis ; quibus forte deficientibus, heredibus legitimis cognominis nostri vocati Fraser nobis propinquioribus et masculis quibuscunque, ut premittitur, contra omnes mortales varantizabimus, acquietabimus et imperpetuum defendemus : In cuius rei testimonium sigillum meum huic presenti carte mee est appensum, apud Aberdene, decimo tercio die mensis Julii, anno Domini millesimo quadringentesimo sexagesimo quarto ; testibus, venerabili in Christo patre et domino, Willelmo abbate de Dere, Alexandro Fraser de Durris, Thoma Fraser de Stauywode, Andrea Menzes, Jacobo Meignes, Johanne Banerman de Watertoun, Alexandro Fraser, Roberto de Balmannoch et domio Roberto Leis capellano et notario publico, cum multis aliis.

25. CHARTER by HUGH LORD FRASER of Lovat, failing heirs-male of his body, to his cousin, SIR ALEXANDER FRASER of Philorth, of the lands of Kinnell, Lovat, etc. 13th July 1464. [Copy.]

OMNIBUS hanc cartam visuris vel audituris, Hugo dominus Fraser de Lovet, salutem in Domino sempiternam. Noveritis, quod si contingat me de hac vita migrare et decedere sine heredibus masculis vel herede masculo de corpore meo legitime procreatis seu procreando, quod absit, me dedisse et concessisse, et hac presenti carta mea confirmasse, dilecto consanguineo meo Alexandro Fraser de Philorth militi, totas et integras terras meas de Kynnell, jacentes infra vicecomitatum de Forfar ; necnon tertiam partem barrouie [et] terrarum de lie Airde cum pertinentiis, videlicet, Stratherrick ; tertiam partem terrarum de Glenelg, cum pertinentiis, de tribus Leis, Muckavie, Balvraid, Leinach, cum duabus Daltilichs, et de Dalcross, cum pertinenciis infra regalitatem Moravie ; etiam Gushachan, Kirkomyr, Mauls et Wester Eskidels, jacentes in Straglas, infra barroniam de Airde, infra vicecomitatum de Invernes ; et terras singulas meas de Lovett quibuscunque : Tenendas et habendas totas et integras terras supradictas cum pertinentiis suis prefato consanguineo meo, Alexandro Fraser militi, et heredibus suis masculis de corpore suo legitime procreatis et procreandis, quibus forte deficientibus, quod absit, heredibus meis masculis et propinquioribus cognominis mei quibuscunque, de domio nostro Rege, in feodo et hereditate in perpetuum, per omnes metas suas antiquas et divisas, in moris et maresiis, pratis, pascuis et pasturis, aquis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra

terram, tam prope quam procul, ad terras dictas cum suis pertinentiis spectantibus seu iuste spectare valentibus in futurum, adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, sicut ego prefatus Hugo, et predecessores mei, terras predictas cum suis pertinentiis, tenui aut possedi, tenuerunt seu possederunt, omnibus temporibus retroactis, sine molestatione aliquali: Salvo mihi libero tenemento omnium predictarum terrarum cum suis pertinentiis quibuscunque, pro toto tempore vite mee, et rationabili tertia Violette Lyonne, sponse mee . . . Reddendo inde dictus Alexander Fraser, miles, consanguineus meus, et heredes sui masculi de corpore suo legitime procreati seu procreandi, quibus forte deficientibus, quod absit, heredibus masculis et propinquioribus cognominis mei quibuscunque, [heredes masculi et propinquiores cognominis mei quicunque] domino nostro Regi servitium de dictis terris debitum et consuetum tantum, pro omni alio servitio seculari, exactione seu demanda, que de predictis terris cum suis pertinentiis exigi poterunt vel requiri: Et ego vero, prefatus Hugo dominus Fraser, omnes et singulas terras predictas cum suis pertinentiis et tenendriis prefato Alexandro Fraser, militi, consanguineo meo, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus forte deficientibus heredibus meis masculis et propinquioribus quibuscunque cognominis mei de Fraser, in forma pariter et effectum, pro successoribus et heredibus meis, contra omnes mortales warrantizabimus, acquietabimus et in perpetuum defendemus: In cujus rei testimonium sigillum meum huic presenti carte mee tallie est appensum, apud Aberdeen, decimo tertio die mensis [Julii] anno Domini millesimo quadringentesimo sexagesimo quarto; testibus, reverendo in Christo patre ac domino, Willelmo abbate de Deir, Alexandro Fraser de Durrs, Thoma Fraser de Stonnywoade, Andrea Meignies de Aberdeen, Joanne vicecomite, Alexandro Fraser, Roberto de Balmano, ac domino Roberto Keith [Leis?] capellano et notario publico, cum multis aliis. JO. SKENE, notarius.

Indorsed: Exemplare carte tallie terrarum de Lovett, Kynnell, Airde etc. per Hugonem dominum Fraser de Lovett facte Alexandro Fraser de Filorth, militi, anno Domini 1464.

Copied off the principal, quhich is in my Lord Saltoun's hands, by me, Robert Fraser, anno 1698.¹

¹ The original deed was probably returned, Lovat family, perhaps by the fifteenth Lord perhaps by the eleventh Lord Saltoun to the Fraser of Strichen.

26. PRECEPT by HUGH FRASER, Lord of Lovat, for infefting SIR ALEXANDER FRASER of Fillorth in the lands of Lovat and Kynnell. 24th August 1464.

HUGO FRASER dominus de Lowet, Herbaldo Fraser, balliuo meo irreuocabili in hac parte constituto, salutem : Quia dedi et concessi nobili viro et consanguineo meo Alexandro Fraser de Fillorth, militi, omnes et singulas terras meas domini de Lowet et de Kynnell, iacentes infra vicecomitatus de Inuernes et Forfar, et heredibus suis masculis de corpore suo legitime procreatis et procreandis, prout in carta tallie desuper confecta plenius continetur : Quare vobis precipio et mando quatenus, visis presentibus, indilate prefato Alexandro Fraser aut suo certo procuratori vel actornato, latori presencium, saisinam et possessionem dictarum terrarum mearum de Lowet et Kynnell cum vniuersis singulis pertinenciis suis, tradatis et deliberetis, secundum formam et tenorem carte talliacionis desuper confecte ; saluo iure cuiuslibet : Ad quod faciendum vobis tenore presencium meam plenariam potestatem committo per presentes : Et [in] signum saisine et possessionis per vos traditarum sigillum vestrum in secunda cauda iuxta meum sigillum appendatis. Datum sub sigillo, apud Abirden, xxiii^o die mensis Augusti, anno Domini millesimo quadringentesimo sexagesimo quarto.

27. CHARTER by HUGH DE ROSS to PETER DE GRAME, of the lands of Scatterty and Byth. 30th March 1351.

OMNIBUS hanc cartam visuris vel auditoris, Hugo de Rosse, filius quondam domini Hugonis de Rosse comitis eiusdem, salutem eternam in Domino. Noueritis vniuersi nos dedisse, concessisse et hac presenti carta nostra confirmasse karissimo awunculo nostro Petro de Grame, [pro seruicio] suo fideli nobis impenso et impendendo, terras nostras de Sk[aterdy] et de Beth, in Buchania infra teneamentum de Kynnedor existentes, cum pertinenciis suis quibuscunque, [per] omnes metas suas antiquas et rectas diuisas : Tenendas et habendas dicto Petro awunculo nostro [et] heredibus suis, de nobis et heredibus nostris, in perpetuum, in feodo et hereditate, in boscis et planis, moris et maresiis, aquis et stagnis, pratis, pascuis et pasturis, in viis et semitis, piscariis, aucupacionibus et venacionibus, cum hominibus legiis et natiuis, cum bracinis et molendinis, cum curiis, placitis et querelis, ac eciam cum omnimodis aliis commoditatibus, libertatibus et aisiamentis ad

predictas terras de Skaterdy et de Beth nunc spectantibus, vel aliquo tempore spectare valentibus in futurum, tam non nominatis quam nominatis, libere, quiete, plenarie et honorifice: Reddendo inde annuatim nobis et heredibus nostris ipse Petrus et heredes sui vnum par cerotecarum ad festum Pentecostes, si petatur, nomine albe firme, pro omni alio onere, seruicio, [exaccione] seu demanda seculari inde faciendis que per nos vel heredes nostros de pre[nominatis terris] . . . vel aliqualiter demandari; et faciendo domino nostro Regi [seruicium] inde debitum et consuetum: Nos vero, Hugo de Rosse antedictus, et heredes nostri prefatas terras de Skaterdy et de Beth cum omnibus pertinenciis suis, vt predictum est, predicto Petro awunculo nostro et heredibus suis contra omnes homines et feminas warrantizabimus, acquietabimus et in perpetuum defendemus: In cuius rei testimonium sigillum nostrum, vna cum sigillo domini nostri reuerendi, domini fratris nostri, Willelmi comitis de Rosse domini de Sky, presenti carte nostre fecimus apponi; apud Kynnedor, penultimo die mensis Marcii, anno Domini millesimo ccc^{mo} quinquagesimo primo; coram hiis testibus, venerabilibus viris et discretis, fratre Donaldo Dei gracia abbate de Feryn, dompno Roberto priore de Bello Loco, Johanne de Haya, Adam de Wrehard, Willelmo Marescer, Willelmo de Morauia, et multis aliis.

28. CONFIRMATION by JOHN OF THE ISLES, Earl of Ross, of CHARTER by THOMAS GRAHAM of Scatterty to ALEXANDER FRASER of Philorth, of the lands of Scatterty and Byth. 24th February 1469-70.

OMNIBUS hoc scriptum visuris vel audituris, Johannes de Ill, comes Rossie et baro de Kynneduarde, eternam in Domino salutem. Noueritis nos vidisse, inspexisse et ad plenum intellexisse quamdam cartam Thome Grayme de Scatyrty factam dilecto consanguineo nostro, Alexandro Fraser de Fillorth militi, de terris de Scatyrty et Bycht cum pertinenciis, iacentibus in baronia nostra de Kynneduarde infra vicecomitatum de Abbirdene, sanam et integram, non viciatam, non cancelatam, non rasam neque abolitam, nec in aliqua sui parte suspectam, sed omni prorsus vicio et suspicione carentem: Cuiusquidem carte tenor sequitur et est talis.—OMNIBUS hanc cartam visuris uel audituris, Thomas Grayme de Scatyrty et Byht salutem in Domino sempiternam. Noueritis me, vtilitate mea in hac parte debite preuisa et diligenter considerata, dedisse, concessisse, ac precise et

omnino vendidisse, necnon titulo pure vendicionis alienasse, et hac presenti carta mea confirmasse nobili viro Alexandro Fraser de Fillorch, militi, totas et integras terras meas de Scatyrtty et Bytht cum suis iustis pertinenciis, iacentes in baronia de Kynnedvarde, in comitatu Buchanie, infra vicecomitatum de Abbirdene, pro certa summa pecunie quam prefatus Alexander michi tempore confectionis presentis carte in pecunia numerata in mea graui et vrgente necessitate fideliter et realiter persoluebat; de qua quidem summa teneo me bene contentum et plenarie persolutum, et eundem Alexandrum, heredes suos et assignatos exinde quiticlamo imperpetuum, per presentes: Tenendas et habendas dictas terras cum pertinenciis prefato Alexandro Fraser, heredibus suis et suis assignatis, de me et heredibus meis in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, in moris, marresiis, pratis, pascuis et pasturis, aucupacionibus, venacionibus et piscariis, viis, semitis, aquis, stagnis, siluis, virgultis, boscis, planis, cum curiis et curiarum exitibus et eschaetis, molendinis, multuris et eorum sequelis, ari[a]giis, cariagiis, bondagiis et dietis, herieldis, bluduetis et merchetis mulierum, et cum omnibus aliis et singulis libertatibus, commoditatibus et aisiamentis, ac iustis suis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, tam prope quam procul, ad dictas terras cum pertinenciis spectantibus, seu iuste spectare valentibus quomodolibet in futurum, adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, sicut aliqua terra infra regnum Scocie liberius, quocius, plenius et honorificentius venditur et possidetur, seu vendi possit et possideri, sine reuocacione, reclamacione aut contradictione mei aut heredum meorum seu assignatorum, aut aliorum quorumcunque nomine nostro aut ex parte nostra, inde futuris temporibus qualitercunque faciendis: Reddendo inde dictus Alexander de Fillorch miles, heredes sui et sui assignati, michi et heredibus meis annuatim, vnum denarium argenti super solum dictarum terrarum ad festum Pentecostes nomine albe firme, si petatur tantum, pro omni alio seruicio seculari, exactione seu demanda, que de predictis terris cum pertinenciis aliquo modo exigi poterit aut requiri: Et ego vero predictus Thomas Grayme, heredes mei et mei assignati, totas et integras terras de Scatyrtty et Bytht cum pertinenciis prefato Alexandro Fraser de Fillorch militi, et heredibus suis et suis assignatis, per omnes terras et possessiones nostras habitas et habendas cum pertinenciis, ac per omnia bona nostra, mobilia et immobilia, presenciam et futura, in omnibus et per omnia, ut

supradictum est, contra omnes mortales varantizabimus, acquietabimus et impetuum fideliter defendemus: In cuius rei testimonium sigillum meum huic presenti carte mee est appensum, apud burgum de Abbirdene, vicesimo quinto die mensis Januarii anno Domini millesimo quadringentesimo sexagesimo nono; coram hiis testibus, Thoma Fraser domino de Stanyvode, Patricio Crafurde domino de Fedreth, Thoma Ogistoune, Alexandro Fraser, dominis Andrea Chapman et Johanne Smytht, et domino Johanne Rede monacho de Dere, cum multis aliis et singulis. Insuper noueritis quod Alexander Grayme, filius meus et heres apparens, consensit et assensit ad omnes istas predictas meas alienaciones, confirmaciones et vendiciones, in omnibus et per omnia, secundum modum et formam istius carte, [et] procurauit honorabilis viri Willelmi Crafurde de Fedreth sigillum in secunda cauda presentibus apponi, coram dictis testibus, dictis die, mense, et loco quibus supra. QUAM QUIDEM cartam in omnibus suis punctis et articulis, modis, forma pariter et circumstanciis vniuersis, in omnibus et per omnia, approbamus, ratificamus et pro nobis et heredibus nostris pro perpetuo confirmamus; saluis nobis et heredibus nostris seruiciis debitis et consuetis: In cuius rei testimonium sigillum nostrum huic presenti carte nostre confirmacionis est appensum; apud Dyngvale, vicesimo quarto die mensis Februarii, anno Domini millesimo quadringentesimo sexagesimo nono.

29. PRECEPT by SIR ALEXANDER FRASER of Philorth, knight, for infesting
ALEXANDER his son and heir in the lands of Mamsy. 12th August
1474.

ALEXANDER FRASER of Fillorch, knyght, till his veilbeluffite freindis, Villiam of Crafurde, larde of Fedray, and Villiam Fraser, larde of the Nevforeste, coniunctly and seuerali, in that parte my bailzeis vnreuocabile, sendis gretinge: Foralsmekile as I hafe giffine, grauntite, and heretabily confermyte my dere and beste beluffite sone Alexander Fraser and my aire apperande al and sindri my landis of Mamesy, in the erldome of Buchan, within the schirefdome of Abbirdene, as in my charter be me maide till him thairapone mare fully is contenit: Quharefore I charge zou, coniunctly and seueraly, but delay, incontinent thir my letteris be zou sene, ze pase till my landis of Mammesy, and giffis sesynge, hereditabile state, and possessioun of my foresaide landis, with thaire pertinence, to Alexander my fore-

saide sone aud ayre apperande, and till his ayiris maile; and this to zou, coniuently and seueraly, be the tenoure of thir my present letteris vnrevocabile, I commyte my playne poware: In vitnes of the sesynge, hereditabile state, and possessione, the sele of the giffare in nexte taile eftir my sele be appensit: At Fillorch, the xij day of the moneth of Auguste, the zere of [God ane] thousande foure hunder sevinti and foure zeris, before thir vitnes, that is, Alexander Fraser, Thomas Fraser, and William the maire, with otheris mony and sindri.

30. PRECEPT OF BRIEF by KING JAMES THE FOURTH to serve WILLIAM FRASER heir to his brother, ALEXANDER FRASER of Philorth. 3d April [1501].

JACOBUS Dei gracia Rex Scotorum, omnibus probis hominibus suis ad quos presentes litere peruenerint, salutem. Sciatis quod fecimus, constituimus et ordinauimus, ac tenore presentium facimus, constituimus et ordinamus dilectos nostros Alexandrum Banerman de Wattirtoun, Alexandrum Lawder prepositum burgi nostri de Edinburgh, Johannem Williamsoun, Johannem Adamsoun, ballios eiusdem, Jacobum Logane, Robertum Wardlaw, burgenses dicti nostri burgi, et Johannem Halkerstoun, ac eorum quemlibet, coniuictim et diuisim, vicecomites nostros de Aberdene in hac parte et ad infrascripta duntaxat; videlicet, ad exequenda breuia inquisitionum capelle nostre impetrata seu impetranda per dilectum nostrum Willelmum Frasere, fratrem quondam Alexandri Frasere de Philorth, super terris et annuis redditibus dicti quondam Alexandri sui fratris infra vicecomitatum nostrum de Aberdene iacentibus: Quequidem breuia volumus et ordinamus exequi debere in pretorio burgi nostri de Edinburgh, vt nostri concilii domini, pro equali ministracione iusticie et ne pupillus dicti quondam Alexandri inde grauetur, deseruicioni eorundem intersint: Dantes et concedentes dictis vicecomitibus nostris in hac parte ac eorum cuilibet, coniuictim et diuisim, nostram plenariam potestatem et mandatum speciale curiam seu curias vicecomitis de Aberdene pro executione dictorum breuium statuendi, inchoandi, affirmandi et tenendi, dicta breuia recipiendi, aperiendi, apud Aberdene proclamandi, et eadem in pretorio dicti nostri burgi de Ediuburgh debite deseruiri faciendi; ac probos et fideles dicti vicecomitatus nostri de Aberdene, necnon aliorum quatuor vicecomitatum eidem propinquius adiacentium, ac etiam vicecomitatum nostrorum de Fiffe et Edinburgh ad deseruicionem eorundem premuniendi et summoniendi; et



Omnes hanc cartam visimus & andrews Walterus de Lesley dñs de
ma confirmasse dilecto cōsanguineo nro Andree nro p suo fidei suadē
de hyneddward inf rñe de Abyrdene quā quēde tñm cū pñeōnis Jone
vi aut metu aduata nec errore lapsa s̄ sua meya & spontanea volūta
Juni Anno dñi millio .ccc. octogesimo primo nobis p fustu & baditu s̄
& assignatis de nob & heredib; nris in feodo & hereditate in ppetuū p om
tū & in pace in hostis plains moris mayesius vno semine aquis p̄p
suamē petams & lapidatims nro & cum omib; aliis libtaub; comodit
sup tenam ad dñam terrā de faythley siccanub; seu spectare valent
sua seu assignati vni par calcamū deauratoꝝ apud faythley sepedē
exatōe seculari et demanda que de dñā terrā cū pñeōnis exigi p̄
Et nos Walterus dñs de Ross p̄dit9 & heredes nri p̄dñam tñm de f
hores & feias garantizabim; acquietabim; & in ppetuū defendemus
vñabib; in xpo patib; dñis dei grā Alexandro & Alexandro q̄orā
canissimis dñis Waltero Sen Roberto de Junes & Ricardo Comyn
eccle Rossen Adam de Bichart Alexandro de Cheeshelm Hugone & a
Augusti Anno sup̄dco

Salute in dno sempiternam Notitas nos dedisse concessisse & hac pna carta
nobis ipenso & ipendend tota terra man & faydley cu pomecne in bayoma
a de weignes filia & heres quodam Alexandri de weignes dna dice tere no
te in sua pua & legitia viduitate apud danc in weinetz quinto die mes
sim reddida pure qz & simpli resignauit Tenend & halend eidem hedis suis
es pccas metas & diuisas suas libere & quiete plenarie. necesse honoufice
ne molendinis / mulanis & eoz sequelis aucupacoibz venacoibz & pistacoibz
abz & arsiameticis & iustis pmechens ta no noiatas q noiatas ta sibi terra q
quock in futuri. Reddendo mde nob & hedis mis dno Andreas & hedes
in festo pentecostes noie alle fume annuatim tm si pccat p om alio puaao
ut ut requir saluo dno nro Regi formico puaao mde dno & consueto
thley cu pomecne pdico Andree hedis suis & assignat suis cont omnes
In cui rei testimoniu pna carte me sigilla nra pcepim appon Hns testibz
en & Bossen cathaz epis. dno Alexandro & Willmo de Lyndesay subz mis
mlitabz. magno Willmo de Dyngdale & Alexandro chan decano & archidiacono
pomo Roberto Wynard & mltz alijs apd Elgync decimo octauo die mens



eosdem iurari faciendi, et per huiusmodi probos et fideles super puuctis et articulis in dictis breuibus contentis determinari et deliberari faciendi, ac deliberacionem eorundem, vt moris est, capelle nostre retornandi; necnon officarios et ministros pro premissis necessarios substituendi, deputandi, ordinandi et iurari faciendi; et omnia alia et singula faciendi, gerendi et exercendi, que ad officium vicecomitis in hac parte pro premissis et circa ea necessaria fuerint seu opportuna: Ratum et gratum habentes et habituri totum et quicquid dicti vicecomites nostri in hac parte, seu eorum aliquis, coniunctim aut diuisim, aut sui officarii vel ministri in premissis rite duxerint seu duxerit faciendum; predictumque locum apud Edinburgh adeo legitimum et validum sicut apud Aberdene in omnibus decernentes et admittentes: Quare, vniuersis et singulis quorum interest vel interesse poterit stricte precipimus et mandamus, quatenus dictis vicecomitibus nostris in hac parte, ac eorum cuilibet, coniunctim et diuisim, ac officariis et ministris suis, in omnibus et singulis premissa tangentibus, prompte respondeant, pareant et intendant, sub omni pena que competere poterit in hac parte: Datum sub testimonio magni sigilli nostri, apud Edinburgh, tercio die mensis Aprilis, anno regni nostri decimo tercio.

31. CHARTER by WALTER DE LESLEY, Lord of Ross, to ANDREW MERCER,
of the lands of Faithlie. 18th August 1381.

OMNIBUS hanc cartam visuris et audituris, Walterus de Lesley dominus de Ross, salutem in Domino sempiternam. Noueritis nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto consanguineo nostro Andree Mercer, pro suo fideli seruicio nobis impenso et impendendo, totam terram nostram de Faythley cum pertinenciis, in baronia de Kynedward infra vicecomitatum de Abyrdene: Quamquidem terram cum pertinenciis Joneta de Meignes, filia et heres quondam Alexandri de Meignes, domina dicte terre, non vi aut metu deducta, nec errore lapsa, sed sua mera et spontanea voluntate, in sua pura et legitima viduitate, apud Dwne in Meneteth, quinto die mensis Junii, anno Domini millesimo ccc^{mo} octogesimo primo, nobis per fustum et baculum sursum reddidit, pureque et simpliciter resignauit: Tenendam et habendam eidem, heredibus suis et assignatis, de nobis et heredibus nostris, in feodo et hereditate in perpetuum, per omnes rectas metas et diuisas suas, libere et quiete, plenarie, integre, honorifice, bene et in

pace, in boscis, planis, moris, maresiis, viis, semitis, aquis, stagnis, molendinis, multuris, et eorum sequelis, aucupacionibus, venacionibus, et piscacionibus, viuariis, petariis et lapidicinis, necnon et cum omnibus aliis libertatibus, commoditatibus et aysiamentis et iustis pertinenciis, tam non nominatis quam uominatis, tam sub terra quam supra terram, ad dictam terram de Faythley spectantibus seu spectare valentibus quomodolibet in futurum: Reddendo inde nobis et heredibus nostris dictus Andreas et heredes sui seu assignati vnum par calcarium deauratorum, apud Faythley sepedictum, in festo Pentecostes, nomine albe firme, annuatim, tantum, si petatur, pro omni alio seruicio, exaccione seculari, vel demanda, que de dicta terra cum pertinenciis exigi poterunt vel requiri; saluo domino nostro Regi forinseco seruicio inde debito et consueto: Et nos Walterus dominus de Ross predictus et heredes nostri predictam terram de Faythley cum pertinenciis predicto Andree, heredibus suis et assignatis suis, contra omnes homines et feminas warautizabimus, acquietabimus et in perpetuum defendemus: In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi; hiis testibus, venerabilibus in Christo patribus, dominis Dei gracia Alexandro et Alexandro Morauiensis et Rossensis ecclesiarum episcopis, dominis Alexandro et Willelmo de Lyndysay fratribus nostris carissimis, dominis Waltero Senescalli, Roberto de Innes, et Ricardo Comyn, militibus; magistris Willelmo de Dyngvale et Alexandro Man, decano et archidiacono ecclesie Rossensis, Adam de Vrchart, Alexandro de Cheeshelm, Hugone de Monro, Roberto Burnard et multis aliis; apud Elgyue, decimo octauo die mensis Augusti, anno supradicto.

32. CONFIRMATION by EUFAMIA, Lady of Ross, of the GRANT made by her late spouse, WALTER DE LESLEY, Lord of Ross, to ANDREW MERCER, of the lands of Faythley, Tyty, etc. 9th March 1381-2.

OMNIBUS hanc cartam visuris vel audituris, Eufamea domina de Rosse, filia et heres Willelmi quondam comitis de Rosse, eternam in Domino salutem. Cum Joneta de Meynes, filia et heres quondam Alexandri de Meyues domini de Forthyrgill, non vi aut metu ducta, nec errore lapsa, sed sua mera et spontanea voluntate, in legitima sua viduitate existens, omnes et singulas terras de Faythley cum pertinenciis, in baronia de Kynedward infra vicecomitatum de Abbirdene, que fuerunt dicte Jonete, karissimo domino nostro domino Waltero de Lesley,

CONFIRMATION by KING ROBERT THE SECOND to ANDREW MERCER,
of the lands of Faythley. 14th February [1381-2].

ROBERTUS Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, clericis et laycis, salutem. Sciatis nos approbasse, ratificasse, et hac presenti carta nostra confirmasse donacionem illam et concessionem quas dilectus consanguineus noster, Walterus de Lesley de Ross, et dilecta consanguinea nostra, Eufamia sponsa sua, ex vnanimi consensu et assensu, fecerunt et concesserunt dilecto et fideli nostro Andree Mercere de terra de Faythley cum pertinenciis, in baronia de Kynedward, infra vicecomitatum de Abirdene; et de terra de Tiry cum pertinenciis, in eadem baronia, infra eundem vicecomitatum: Tenendas et habendas dicto Andree, heredibus et assignatis suis, cum omnibus et singulis libertatibus, commoditatibus, aysiam[entis,] et iustis pertinenciis quibuscunque ad dictas terras, cum pertinenciis, spectantibus seu quoquomodo iuste spectare valentibus in futurum, adeo li[bere, quiete,] plenarie, integre, et honorifice, in omnibus et per omnia, sicut carte dictorum Walteri et Eufamie dicto Andree inde confecte in s[e plenius c]ontinent et testantur; saluo seruicio nostro. In cuius rei testimonium presenti carte nostre confirmacionis nostrum precepimus apponi sigillum: Testibus, venerabilibus in Christo patribus, Willelmo et Johanne cancellario nostro Sancti andree et Dunkeldensis ecclesiarum episcopis; Johanne primogenito nostro de Carric, senescallo Scocie, Roberto de Fyff et de Menteth filio nostro dilecto, Willelmo de Douglas et de Marre consanguineo nostro, comitibus; Jacobo de Lyndesay nepote nostro karissimo, et Roberto de Erskyne consanguineo nostro, militibus: apud Methfen, quarto decimo die Februarii, anno regni nostri vndecimo.

Roberto dei gra Rex Scottorum Omnibus plis hominibus
pacificasse & hac pnta carta nra confirmasse donationem
Rossey de Ross & dilecti consanguinea nra Infama de
dilecti & fidei nri Andree Grey de tra de Faybloy cu
de Tye cu ptenent in eadem baronia nra emidm. Sic
singulis libertatibus comoditatibus assiam & iustis ptenent qu
saluabz in futuru ad nos h. plenaz integz
de Andree nro confect in s. onemone & testa
mentis nri ppropm9 appon Si n. Testib. Willelm
pate pgenito nro de Cass. W. Scot. Robto de Wyll +
nro Comite Jacobo de Lindesay nepote nro lmo & B
dio Robto Amio Regm nri Indocimo

totius corpore suo etiam et laycis Walteri Scaris nos appasse
la et concessione quas dilectus consanguineus noster Walterus de
usa sua ex unanimi consensu et assensu recepit et concessit
mentem in Bayona de hinceddward noster de de Abydeno et de qua
et ceteris et hinc deo Andree hodiebus et assensu suis in omnibus et
etiam ad duas etas in pertinent optantibus per quocumque in isto optato
et honorifice in omnibus et per omnia Scia capite deo Walteri et Rufame
et Salvo pmo nro In omni rei costume pna capite nro confy
et parte. Willo et jho de nro Scandreo et Simbolon cathay epus
et wentoch filio nro dilecto Willo de Douglas et de wass consanguineo
et de Esthno consanguineo nro milibus dno methen qdodocimo

TRANSLATION.

ROBERT, by the grace of God, King of Scots, to all good men of his whole land, clergy and laity, greeting. Know ye that we have approved, ratified, and by this our present charter confirmed the gift and grant which our well-beloved cousin, Walter of Lesley of Ross, and our well-beloved cousin, Eufamia his spouse, with unanimous consent and assent, made and granted to our well-beloved and trusty Andrew Mercer, of the land of Faythley with its pertinents, in the barony of Kinedward and sheriffdom of Aberdeen; and of the land of Tiry with its pertinents, in the said barony within the same sheriffdom: To be had and to be held by the said Andrew, his heirs and assignees, with all and sundry freedoms, commodities, easements, and right pertinents whatsoever pertaining or that may justly pertain in any manner of way to the said lands, with their pertinents, in time to come, as freely, quietly, fully, wholly, and honourably, in all and by all things, as the charters of the said Walter and Eufamia made thereupon to the said Andrew in themselves more fully contain and purport; saving the service due to us. In witness whereof we have commanded our seal to be affixed to our present charter of confirmation: Witnesses, the venerable fathers in Christ, William, and John our chancellor, Bishops of the churches of St. Andrews and Dunkeld; John our first-born son Earl of Carric Steward of Scotland, Robert Earl of Fife and Menteith our well-beloved son, William Earl of Douglas and Mar our cousin; James of Lindsay our dearest nephew, and Robert of Erskine our cousin, knights: at Methven, the fourteenth day of February, and of our reign the eleventh year.

quondam sponso nostro et domino de Rosse, per fustum et baculum sursum reddidit, pureque et simpliciter resignavit; et postmodum dictus dominus Walterus, quondam sponsus noster, cum concensu et ascensu nostro, ac ex maturo auisamento et discreta deliberatione concilii sui et nostri, predictas terras de Faythley cum pertinenciis dilecto consanguineo suo et nostro, Andree Mercere, ac heredibus suis et assignatis, pro seruicio suo sibi et nobis impenso et in futurum impendendo, pro vno pare calcarium deauratorum nomine albe firme, heredibus dicti domini Walteri sponsi nostri et nostris inter nos procreatis vel in posterum procreandis de nobis, annuatim, per predictum Andream, heredes suos et assignatos tantum persoluendo; ac eciam dictus dominus Walterus, quondam maritus noster, nostro eciam concensu et ascensu [vt] supra, predicto Andree, heredibus suis et assignatis, nouem libras sterlingorum de Fynletor, Natyrdole et de Petyndreych, proportionaliter ac annuatim debitas, et viginti quatuor solidos de Culbreny annuatim debitos, infra vicecomitatum de Banffe, pro vno pare calcarium deauratorum domino nostro Regi, nomine albe firme, annuatim, tantum persoluendo per eundem Andream, heredes suos et assignatos; ac terras de Tyry cum pertinenciis in baronia de Kynedward, infra vicecomitatum de Abbirdene, pro vno denario sterlingorum, nomine albe firme, per sepedictum Andream, heredes suos et assignatos, nobis et heredibus nostris, vt supra, tantum annuatim persoluendo, si petantur, hereditarie dedit et inperpetuum concessit: Nos vero tandem, nunc in nostra pura et legitima viduitate existentes, predictas donaciones et concessionem hereditariasque infeodationes dicti domini Walteri quondam sponsi nostri de predictis terris de Faythley et Tyry et annuis redditibus de Finletor, Naythyrdole, Petyndreych et de Culbreny cum pertinenciis, sic de concensu et ascensu nostro, predicto Andree heredibus suis et assignatis factas, prout carte dicti domini Walteri, quondam sponsi nostri, sibi inde confecte plenius continent et testantur, in omnibus et per omnia, formam albe firme continentes, pro nobis et heredibus nostris, ratas, gratas et irreuocabiles habemus, laudamus, approbamus, et in perpetuum ratificamus: Et nos insuper Eufamea predicta, domina de Rosse, et heredes nostri, omnes et singulas terras [et] annuos redditus superius nominatos cum pertinenciis, predicto Andree Mercere, heredibus suis et assignatis, in omnibus et per omnia, contra omnes homines et feminas warrantizabimus, acquietabimus et in perpetuum defendemus: In cuius rei testimonium sigillum nostrum presenti carte est appensum; apud castrum

nostrum de Dyngwale, nono die mensis Marcii, anno Domini millesimo trecentesimo octuagesimo primo; hiis testibus, venerabili in Christo patre domino Alexandro Dei gracia episcopo Rossensi, magistro Willelmo de Dingwale decano Rossensi, Waltero Senescalli, Ricardo Cummyne, militibus, Adam de Wrchard, vicecomite de Crumbathy, Hugone de Munro, et multis aliis.

33. PRECEPT by HENRY MERSER of Aldy, to give seizin to WILLIAM FRASER of Philorth of the lands of Faithlie and Tyrie. 15th June 1504.

HENRICUS MARSER de Audy, dilectis meis Johanni Fraser in Ardglassy, Willelmo Crafurde, Andree Crafurde, Andree Fraser, ac eorum cuilibet, coniunctim et diuisim, balliuis meis in hac parte irreuocabiliter constitutis, salutem: Quia dedi, concessi et ad feodifirmam dimisi hereditarie nobili viro, Willelmo Fraser de Phillorth militi, omnes et singulas terras meas de Faithly et Turii cum suis pertinenciis, iacentes in baronia de Kyneduarde infra vicecomitatum de Aberdene, prout in carta mea inde sibi confecta plenius continetur: Vobis igitur et vestrum cuilibet, coniunctim et diuisim, precipio, do in mandatis, ac firmiter mando quatenus dicto Willelmo aut suo certo acturnato, latori presencium, sasinam hereditariam omnium dictarum terrarum cum pertinenciis tradatis et deliberetis, aut vnus vestrum tradat et deliberet, visis presentibus indilate, secundum tenorem carte inde sibi confecte: Ad quod faciendum vobis et vestrum cuilibet, coniunctim et diuisim, meam plenariam et irreuocabilem tenore presencium committo potestatem: Et in signum sasine per vos tradite sigillum vestrum in secunda cauda post meum presentibus appendatis, aut vnus vestrum appendat. Datum sub sigillo meo, apud Perth, decimo quinto die mensis Junii, anno Domini millesimo quingentesimo quarto.

34. SIGNATURE by KING JAMES THE FIFTH for a Charter to ALEXANDER FRASER of Philorth, of the lands and barony of Philorth. 1541.

OURE SOUERANE lord, eftir his lauchfull and perfite aige of xxv zeris compleit, and all his reuocationis, ordanis ane charter to be maid vnder his grete seill, in dew forme, to his louit Alexander Fraser of Phillorth, his airis and assignais, off the heretabill gift of all and sindry the landis and barony of

Phillorth, with the castell, fortalice, maner place, mylnis, multuris, annexis, connexis, toftis, croftis, partis, pendiculis, outsettis, cotlandis, tenentis, tenendriis, and seruice of fretenentis of the samin, togidder with the fischeingis and hale fische bait of the said barony and within the boundis thairof, als weill in salt watter as fresche, within the sey flude; the landis of Faithlie, with the fischeingis thairof, and fische bait within the boundis of the samin; with power to the said Alexander, his airis and assignais, and thair tenentis and seruandis in thair names, to geddir the said hail fische bait within the boundis of the saidis landis and barony within the sey flude, and thairupoun to dispone at thair plesour; the landis of Scatterte and fischeing thairof, and the landis of Tiry, liand within the schirrefdome of Abirdene; the landis of Vtlaw and Greyntaw, Fatteheid, Tibberty, and Forfaldis, with the mylnis, fischeingis, toftis, croftis, outsettis, partis and pendiculis of the samin, and thair pertinentis, liand within the schirrefdome of Banf: Quhilkis all and sindry landis and barony aboue writtin, with the castell, fortalice, maner place, mylnis, multuris, fischeingis, annexis, connexis, toftis, croftis, partis, pendiculis, outsettis, cotlandis, tenentis, tenendriis and seruice of fretenentis of the samin, wer the said Alexander Fraseris of Phillorth heretabillie of befor, and resignit be him, purelie and simplie, be staf and bastoun, in our souerane lordis handis personalie at _____, and all rycht and clame, etc. Attour, our souerane lord, for the gude, trew, and thankfull seruice done to him be the said Alexander, and for certane sovmes of money and compositioun payit and deliuerit be him to his Hienes and his thesaurar in his name, off new vnitis, annexis, erectis, creatis and incorporatis all and sindry the saidis landis and barony of Phillorth, togidder with the fischeings of the said barony and fische bait thairof within the boundis of the samin, als weill in salt watter as fresche, within the sey flude; the landis of Faithlie, with the fischeingis and fische bait within the boundis thairof, the landis of Scatterty, the landis of Tiry, the landis of Vtlaw and Greyntaw, Fatteheid, Tibberte, and Forfaldis, with the castell, fortalice, maner place, mylnis, multuris, annexis, connexis, toftis, croftis, partis, pendiculis, outsettis, cotlandis, tenentis, tenendriis and seruice of fre tenentis of the samin, and all thair pertinentis in ane hale and fre barony, in all tyme cuming to be callit the **BARONY OF PHILLORTH**: Ordanyng the maner place and castell of Phillorth, now biggit or to be biggit, to be the cheif chymmeis of the said barony; and that ane anerlie sesing, now to be takin be the said Alexander, his airis and assignais, in

all tyme cuming at the said place and castell of Phillorth, now biggit or to be biggit, sall stand and be sufficient sesing for all and sindry the foirnemmit landis and barony of Phillorth, with the fischeingis and fische bait thairof, the landis of Faithlie with the fischeingis and fische bait of the samin, the landis of Scatterty and fischeing thairof, the landis of Tiry, the landis of Vtlaw and Greyntlaw, Fatteheid, Tybberte, and Forfaldis, with the castell, fortalice, maner place, mylnis, multuris, annexis, connexis, toftis, croftis, partis, pendiculis, outsettis, cotlandis, tenentis, tenendriis and seruice of fretenentis thairof, and thair pertinentis, without ony vthir speciall or particular sesing to be takin be the said Alexander, his airis or assignais, at ony vthir part or place of the samin in tym cuming, nochtwithstanding that the saidis landis lye nocht contigue togidder : And als our souerane lord, for the causis aboue writtin, off new gevis, grantis, disponis and confirmis to the said Alexander Fraser, his airis and assignais, all and sindry the saidis landis and barony of Phillorth, with the castell and fischeingis, als weill in salt watter as fresche, and fische bait within the sey flude, within the boundis of the said barony, the lands of Faithlie, with the fischeingis of the samin and fische bait within the boundis thairof, the landis of Scatterty, the landis of Tiry, the landis of Vtlaw and Greyntlaw, Fatteheid, Tibberte and Forfaldis, with the maner placis, mylnis, multuris, annexis, connexis, toftis, croftis, partis, pendiculis, outsettis, cotlandis, tenentis, tenendriis and seruice of fretenentis thairof, and thair pertinentis, with all richt, titill, interes and clame of rycht, als weill petitur as possessour, quhilkis our souerane lord, his predecessouris or successouris, had, hes, or ony wis may haue or clame thairto, or ony parte thairof, males, firmes, proffittis, and deweteis of the samin, be resoun of nonenteres of airis, alienatioun of the haille or mair partis, recognitioun, ward, releif, eschete, forfaltour, purpresture, disclamatoun, or for quhatsumeuir vthir causis or occasionis bigane, or be ony vthir richt, titill, or clame of rycht : Renunciand and dischargeand the samin for his Hienes and successouris, to the said Alexander Fraser, his airis and assignais, for euir ; and grantis his Grace and his successouris to be secludit thairfra perpetualie, nochtwithstanding the causis foirsaidis or ony vthiris bigane, and sall nevir moif actioun nor pley aganis thame thairupoun in tyme cuming ; with suppleing of all faltis, als weill nocht nemmit as nemmit, quhilkis our souerane lord will haue for expremit in his said charter : To be haldin and to be had all and sindry the saidis landis and barony of Phillorth, with the castell, fortalice, maner place,

milnis, multuris, annexis, connexis, toftis, croftis, partis, pendiculis, outsettis, cotlandis, tenentis, tenendriis and service of fretenentis of the samin; togidder with the fischeingis of the said barony within the boundis thairof, als weil in salt watter as fresche, and fische bait within the sey flude and boundis of the said barony; the landis of Faithlie, with the fischeings thairof and fische bait within the boundis of the samin; the landis of Scatterty and fischeing thairof; the lands of Tiry, the landis of Vtlaw and Greynlaw, Fatteheid, Tibberty and Foirfalds, with the mylnis, fischeingis, toftis, croftis, partis, pendiculis, outsettis, tenentis, tenendriis and service of fretenentis thairof, and thair pertinentis, now vnite and annexit in ane haille and fre barony, in all tym cuming to be callit the Barony of Phillorth, to the said Alexander Fraser of Phillorth, his airis and assignais, of our souerane lord and his successouris, in fe, heretage, and fre barony foreuir, be all richt merchis and diuisis, as thai ly in lenth and breid, in woddis, planis, etc., mylnis, multuris, etc., halking, hunting, fischeing, etc., with court, playnt, heirzeld, bludewite and merchete, with furk, foss, sok, sak, tholl, theme, infangtheif, outfangtheif, pit and gallows, with wreke, waith, wair, wert and vennysoun, with commoun pasture, fre ische and entere, and with all and sindry vthiris commoditeis, fredomes, etc., frelie, quyetlie, etc., but ony reuocatioun etc.: Gevand thairfor zeirlic the said Alexander, his airis and assignais, to our souerane lord and his successouris, thre sutis at the thre heid courtis of the schirrefdome of Abirdene, with wardis, releiffis, and mariagis of airis succedand in the saidis landis, quhen thai sallhappin allanerlie; and that preceptis be direct ordourlie heirupoun. Subscriuit be our souerane Lord, at the day of the zeir of God j^mv^exli zeris.

JAMES R.

35. CONFIRMATION by MARY QUEEN OF SCOTS, dated 1st March 1561, of CHARTER by ALEXANDER FRASER of Philorth to ALEXANDER FRASER his grandson, and MAGDALEN OGILVY his spouse, of the lands of Pettalochy. 29th October 1559.

MARIA Dei gratia Regina Scotorum, omnibus probis hominibus totius terre sue, clericis et laicis, salutem. Sciatis nos quandam cartam donationis, factam per Alexandrum Fraser de Phillorth dilecto nostro Alexandro Fraser, eius nepoti et

Magdalene Ogilwey sue sponse, ac eorum alteri diutius viuenti, in coniuncta infeodatione, et heredibus inter ipsos legitime procreatis seu procreandis, quibus deficientibus, heredibus et assignatis dicti Alexandri Fraser junioris quibuscunque, de omnibus et singulis dicti Alexandri Fraser senioris terris de Pittalloquois cum suis pertinentiis, jacentibus infra vicecomitatum nostrum de Abirdene, inter terras de Pettowleis, et habentibus in limite ad orientalem terras de Pettindrum, tenendis de nobis et successoribus nostris, Scotorum regibus et reginis, de mandato nostro visam, lectam, inspectam et diligenter examinatum, sanam, integram, non rasam, non cancellatam, nec in aliqua sui parte suspectam, ad plenum intellexisse, sub hac forma:—OMNIBUS hanc cartam visuris vel audituris, Alexander Fraser de Phil-lorth, salutem in Domino sempiternam. Noueritis me, vtilitate mea in hac parte vndique preuisa et diligenter considerata, dedisse, concessisse et hac presenti carta mea confirmasse, necnon dare, concedere et hac presenti carta mea confirmare dilectis meis Alexandro Fraser, meo nepoti, et Magdalene Ogiluy eius sponse, et eorum alteri diutius viuenti, in coniuncta infeodatione, et heredibus inter ipsos legitime procreatis seu procreandis, quibus forte deficientibus, heredibus et assignatis dicti Alexandri quibuscunque, omnes et singulas terras meas de Pettalloquois cum pertinentiis, jacentes infra vicecomitatum de Abirdene, inter terras de Pettowlis et habentes in limite ad orientem terras de Pettindrum, pro singularibus dilectione, amore, et affectione quos gero erga dictum Alexandrum Fraser et Magdalenam Ogiluy eius sponsam antedictam, necnon pro aliis certis gratitudinibus et rationabilibus causis per eosdem mihi impensis et multipliciter factis: Tenendas et habendas omnes et singulas terras de Pettalloquois cum pertinentiis, inter terras de Pettowlis, et habentes in limite ad orientem terras de Pettindrum, a me, heredibus meis et assignatis, de supremis dominis nostris Rege et Regina, et eorum successoribus, regibus et reginis regni Scotie, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, prout jacent in longitudine et latitudine, in domibus, edificiis, boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, riuulis, pratis, pascuis seu pasturis, siluis, nemoribus, genestis et virgultis, aucupationibus, venationibus, piscationibus, petariis, turbariis, carbonibus, carbonariis, cuniculis, cuniculariis, columbis, columbariis, pomis, pomeriis, lapicidiis, lapide et calce, fabrilibus, brasinis, multuris et eorum sequelis; cum curiis et earum exitibus, eschaetis, amerchiametis, herezeldis, bludewitis et mulierum merchetis, cum communi pastura, libero introitu et exitu, ac cum omnibus aliis et singulis

libertatibus; commoditatibus, proficuis et asiamentis, ac justis suis pertinentiis quibuscunque, tam non nomiatis quam nominatis, tam subtu terra quam supra terram, procul et prope, ad predictas terras de Pettalloquois cum pertinentiis, vt supra limitatas, spectantibus seu iuste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, bene et in pace, siue aliqua reuocatione aut contradictione seu obstaculo aliquali: Reddendo iude annuatim prefati Alexander Fraser et Magdalena Ogiluy eius spousa, et eorum alter diutius viuens, et heredes iuter ipsos legitime procreati seu procreandi, quibus forte deficientibus, heredes et assignati dicti Alexandri quicunque, dictis supremis dominis nostris Regi et Regine ac eorum successoribus, regibus et reginis regni Scotie, vnum denarium vsualis mouete predicti regni, in festo Penthecostes, super solum dictarum terrarum, nomine albe firme, si petatur tantum, pro omni alio onere, seruicio seculari, exactione, questione seu demanda, que de dictis terris cum pertinentiis, vt supra limitatis, per quoscunque iuste exigi poterint quomodolibet in futurum vel requiri: Et ego vero dictus Alexander Fraser de Phillorth et heredes mei et assignati omnes et singulas predictas terras de Pettalloquois cum pertinentiis, vt supra limitatas jacentes, in omnibus et per omnia, iure, forma, causa pariter et effectu, vt premissum est, prefatis Alexandro Fraser et Magdaleue Ogiluy eius sponse, et eorum alteri diutius viuenti, in coniuncta infeodatione, et heredibus inter ipsos legitime procreatis seu procreandis, quibus forte deficientibus, heredibus et assignatis dicti Alexandri quibuscunque, contra omnes mortales warrantizabimus, acquietabimus et imperpetuum defendemus: In cuius rei testimonium huic pre-seuti carte mee, mea subscriptione manuali subscribe, sigillum meum proprium est appensum, apud burgum de Banff, vicesimo nono die mensis Octobris, anno Domiui millesimo- quingentesimo quinquagesimo nouo, coram his testibus, honorabilibus et discretis viris, Magistro Johanne Stewart archidiacono Abirdonensi, Michaelae Ogiluy de Cultis, Magistro Willelmo Fraser de Aytoune, Martino Forman, Alexandro Currou, Alexandro Fraser, et Magistro Georgio Duncane uotario publico, cum diuersis aliis testibus. QUAMQUIDEM cartam et donationem in eadem contentam, in omnibus suis punctis et articulis, conditionibus et modis ac circumstanciis suis quibuscunque, in omnibus et per omnia, forma pariter et effectu, vt premissum est, ratificamus, approbamus, ac pro nobis et successoribus nostris pro perpetuo confirmamus; saluis nobis et successoribus nostris predictis seruiciis albe firme ante presentem nostram confirmationem debitis et consuetis,

viz., vno denario vsualis monete regni nostri per dictum Alexandrum Fraser juniorem, et eius sponsam, ac eorum alterum diutius viuentem, suosque heredes, super solo huiusmodi terrarum, in festo Penthecostes, si petatur tantum, soluendo, iuxta tenorem carte albe firme dicto Alexandro Fraser seniori sub nostro magno sigillo desuper confecte, coram nobis ostense et producte: Insuper volumus et concedimus, ac pro nobis et successoribus nostris decernimus et ordinamus, quod hec nostra presens confirmatio tanti erit roboris, valoris et efficacie, dicto Alexandro Fraser juniore, Magdalene Ogilvie sue sponse, ac eorum alteri diutius viuenti, suis heredibus et assignatis predictis, ac si illa per nos in maiori forma sub nostro magno sigillo ipsis de prenomiatis terris de Pittalloquois cum pertinentiis, vt supra limitatis, ante sasinam earundem per eos captam, data et concessa fuisset; non obstante dicta sasina per prefatas personas ante presentem nostram confirmationem de eisdem suscepta: In cuius rei testimonium huic presenti carte nostre confirmationis magnum sigillum nostrum apponi precepimus: Testibus, prout in aliis cartis precedentibus consimilis date: Apud Edinburgh, primo die mensis Marcii, anno Domini millesimo quingentesimo sexagesimo primo, et regni nostri vicesimo.¹

36. CONTRACT OF MARRIAGE between ALEXANDER FRASER, younger of Philorth, and MARGARET ABERNETHY, sister of John Lord Saltoun. 19th December 1595 and 4th January 1595-6.

AT Edinburghe and Inueralloquie respectiue, the nynteint and ferd dayis respectiue off December and Januar, the zeir of God j^mv^e fourscoir and fiftein zeiris, it is appointit, concordit, and finallie agreit betuix noble and honorable pairteis and persounis following: Thay ar to say, ane noble and michtie lord, Johnne Lord Abernethie off Saltoun, with aduise and consentt of James Lord Stewart off Newtown, lait chancelar, Johnne Stewart of Murene, Alexander Abernethie off Lessindrum, William Abernethie of Birnes, Sir George Ogiluy off Dunlugus, knight, Sir Waltir Ogiluy off Findlater, knight, and Dame Margaret Stewart, Ladie Saltoun, his curaturis, and the said Dame Margaret, moder to the said lord, and Maistres Margaret Abernethie his sister-german, and dochter to the said Dame Margaret, with aduise and consentt of Sir Thomas Stewart of Garnetulie, knight, Thomas Otterburne off Reidhall, and Mathow Finlasoun of Killeith, hir

¹ Registrum Magni Sigilli, Lib. xxxii. No. 504.

curatouris, for thair enterress, wpoun the ane pairt, and Sir Alexander Fraser of Fraserburghe, knicht, with aduise and consentt of Dame Magdalen Ogiluy his spous, and Alexander Fraser thair sone and appeirand air wpoun that wther pairt, in maner, forme and effect as eftir followis : That is to say, the said Alexander Fraser, sone and air foirsaid, and Maistres Margaret Abernethie sall solemnize the band of mareage betuix thame in face of halie kirk, betuix the daitt heirof and the first day of Maii nixt to cum : Befoir the compleitting of the quhilk mareage, the said Sir Alexander Fraser, with consent and assentt of his said spous, sall infest the said Alexander Fraser, thair sone and air appeirand, and the said Maistres Margaret his future spouse, the langar leivar of thame tua, in coniunct fie, and the airis maill lawfullie to be gottin betuix thame; quhilkis failzeing, the said Alexanderis airis maill quhatsumevir, in all and sindrie the landis wndirvretin, with houssis, bigingis, mylne, myllandis, sequelis, and pertinentis of the same : Thay ar to say, in all and haille the landis off Neddar Pettuleis, Over Pettuleis, mylne of Pettuleis, myllandis, multouris, sequelis, and pertinentis thairoff, the landis of Seytoun, and boittis fisching of the foirsaidis landis and thair pertinentis, liand within the baronie of Phillorth and schirrefdom of Aberdein; and in all and haille the touns and landis of Auld Wtlaw, New Wtlaw alias Brokeistoun, Fattilheid, and Greinlaw, with all and sindrie thair pairtis, pendicles, and pertinentis, liand within the baronie off Phillorth be annexatioun and schirrefdom of Banff; to be haldin of our souerane lord and his Hienes successouris, be resignatioun of the foirsaidis landis, mylne, multouris, and pertinentis, to be maid be the said Sir Alexander Fraser, with consent and assent of his said spous, in our souerane lordis handis, in faouris off the said Alexander Fraser appeirand of Phillorth, and Maistres Margaret Abernethie his future spous, the langar leivar of thame tua, and thair airis maill abounvrettin, for infestment to be giwin and grantit thairvpoun; with speciall claus and prouisioun to be contenit in the said resignatioun and infestment, that the same sall not preiudge nor hurt the vnioun, annexatioun, nor tailzie off the hous and leiving off Phillorth; and for dew making of the said resignatioun, the said Sir Alexander Fraser of Fraserburghe, knicht, with consent and assent of his said spous, sall mak, scill, subscribe, and deliuer to the said Alexander Fraser, thair sone and appeirand air, and Maistres Margaret Abernethie his future spous, sufficient mandat and letteris off procuratorie for making of the said resignatioun in our souerane lordis handis and his Hienes

successouris in faouris of the said Alexander Fraser, appeirand of Phillorth, and his future spous, in maner and to the effect abounvretin, with speciall claus of warrandice, in competent and dew forme : Like as the said Sir Alexander Fraser of Fraserburche, knicht, now as giff the said resignatioun war maid, faithfullie bindis and oblissis him, his airis and successouris, to warrand, acquiet, and defend to the said Maistres Margaret during all the dayis of hir lifytyme, all and sindrie the foirsaidis landis, with houssis, bigingis, mylue, myllandis, multouris, and sequelis off the same, with thair pertinentis, and boittis fisching supramentionat, fre and saiff from all former alieuatiouns, wadsettis, coniunct feis, lifrcntis, annuelrentis, ladeis tercis, and seisingis of formar daittis ; and siclik from all wtheris perrellis, actiouns, daungeris, and inconvenientis quhatsumevir, alsueill not nominat as nominat, bigane, present, and to cum, quhilk may stop or imped the said Maistres Margaret in the peceable possessing and bruiking off the saidis landis, mylne, multouris, boittis fisching and bigingis aboun expressit, with thair profeitis and pertinentis during all the dayis off hir lifytyme, as said is : The quhilk infestment off couiunct fie foirsaid to be maid to the said Alexander Fraser, sone and appeirand air to the said Sir Alexander Fraser and the said Maistres Margaret Abernethie, sall tak effect at the feist and terme of Whitsunday, in the zeir of God j^mv^c fourscoir saxtein zeiris, be wplifting off the maillis, customes, and dewiteis off the said terme off Witsunday, and intrometting with the fermis off the said cropt and zeir off God fourscoir saxtein zeiris, with regres to be exped be the said Dame Margaret Stewart to the said Sir Alexander Fraser and his foirsaidis : And nottheles it is prouidit be conditioun off this contract, like as the said Alexander Fraser, appeirand of Phillorth, and the said Maistres Margaret Aberuethie his future spouse, be thir presentis faithfullie bindis and oblisses thame to the said Sir Alexander Fraser of Fraserburghe, knicht, and his airis maill, that at quhat tyme or how sone he or his foirsaidis sall redeme and mak fre all and sindrie the landis wndirwretin, thay ar to say, the landis of Tibbertie, Foirfauldis, pairtis and pendicles thairoff, and landis off Scattertie, with thair pertinentis and salmond fisching thairoff on the Wattir off Doverne, liand withiu the saidis schirrefdomes of Aberdene and Banff, and infetis tham thairin als frielie and sufficientlie and with als guid prouisioun of warrandice as is appointit for the foirsaidis landis disponit to tham in coniunct fie, as alsua in ten chalderis mair wictuall by customes and casualiteis off wtheris the said Sir Alexanderis landis within the

said schirrefdomes, thay sall accept the foirsaidis landis on Dovernsyid abounvritin to thame, the langer leivar of thame tua, and thair airis foirsaidis, for tuentie chalderis wictuall off the threttie chalderis wictuall disponit to thame in coniuinct fie; and thai being deulie and sufficientlie infest thairin and enterit peceable to the possessioun thairoff, the said Alexander Fraser, appeirand of Phillorth, and Maistres Margaret Abernethie his future spon, sall immediatlie thairefter renunce, owrgiff, and discharge again, with all solemnitie necessar off the law, to the said Sir Alexander Fraser his spous, and thair airis maill abonvretin, all and sindrie the foirsaidis landis of Naddir Pettuleis, Over Pettuleis, mylne of Pettuleis, myllandis, multouris, sequelis, and pertinentis thairoff, the landis of Seytoun and boittis fisching abounexpressit, with thair profeitis and pertinentis. Attour, for the gritar assurance to the said Maistres Margaret of hir terse, it being considerit that hir said future spous is not presentlie to be infest in the fie of the landis of the leiving of Phillorth, thairfoir the saidis contractaris being of will and mynd to tak away all questioun that may be movit heirefter wpon the said terse, and to giff the said Maistres Margaret ane resonable contentatioun thairfoir, the said Sir Alexander Fraser of Fraserburghe, kuycht, faithfullie bindis and oblissis him, his airis and successouris, that in cace it salhappin the said Alexander Fraser, his sone and appeirand air, at the pleasour of God to depairt this lyff, the said Maistres Margaret, than immediatlie efter hir said spous deceis, being ou lyff, that he sall deulie and sufficientlie infest hir in sa monie off his landis within the saidis schirrefdomes as payis zeirlie ten chalderis wictuall by customes, service, and casualiteis, to be haldin of our souerane lord and his Hienes successouris, with sik warrandice as salbe contenit in the wther infestmentis of coniuinct fie foirsaid; and sall enter the said Maistres Margaret to the possessioun thairoff at the terme of Witsounday nixt following, and that wpon fourtie dayis requisitioun: And siclyke the said [Sir] Alexander Fraser and Alexander Fraser his sone and appeirand air, oblissis thame and thair foirsaidis to infest the said Maistres Margaret in lyfrent, and for all the dayis off hir lifytyme, immediatlie efter the deceis off the said Sir Alexander, in als monie off his landis within the said schirreffdomes as payis zeirlie [ten] chalderis wictuall by customes, [service, and] casualiteis, in full contentatioun and satisfacioun off hir terse off all and quhatsumevir the said Sir Alexanderis landis and leiving off Phillorthe, to be haldin of our souerane Lord in sik maner and with sik warrandice as is befor

mentionat, and that wpoun fourtie dayis requisitioun, as said is. And becaus the said Dame Margaret Stewart hes constituit hirself debtour for the tocher wnderwretin, and hes fundin cautioneris and souerteis for payment thairoff at the termis eftir mentionat, and als that the said Maistres Margaret was infest be hir wmquhile fader in ane pairt off the baronie off Saltoun, liand within the schirreffdome of Edinburgh and constabularie off Hadingtoun, wnder reuersioun off the sowm off aucht thousand markis in contentatioun off hir bairnis pairt off geir, and for support off hir mareage; quhilk sowm is les nor the said tocher be the sowm off fyve thousand markis; thairfoir the said Maistres Margaret, with aduise off hir said future spous, sall transfer hir heretable richt off the saidis landis with all byrun profettis that scho may haue be uertew of hir said infestment, togidder with all richt and titill that scho hes to ony bairnis pairt of geir pertenyng to hir be deceis off hir said wmquhile fader or wmquhile Marie Abernethie hir sister,¹ and sall mak the said Dame Margaret competent and sufficient securitie thairvpon: And the said Alexander Fraser, appeirand off Phillorth, bindis and oblistis him to caus the said Maistres Margaret Abernethie renew the said securitie eftir hir perfyitt aidge off tuentie ane zeiris compleitt, scho being than on lyff and spous to the said Alexander Fraser, appeirand of Phillorth: Prouiding that the said Maistres Margaret and hir said future spous be [not] ony forder oblist in ony forder warrandice off the saidis dispositionis and translatiouns, bot for thair awin deidis allanerlie. And be reasoun the leiving off the hous off Phillorth is tailzeit to the airis maill, sua that giff the said Alexander Fraser, zoungar, failzie off airis maill lawfullie gottin off his bodie, and that the bairnis fameill procreat betuix him and the said Maistres Margaret will not succeid thairto; thairfoir the said Sir Alexander Fraser, and Alexander Fraser his sone and appeirand air, bindis and oblistis thame and thair airis off tailzie to content and pay to the bairnis fameill, giff thair be bot ane, the sowm off threttein thousand markis, quhilk is equivalent with the said tocher; and giff thair be tua, the sowm off tuentie thousand markis; and giff thair be thre, the sowm off tuentie-four thousand markis; and giff thair be ma nor thre, than the tocher to be measourit at the discretioun off the bairnis maill and off tailzie succeeding to the leiving off Phillorth: Prouiding that all thair tocheris be not within the sowm off threttie thousand markis money off this realme; and that in full contentatioun and satisfactioun off all and quhatsumevir

¹ A daughter of George, seventh Lord Saltoun, omitted at page 63, vol. ii.

thingis thai may craive at thair air off tailzeis handis : Prouiding alwis that the saidis bairnis fameill wse the counsall and aduise of the said Sir Alexander Fraser of Fraserburgh, knicht, Alexander Fraser, appeirand of Phillorth, and the said Maistres Margaret, and wther freindis appointit to that effect, videlicet, the said noble lord, Johnne Lord Abernethie off Saltoun, Symon Lord Fraser off Lovatt, Alexander Irving zoungar of Drum, and Seytoun of Meldrum, Sir George Ogiluy of Dunlugus, knicht, George Ogiluy off Carnowseis, Alexander Annand zoungar off Auchtirallane, and Alexander Fraser youngar off Durris, or the maist pairt of thame, being on lyff, als weill in thair mareage as keiping off thair bodeis, wdირwais the air off tailzie not to be astrictit in payment off the sowmes off tocher befor mentionat to hir that failzeis, but to samekle as the foirsaidis freindis or the gritest pairt of thame sall think the same expedient : And the saidis sowmes off tocher to be pait at thair aideg off fourtein zeiris ; and in the meintyme thai to be honestlie interteneit and brocht wp according to thair birth be the air off tailzie. And in cace ony off the saidis bairnis fameill deceis wnmareit, it is agreit be conditioun off this contract that the sowm off money to be pait to the said dochter deceissand sall not accres to the remanent dochteris, hir sisteris, bot to remain with the air of tailzie, and he to be fre and releiffit off the payment thairoff be deceis off the said dochter, as said is ; prouiding als that the said Sir Alexander Fraser be nawais obligit nor astrictit to pay ony off the saidis sowmes to the bairnis fameill induring his lifytyme : For the quhilkis caussis the said Johnne Lord Saltoun, with aduise and consentt off his saidis curatouris, and the said Dame Margaret Stewart, oblissis thame, coniunctlie and seuerallie, thair airis, executouris, and assignais, to thankfullie content, pay, and deliuer to the said Sir Alexander Fraser of Fraserburgh, knicht, his airis, executouris, or assignais, the sowme of saxtein thousand markis vsuall money off this realme ; that is to say, the sowm off aucht thousand markis money abounvretin within the toun off Banff and kirk thairoff, on Mertimes evin, in the zeir of God j^mv^c fourscoir saxtein zeiris ; with expres conditioun, restrictioun, and prouisioun that giff the saidis Johnne Lord Saltoun, Dame Margaret Stewart, or thair cautioneris eftirspecifeit, payis, and reallie and with effect deliueris, to the said Sir Alexander Fraser, his airis, executouris, or assignais, the sowm off sax thousand and five hundreth markis vsuall money off Scotland, aucht penny peices and tua penny peices, callit Turnouris, being exceptit, within the said kirk of Banff, aucht dayis immediatlie pre-

ceiding the said feist of Mertimes, in the zeir off God abounvrettin ; or in cace off the said Sir Alexander or his foirsaidis absens or refusall to ressaue the said sowm, being certefeit off the speciall day appointit for ressait and deliuerance thairoff, tellis and numberis the said s[owm] of sax thousand and five hundreth markis money befoir specifeit, within the said kirk, and thaireftir deponis and [consignis] the same in the handis off Sir George Ogiluy off Dunlugus, knight ; and failzeing off him, in the haudis off George Ogiluy off Carnowsie ; quhilkis failzeing, in the handis off Johnne Fraser off Creichie ; quhilkis also failzeing, in the handis off Waltir Baird off Ordninghuffis ; quhilkis likwais failzeing, in the handis off Alexander Annand, zoungar off Auchtirallane, to be keipit and furthecumand to the said Sir Alexander Fraser of Fraserburgh, knight, and his foirsaidis, thair wtiliteis and proffeitt ; than aud in thais caces, or ony off thame, and na wderwais, the saidis Johnne Lord Saltoun, Dame Margaret Stewart, or thair cautioneris wndervritin, to be fre and dischargit off the sowm off ane thousand pundis off the aucht thousand markis tocher oblist for the first termis payment off the said saxtein thousand markis befoir exprimit : And sielike, sall content and pay to the said Sir Alexander Fraser and his foirsaidis the sowm off wther aucht thousand markis money abounvretin, withiu the said kirk off Banff, on Mertimes evin in the zeir of God j^mv^c fourscoir sevintein zeiris : With the lyik conditioun, restrictioun, and prouisiou, giff the saidis Johnne Lord Saltoun, Dame Margaret Stewart his moder, or thair cautioneris eftirmentionat, payis to the said Sir Alexander Fraser or his foirsaidis, aucht dayis immediatlie preceidiug the said feist of Mertimes in the zeir of God j^mv^c fourscoir sevinten zeiris, the sowm off wther sax thousand and five hundreth markis money befoir exprimit, in ane sowm, within the said kirk of Banff ; or in cace of the said Sir Alexander or his foirsaidis absence or refusall, as said is, tellis, numberis, deponis, and cousignis the said sowm off sax thousand and five hundreth markis money foirsaid in maner and in the handis befoir exprimit in forme foirsaid, than and in thais caces, or ony off thame, the saidis Johnne Lord Saltoun, Dame Margaret Stewart, or thair cautioneris eftir specifeit, to be fre and dischairgit off ane thousand pundis off the aucht thousand markis befoir meutiouat off the secund and last termis payment off the tocher, and ua wderwais. And for suir payment to the said Sir Alexander and his foirsaidis off the saidis sowmes in maner abon mentionat, Harie Stewart off Craigyhall, Thomas Otterburne off Reidhall, Thomas Otterburne his sone aud appeirand air, Mathow

Finlasou off Killeith, and Johnne Home off Carrelsyid, bailzie to the said ladie, ar becum cautioneris and souerteis for the saidis Johnne Lord Saltoun and Dame Margaret Stewart, and with thame all, coniunctlie and seuerallie, for payment of the sowmes off tocher befoir exprimit, at the termis off payment respectiue foirsaidis ; and bindis and oblissis thame all, thair airis, executouris, and assignais, coniunctlie and seuerallie, for payment of the same to the said Sir Alexander Fraser of Fraserburgh, knicht, and his foirsaidis, in maner and at the termis befoir specifeit : And the said Johnne Lord Saltoun and Dame Margaret Stewart bindis and oblissis thame and thair foirsaidis to warrant, fre, releiff, and keip skaith[les] the saidis cautioneris and ilk ane of thame, thair airis, executouris, and assignais, off the said cautionarie, and of all skaith that thai salhappiu to sustein thairthrow ; and for suir observing off all and sindrie the pointis off this present contract and appointment, baith the saidis pairteis and cautioneris abonnamit, and curatouris foirsaidis off the said Johnne Lord Saltoun, and ilk ane off thame for thair awin pairtis respectiue, ar content and consentis that the same be inactit and registrat in the buikis off our souerane lordis buikis off Counsall and Sessioun, to haue the strenth off ane act and decret off the saidis Lordis and thair autoriteis interpouit thairto, with executorialis of hornyng, poiding and wairding, the ane but preiudice off the wther, to pas and be direct thairvpou on ane singill charge off ten dayis ; and for registrating heiroll in the saidis buikis, makis, constitutis and ordaues

and ilk ane of thame, coniunctlie and seuerallie,

thair werie lawfull and irreucable procuratouris to consent thairto in thair names, in vberiore constitutionis forma : Promittentes de rato. In faith and witnes off the quhilkis, baith the saidis pairteis, cautioneris, and curatouris abon exprimit, and ilk ane off thame, for thair awin pairtis and enteress, hes subscriuit this present contract and appointment with thair handis, dayis, zeir, place respectiue foirsaidis, befoir thir witnessis, George Ogiluy off Caruowseis, Mr. Johnne Ogiluy, persoun off Croudeu, Johnne Kennady, seruitour to the said Alexander Fraser, appeirand off Phillorth, Alexander Craufurde, serwitour to the said Sir Alexander, and Johnne Simpsons, notar publict, Symon Lord Fraser of Lovat, Waltir Wood, appeirand off Bobigno, Mr. Alexander Smairt, pedagog to the said noble lord, and Patrick Levingstoun, servitour to the said noble ladie. *Sic subscribitur.* Johnne Lord Saltoun ; Margaret Lady Saltoun ; S^r A^r Fraser of Fraserburgh ; Alexander Fraser ; Margaret Abernethie ; T. Otterburne of Reidhalle, cautiouar and cura-

tore; M. Finlaisoune of Killithe, curatore and cawtionare; Johne Houme, cationare; Hare Steuart of Craighall, cationair; Symon Lorde Fraser of Louett, vitnes; Mr. Alex^r Smart, witnes; George Ogiluy of Carnowsie, witnes; Walter Vod, fear of Fetter., vitnes; Patrik Levingstoun, witnes; Johnne Kennady, vitnes and wreitar heiutoff.

[On back.]—M^{ris} ———, Ze, or ony of zow that beis desyirit, sall compeir for ws, pairteis, cautioneris, and curaturis, within subscrivaris, befoir the Lordis off Counsall and Sessioun, and thair, as procuraturis for ws, in our names, consent to the registring of the contract within wretin in the buikis off Counsall and Sessioun, with executoriellis within specifeit to be direct thairvpoun, eftir the forme and tenour of the same: The quhilk to do we giff zow our full powar, and oblissis ws to hald ferme and stable, be this wreit, subscriuit with our handis, dayis, zeir and places respectiue, and befoir the witnessis respectiue within specifeit. *Sic subscriptur.* Johne Lord Saltoun; Margaret Lady Saltoun; S^r A^r Fraser of Fraserbrugh; Margaret Abernethie.

37. CHARTER by KING JAMES THE SIXTH to SIR ALEXANDER FRASER, of the lands and barony of Philorth. 1st July 1592.

JACOBUS DEI gratia Rex Scotorum, omnibus probis hominibus totius terre sue, clericis et laicis, salutem. Sciatis nos nunc post nostram perfectam et legitimam etatem viginti quinque annorum completam in parlamento nostro declaratam, et generalem nostram reuocationem in huiusmodi factam, dedisse, concessisse, disposuisse, et hac presenti carta nostra confirmasse predilecto nostro Alexandro Fraser de Phillorth et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus deficientibus, legitimis et propinquioribus heredibus masculis et assignatis dicti Alexandri quibuscunque, hereditarie, totas et integras terras et baroniam de Phillorth, terras de Abirdour, cum suis pertinentiis, jacentes infra vicecomitatum nostrum de Abirdeine, terras de Teberti de Utelaw cum suis pertinentiis jacentes infra vicecomitatum nostrum de Banff, omnes ab antiquo in vnam baroniam Baroniam de Phillorth nuncupatam vnitas et annexatas, extendentes in integro ad viginti libratas terrarum antiqui extentus; totas et integras

terras de Scattertie, cum piscariis salmonum super aqua de Doverne et earundem pertinentiis, jacentes in baronia de Kynedward; totas et integras terras de Faithleie et Tyrie cum suis pertinentiis, vna cum portu de Faithleie et villa et burgo baronie eiusdem cum suis pertinentiis, jacentes in dicta baronia; ac totas et integras terras de Kirktoon Tyrie cum suis pertinentiis, jacentes in baronia de Abirdouer; vna cum omnibus castris, turribus, maneriebus, fortaliciis, siluis, piscariis, annexis, connexis, toftis, croftis, hortis, pomeriis, partibus, pendiculis, tenentibus, tenandriis, libere tenentium servitiis, omnium et singularum dictarum terrarum, baronie et aliorum particulariter supra recitatorum et suis pertinentiis; cum aduocatione, donatione et jure patronatum rectoriarum et vicariarum ecclesiarum parochialium de Phillorth Tyrie, et Cremond; cum omnibus et singulis capellaniis et prebendis omnium alteragiorum infra dictas ecclesias aut aliquam earundem situatorum seu quovismodo eisdem spectantium: omnes prius vnitas annexatas et incorporatas in vniam integram et liberam baroniam Baroniam de Phillorth nuncupandam; omnes et singulas terras de Inneralloquhay, cum turre, fortalicio, manerie, domibus, edificiis, hortis, pomeriis, lacu et piscatione eiusdem, molendino, terris molendinariis, astrictis multuris eiusdem, cum aqueductu predicti lacus descendenti ad huiusmodi molendinum, prout protrahitur et extenditur et vt torrens in eadem labitur; cum terris de Fortrie de Innerrowrie et molendino earundem vocatis Denend, cum astrictis multuris eiusdem, et piscatione alborum piscium, cimbris piscariis, lie wraik et wair, piscium escula *lie fischbait* in littore marino terrarum de Inuerralloquhay, cum tenentibus, tenandriis, libere tenentium servitiis earundem, omnibusque suis partibus, pendiculis et pertinentiis quibuscunque, extendentes ad tres libratas terrarum antiqui extentus, jacentes in baronia de Innerralloquhy; totas et integras terras tertie partis ville et terrarum de Faithlei, cum tenentibus, tenandriis, libere tenentium servitiis earundem, omnibusque suis partibus, pendiculis et pertinentiis quibuscunque, necnon totam et integram umbralem dimidietatem terrarum et villarum de Kindrocht et Denend, cum molendino, terris molendinariis, multuris [et] sequelis eiusdem, annexis, connexis, partibus, pendiculis, lie outsettis, et singulis suis pertinentiis quibuscunque, jacentes in dicta baronia de Kinedwaird infra prefatum vicecomitatum nostrum de Abirdene; cum carbonibus, carbonariis, patellis salinariis totarum et integrarum prescriptarum terrarum et baronie et salmouum piscariis in omnibus locis conuenientibus infra omnes bondas littoris marini et aquarum dulcium earundem; cum privilegio et libertate lucrandi et capiendi esculam

piscium, vulgo lie fischbait, infra fluxum et metam marinam *lie seymark* prefatis terris baronie et aliis superius mentionatis contigue adjacentibus; Quequidem omnes et singule prefate terre et baronia, cum portu et burgo baronie antedictis, vna cum omnibus et singulis earundem castris, turribus, fortaliciis, maneriebus, hortis, pomeriis, siluis, piscariis, molendinis, multuris, columbariis, patellis, salinis, priuilegiis, annexis, connexis, lie outsettis, toftis, croftis, partibus, pendiculis, tenentibus, tenandriis, libere tenentium seruitiis earundem, aduocatione, donatione et iure patronatus rectoriarum et vicariarum dictarum ecclesiarum, capellaniarum, prebendariarum et altaragiarum antedictarum, cum omnibus suis pertinentiis, prefato Alexandro Fraser de Phillorth perprius pertinuerunt; et quas ipse, per procuratores suos ad hoc legitime constitutos et literas suas patentes, in manibus nostris tanquam in manibus domini sui superioris earundem, apud Edinburch sursum reddidit, pureque et simpliciter per fustum et baculum resignauit, ac totum jus et clameum, proprietatem et possessionem, que et quas in eisdem habuit, habet seu quouismodo in futurum habere potuit, omnino quieto clamauit imperpetuum, in fauorem sui ipsius, pro hac nostra noua carta et infeodatione sibi suisque heredibus masculis et assignatis modo subsequenti, nostro sub magno sigillo, desuper in debita forma danda et conficienda: Insuper nos, pro bono, fideli, et prompto, et gratuito seruitio nobis per memoratum Alexandrum Fraser de Phillorth impenso, et vt ipsi in eodem perseuerare occasio prebeat, de nouo dedimus, concessimus et disposuimus, ac tenore presentis carte nostre damus, concedimus, et disponimus prelibato Alexandro Fraser, heredibus suis masculis et assignatis antedictis, omnes et singulas prefatas terras et baroniam de Phillorth, Abirdour, Tibberti de Vtelaw, dictas terras de Scattertie cum salmonum piscaria super aqua de Doverne, dictas terras de Faithlei et Tyrie cum portu de Faithley, villa et burgo baronie eiusdem, dictas terras de Kirktown Tyrie, cum omnibus et singulis suis castris [*etc.*], omnes prius vnitas annexatas et incorporatas in vniam liberam baroniam Baroniam de Phillorth vocatam; totas et integras predictas terras de Inneralloquhay, cum turre, fortalicio, manerie, domibus, edificiis, hortis, pomeriis, lacu et piscatione eiusdem, molendino, terris molendinariis et astrictis multuris eiusdem, cum aqueductu predicti lacus descendenti ad huiusmodi molendinum prout protrahitur et extenditur, et vt torrens in eadem labitur, cum terris de Fortrie de Innerrowrie et molendino earundem vocatis Denend, cum astrictis multuris eiusdem, et piscatione alborum piscium,

cimbis piscariis, lie wraik et wair, piscium escula, vulgo lie fischbait, in littore marino terrarum de Innerralloquhay, cum tenentibus, tenandriis, libere tenentium seruitiis earundem, partibus, pendiculis et suis pertinentiis quibuscunque; totam et integram tertiam partem dicte ville et terrarum de Faithlei, cum tenentibus, tenandriis, libere tenentium seruitiis earundem, partibus, pendiculis et omnibus suis pertinentiis; et totam et integram vmbralem dimidietatem dictarum villarum et terrarum de Kindrocht et Denend, cum molendino, terris molendinariis, multuris et sequelis eiusdem, partibus, pendiculis, annexis, connexis, lie outsettis et suis pertinentiis; vnacum carbonibus, carbonariis, patellis salinis totarum et integrarum dictarum terrarum et baronie, salmonum piscariis in omnibus locis conuenientibus infra omnes bondas littoris marini et aquarum dulcium earundem, et priuilegiis dictis lie fischbait infra fluxum et metam maris dictis terris et baronie contigue adiacentis, et suis pertinentiis quibuscunque; cum omnibus iure [*etc.*] Necnon de nouo ereximus, fecimus, constituimus et creauimus, tenoreque presentis carte nostre erigimus, facimus, constituimus et creamus dictam villam de Faithlie in vnum liberum burgum baronie cum libero portu; ac decernimus et ordinamus quod idem burgus et portus nunc et omnibus temporibus affuturis burgus et portus de Fraser nuncupatur: Cum speciali et plenaria potestate prefato Alexandro Fraser, heredibus suis masculis et assignatis antedictis, balliuos, thesaurarium, decanum gilde, consules, burgenses, officarios, seriandos, et quosuis alios officarios infra predictum burgum pro huiusmodi regimine et gubernatione, faciendi, eligendi et constituendi et creandi: ac cum potestate prefato Alexandro suisque predictis prescriptos balliuos, decanum gilde, thesaurarium, consules et alios officarios, in predictis officiis annuatim eligendi, remouendi, imponendi et deponendi, quoties ipsis videbitur expediens: cum speciali et plenaria potestate burgensibus dicti burgi, ad libertatem eiusdem per prefatum Alexandrum, suos heredes masculos et successores presentes et futuros, debite electis, creatis, receptis et admissis, ad lie pak, peill, et infra dictum burgum emendi et vendendi vinum, ceram, pannum, laneum et lineum, latum et strictum, omnesque alias mercantias et stapule bona, vulgo lie stapill gudis: ac etiam cum potestate prefato Alexandro, suisque heredibus et successoribus, infra dictum burgum pistores, brasiatores, carnifices, piscatores, piscium venditores, alutarios, scissores, fullones, textores, fabros, carpentarios, lathaneos, textrices, calcearios et omnes alios artifices necessarios ad liberi burgi libertatem spectantes et pertinentes, tenendi, habendi,

admittendi et recipiendi : necnon cum potestate prefato Alexandro, suis heredibus masculis et assignatis, edificandi, habendi et tenendi in prefato burgo imperpetuum pretorium, crucem foralem, et fora hepdomadatim, die Lune et die Sabbathi, vnacum duobus liberis nundinis bis in anno, videlicet, Sancti Michaelis Archangeli et Sancti Joannis Baptiste ; cum priuilegio cuicumque nundine forum tenendi pro spatio octo dierum, ac custumas earundem pro dicti burgi intertenemento, sustentatione, edificatione et sustentatione dicti portus, colligendi, intromittendi et applicandi : Ac respectu amplissimorum et magnorum sumptuum in edificatione portus dicti burgi per dictum Alexandrum hactenus sustentatorum, ac perfectio et complementum eiusdem ipsi adhuc sumptuosum erit ; et nos illius animi existentes, quod dicti portus edificatio minime impediatur, sed vt potius adminiculetur et promoueatur, quia huiusmodi nostris liegiis et extraneis ibidem aduenientibus maxime utilis et expediens est et erit ; ideo, cum potestate prefato Alexandro Fraser, heredibus suis masculis et assignatis antedictis, omnes et singulas custumas et anchoragias quascunque dicti portus prefati burgi de Fraser, tam per mare quam per terras, intromittendi, leuandi et percipiendi, ac easdem pro intertenemento dicti burgi, edificatione, sustentatione, et reparatione dicti portus, applicandi : Necnon cum speciali et plenaria potestate seprefato Alexandro, heredibus suis masculis et assignatis antedictis, resignationes omnium et singularum terrarum, tenementorum, annuorumque reddituum infra dictum burgum recipiendi, et eadem cuicumque persone vel quibuscunque personis, cum omnibus infeofamentis, cartis, sasinis, et aliis necessariis, concedendi et disponendi ; curias burgales infra dictum burgum et libertatem eiusdem ter in hepdomada, videlicet, die Lune, die Mercurii, et die Veneris, statuendi, affigendi, inchoandi, affirmandi, tenendi et quoties opus fuerit continuandi ; ac clericos, seriandos, adiudicatores, et omnes alios officarios et curie membra necessaria creandi ; transgressores puniendi secundum leges regni nostri ; exitus, amerchiamenta et eschaetas dictarum curiarum leuandi et recipiendi, et huiusmodi ad suos proprios vsus applicandi ; et pro eisdem, si opus fuerit, namandi et distringendi ; acta, leges, et statuta infra dictum burgum et libertatem eiusdem pro obseruantia boni ordinis in eodem faciendi, constituendi et ordinandi, ac huiusmodi transgressores attachiandi, arrestandi et in captiuitatem ponendi, et secundum leges regni nostri puniendi ; cum pitt. et gallous, infangtheif, outfangtheif ; et generaliter omnia alia et singula faciendi, gerendi, dicendi et exercendi, que in premissis et circa ea necessaria fuerint.

Preterea vniuimus, annexauimus et incorporauimus, tenoreque presentis carte nostre vniimus, annexamus et incorporamus omnes et singulas prefatas terras et baroniam de Phillorth, Abirdour, Tibertie de Vtelaw, dictas terras de Scattertie cum piscaria salmonum super aqua de Douerne, dictas terras de Faithlie, Tyrie, dictum portum de Faithlie nunc et imperpetuum Portum de Fraser nuncupandum, villam et burgum baronie eiusdem, cum singulis suis priuilegiis, dictas terras de Kirktoon Tyrie, aduocationem, donationem et jus patronatus rectoriarum et vicariarum prefatarum ecclesiarum capellaniarum et prebendariarum, prius vnitas et annexatas in liberam baroniam Baroniam de Phillorth nuncupandam, vt supra, dictas terras de Innerraloquhy, lacum, piscationem et molendinum earundem, dictas terras de Fortrie de Innerrowrie vocatas Denend, molendinum et piscationes earundem, tertiam partem dicte ville et terrarum de Faithley, et vmbralem dimedietatem dicte ville et terrarum de Kindrocht et Denend, cum molendino earundem, vnacum omnibus suis castris [*etc.*] in vnam integram et liberam baroniam, prefato Alexandro suisque heredibus masculis et assignatis, Baroniam de Phillorth omni tempore affuturo nuncupandam; castrum, turrem et fortalicium de Phillorth principale messuagium dicte baronie ordinantes: Et vterius nos nunc post nostram etatem viginti quinque annorum completam et generalem reuocationem in parlamento nostro declaratam, ex certa scientia et proprio motu, pro fidei et gratuito seruitio nobis per dictum Alexandrum impenso, ac pro certis pecuniarum summis nostro thesaurario nomine nostro per ipsum gratanter persolutis, de nouo dedimus, concessimus et disposuimus, tenoreque presentis carte nostre damus, concedimus et disponimus dicto Alexandro Fraser, heredibus suis masculis et assignatis prescriptis, aduocationem, donationem et plenum jus patronatus rectoriarum et vicariarum dictarum ecclesiarum parochialium de Phillorth, Tyrie, et Cremond, cum omnibus et singulis capellaniis et prebendis omnium altaragiorum infra dictas ecclesias aut quamecunque earundem situatorum seu quouismodo eisdem spectantium; vnacum aduocatione donatione et jure patronatus ecclesie parochialis et parochie de Rathin, que ab antiquo communis ecclesie episcopatus Abirdonensis fuerat et nunc ad nostram dispositionem et presentationem existens; ac vniuimus, annexauimus et incorporauimus, tenoreque presentis carte nostre vniimus, annexamus et incorporamus aduocationem, donationem et jus patronatus rectoriarum et vicariarum dictarum ecclesiarum parochialium de Phillorth, Tyrie, Cremond et Rathin, cum omnibus et singulis

capellaniis et prebendis omniū altaragiorum infra dictas ecclesias aut aliquam earundem situatorum seu quouismodo eisdem spectantium, in et ad dictam baroniam de Phillorth cum eadem omni tempore affuturo inseparabiliter remanentibus; ac fecimus et constituimus, sicuti tenore presentium facimus [et] constituimus prefatum Alexandrum Fraser de Phillorth, heredes suos masculos et assignatos, indubitatos et irreuocabiles patronos prefatarum rectoriarum et vicariarum respectiue, cum singulis capellaniis et prebendis omnium altaragiorum infra dictas ecclesias aut aliquam earundem, vt premissum est, situatorum; cum potestate ipsis, personas habiles, aptas, et qualificatas pro huiusmodi, toties quoties easdem rectorias et vicarias, capellanas seu prebendas aut earum aliquam, per decessum, dimissionem, depriuationem seu inhabilitatem possessorum presentium aut futurorum, aut alias quouismodo vacare contigerit, ordinariis presentare, vt juris postulat ordo; ac omnia alia et singula que ad dictam aduocationem, donationem et jus patronatus predictum [spectant], adeo libere vtenda, gaudenda et exercenda, sicuti aliquis alius patronus infra regnum nostrum fecit seu facere possit in similibus: Ac etiam volumus et concedimus, ac pro nobis et successoribus nostris pro perpetuo decernimus et ordinamus, quod vnica sasina nuue prefato Alexandro, heredibus suis masculis et assignatis predictis, omni tempore affuturo, apud principale messuagium, castrum, turrin et fortaliciū de Phillorth danda, stabit et sufficiens erit ipsis sasina pro omnibus et singulis prefatis terris, baronia, villa, burgo baronie supra specificatis, molendinis, multuris, priuilegiis et aliis particulariter supra recitatis, cum aduocatione, donatione et iure patronatus dictarum ecclesiarum parochialium de Phillorth, Tyrie, Cremond et Rathin, rectoriarum et vicariarum earundem, capellaniarum et prebendariarum infra easdem situatarum cum omnibus suis pertinentiis, nunc in vnā integram et liberam baroniam vnitis et annexatis, vt premissum est; non obstante quod non jacent insimul et contigue sed in diuersis vicecomitatibus: Insuper, pro causis antedictis et pro diuersis aliis considerationibus nos mouentibus, dedimus, concessimus, tenoreque presentis carte nostre damus, [et] concedimus plenariam libertatem et potestatem prefato Alexandro Fraser, heredibus suis masculis et assignatis, collegium seu collegia infra dictum burgum de Frasser edificandi, vniuersitatem erigendi, omnia genera officialium eisdem conuenientium et correspondentium erigendi, locandi et depriuandi, fundationes pro eorum sustentatione et omnia priuilegia quecunque necessaria faciendi et dotandi;

rectores, principales, subprincipales, et omnia alia membra necessaria ad voluntatem optionemque Alexandri predicti eiusque heredum et assignatorum masculorum antedictorum faciendi, eligendi, mutandi et deponendi; leges, acta et statuta, pro boni ordinis obseruatione, faciendi et custodire causandi; et generaliter omnia alia et singula immunitatem et priuilegium vnius vniuersitatis concernentia, in amplissima forma et modo debito, in omnibus respectibus, vt conceditur et datur cuicumque collegio et vniuersitati infra regnum nostrum erectis sen erigendis, faciendi, agendi et exercendi: Tenendas et habendas omnes et singulas prefatas terras et baroniam de Phillorth, terras et alia supraspecificata comprehendentes, videlicet, totas et integras dictas terras et baroniam de Phillorth, Abirdour, Tibbertie de Vtelaw [*etc.*] memorato Alexandro Fraser de Phillorth et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, quibus deficientibus, legitimis et propinquioribus heredibus masculis et assignatis dicti Alexandri quibuscunque, de nobis et successoribus nostris, in feodo et hereditate et libera baronia imperpetuum, per omnes rectas metas suas antiquas et diuisas [*etc.*]: Reddendo inde annuatim dictus Alexander Fraser, heredes sui masculi et assignati prescripti, nobis et successoribus nostris, pro dictis terris de Phillorth, Abirdour, Tibbertie de Vttilaw, Scattartie, piscariis salmonum earuudem, Faithlei, Tyrie, Innerralloquhy, Fortrie de Innerrowrie, tertia parte terrarum de Faithlei, et vmbra dimedietate de Kindrocht et Denend, cum castris, turribus, maneriebus, molendinis, multuris, siluis, piscariis, et suis pertinentiis superius mentionatis, vnam sectam ad placitum capitale vicecomitatus nostri de Abirdene annuatim in die Sancti Michaelis Archangeli tenendum; pro dicto portu de Fraser, villa et burgo baronie eiusdem, rudis, terris burgalibus et acris earundem burgo adjacentibus et pertinentibus, vnum denarium vsualis monete regni nostri nomine albe firme ad festum Pentecostes infra dictum burgum, si petatur tantum; pro dictis terris de Kirktoon de Tyrie cum molendino et terris molendinariis vnam rosam in festo diuini Joannis Baptiste super solo dictarum terrarum nomine albe firme, si petatur tantum; ac pro dictis aduocatioue, donatione et iure patronatus prefatarum ecclesiarum parochialium rectoriarum et vicariarum earundem, prebendarum et capellauiarum infra easdem situatarum, vnum denarium in die festi Pentecostes apud prefatas ecclesias nomine albe firme, si petatur tantum. Insuper nos, pro causis antedictis, pro nobis et successoribus nostris decernimus et ordinamus quod, si contigerit prefatum Alexandrum Fraser, heredes suos masculos et assignatos

antedictos, aliquam partem prescriptarum terrarum et baronie in coniuncta infeodatione seu vitali reddito concedere et disponere aut easdem sub reuersione alienare et impignorare vllis temporibus affuturis, tenendam de nobis et successoribus nostris, nulle erunt cause rupture dicte baronie, violationis aut dissolutionis predictae vnionis eiusdem, sed quam cito prefate terre alienate redempte erunt secundum reuersiones earundem, vel dicte terre in coniuncta infeodatione seu vitali reddito concessa vacabunt per decessus eorundem possessorum, eodem immediate reuertentur prescripte baronie et stabunt vnite et annexate cum eadem tanquam proprie partes, pendicula, et pertinentie eiusdem in coniuncta infeodatione vel vitali reddito; vt prefertur, absque vlla alia speciali seu particulari sasina de eisdem per prefatum Alexandrum Fraser, heredes suos masculos et assignatos antedictos, de nouo capienda: Proviso tamen, quod si contigerit dictum Alexandrum nullos heredes masculos de corpore suo legitime procreatos habere, sic quod ipsius propinquior heres masculus minimè de corpore suo legitime procreatus ad prefatas terras, baroniam et alia prescripta succedit, et inde heredes feminee dicti Alexandri de corpore suo legitime procreate seu procreande a jure hereditario earundem secludentur, tunc et eo casu heres masculus antedictus qui ad prefatas terras et baroniam succedere contigerit, dictis heredibus femineis, vni seu pluribus, summam viginti mille librarum vsualis monete regni nostri persolvere tenebitur et astringetur: In cuius rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus; testibus, ut in aliis cartis consimilis date precedentibus. Apud Edinburgh, primo die mensis Julij, anno Domini millesimo quingentesimo nonagesimo secundo, et regni nostri vigesimo quinto.¹

¹ Registrum Magni Sigilli, Lib. xxxvii. No. 481.

In the year 1588, King James the Sixth granted to Alexander Fraser of Philorth a charter, under the Great Seal, of the lands and barony of Philorth, the lands of Abirdour, in the shire of Aberdeen, the lands of Tibertie and Utlaw, in the shire of Banff, all united of old into the barony of Philorth; the lands of Scattertie, with the fishings thereof, in the barony of Kinedward and shire of Aberdeen, the lands of Faithlie and Tyrie, with the port of Faithlie and town and burgh of barony of

the same, in the barony and shire aforesaid, and the lands of Kirkton Tyrie, in the shire of Aberdeen. The charter contains a clause of novodamus of the lands and barony, and erects the town of Faithlie into a free burgh of barony, with a free port, with power to the said Alexander, his heirs and assignees, to elect bailies, treasurers, etc. Further, the charter unites the whole foresaid lands and barony into one free barony, to be called the barony of Philorth, the tower of Philorth to be the chief message; and incorporates the patronages of the parish churches of Philorth,

38. RATIFICATION and ACT OF PARLIAMENT in favour of the UNIVERSITY
OF FRASERBURGH. 16th December 1597.

OURE SOUERANE Lord and thrie estaitis of this present Parliament, vnderstanding that Alexander Fraser of Fraserbrughe, knycht, in the zeir of God j^m^{ve} fourscoir tuelff zeiris, obtenit ane new infeftment of his haill landis and baroneis of Phillorthe, Tepertie, Faythlie, Tyrie, Skattertie, and diuerss vtheris landis mentionat and contenit in the said infeftment, with expres vnioun contenit in the samin, in the quhilk also the said Sir Alexander hes obtenit the toum and brughe of Faythlie, now callit Fraserbrughe, erectit in ane frie brughe of baronie, with priueleges, liberteis, and immwniteis thairto contenit in the said infeftment : As also with expres libertie to big ane towbuyth for ministratioun of justice, and ane hewin for the ease and commoditie of the cuntrey and liegis, with priuelege for vphalding of the samin ; to found ane vniuersitie, big and mak collegis, place maisteris and teachearis, with all priuelegis and immwniteis that may pertene to ane frie vniuersitie, with the rest of the patronagis of all and haill the personagis and vicaragis of the parochie kirk of Phillorthe, Tyrie, Kremound, and Rathyn, with all the landis, prebendareis, and alteragis appertening thairto, as at mair lenthe is contenit in the said Alexanderis infeftment gewin to him thairvpone, as the samin, of the dait the first day of Julii, the zeir of God foirsaid, at mair lenthe proportis. Sen the quhilk tyme of the granting of the said infeftment, with the haill priuelegis and immwniteis thairin contenit, the said brughe hes nocht onlie greatumlie florischit and inressit in bigging, repair, and resorte of peple, sua that sindrie gentilmen of the cuntrey is becumin inhabitantis and burgessis of the said brughe, bot also the said Alexander, vpone his large and exhorbitant expensis, to the honour and decoratioun of the realme and ease of the haill liegis, hes biggit ane sure hevin and porte quhairvnto shippis, barkis, and boittis may repair and daikie repairs ; as alsua the said Alexander being of deliberat mynd and

Tyrie, and Cremond with the barony. Dated at Holyroodhouse, 9th April 1588.—[Registrum Magni Sigilli, Lib. xxxvi. No. 501.]

In 1601, Sir Alexander Fraser of Philorth and Fraserburgh, knight, obtained another charter under the Great Seal, whereby the lands above recited and others were of new erected into the barony of Philorth, and the

town and burgh of Fraserburgh, formerly called Faithlie, was erected into a free port, free burgh of barony and free regality, with right to repledge the burgesses and inhabitants. The charter renews to the graatee the power of building a college and erecting a university. Dated 4th April 1601.—[Registrum Magni Sigilli, Lib. xliii. No. 133.]

purpois to erect ane vniuersitie within the said brughe, with all priuelegis appertening thairto, according to the tenour of his infestment, hes [begwn] to edifie and big vp collegis, quhilkis nocht onlie vill tend to the great decoirment of the cuntrey, bot also to the advancement of the loist and tint zouthe in briuing tham vp in leirniug and vertew, to the great honour and weill of our said souerane lord and natioun, quhilk honorabill intentioun and pollicie maid and to be maid be the said Sir Alexander, vpon his exhorbitant and large expensis, aucht and suld be furtherit and advancit, and the said Sir Alexander nocht onlie allowit thairintill, bot also helpit and supportit to do the samin ; thairfoir our said souerane lord and thrie estaitis of this present Parliameut, for the forther advancement of the said brughe and collegis, and for the sustentatioun and intertenement of maisteris, teichearis, and officemen within the collegis of the samin, hes, with expres consent and assent of the said Alexander, dotit, gewin, and mortefeit the foirsaidis personagis, vicaragis, prebendareis, chaplaureis, and alteragis, hail teyndis small and great, landis, rowmes, and possessionis appertening thairto, proffeitis, dewteis, annuelrentis, and emolumentis quhatsumevir, and *ad manum mortuam* disponit the samin to the saidis college or collegis perpetuallie in all tymis cumming, newir to be separatit nor secludit thairfra, bot the hail fruittis, rentis, proffeitis, dewteis, annuelrentis, and emolumentis of the samin to be employit to the intertenement and sustentatioun of the maisteris, teachearis, and officemen serwand in the saidis collegis, to be gewin and distributit be the said Alexander Fraser of Fraserbrughe, knycht, patron, and his airis maill, provyding that this present mortificatioun be navayis preiudiciall nor hurtfull to the said Sir Alexanderis rycht in the bruiking, joysing, and possediug of all and quhatsumevir teyndis, rentis, and emolumentis of the saidis personage and vicarage abonewrittin duriug the tyme of his takis thairof : Provyding alwayis the saidis maisteris of the said college or collegis ather serve the cure of the saidis kirkis, or then the saidis maisteris, with advyis of the patron, furneis sufficient men for serveing the cure of the saidis kirkis, sua that the parochineris be nocht frustrat of the sacramentis, teicheing, and preicheing of the word of God : and our said souerane lord and thrie estaitis foirsaidis ordanis ane infestment to be past vnder the Great Seill, in the maist large and ample forme, gif neid beis, mortefeand, dottand, and disponand to the saidis college or collegis, maisteris and teachearis, within the samin, the saidis personagis, vicaragis, prebendareis, chaplanreis, and alteragis, hail proffeitis, and com-

moditeis appertening thairto ; and for the better performing of the premissis, and for the said Sir Alexander Fraser of Fraserbrughe, knycht, his better securitie, our said souerane lord and thrie estaitis ratifeis, apprivis, and confirmis the foirsaid infestment maid and grantit to the said Sir Alexander, his airis maill and of tailzie, the haill erectionis, vnionis, priuelegis, immwniteis, and liberteis contenit thairintill, quhilk his Maestie and estaitis willis to stand as ane perpetuall and perfeit securitie to the said Sir Alexander, his airis maill and successoris, conform to the tennour of the said infestment and mortificatioun abone expremit, of the dait abone mentionat : And that the said infestment, haill landis, priuelegis, and immwniteis thairin contenit may remane with the said Sir Alexander, his airis and successoris thairin mentionat, in all tymis cumming, newir to be quarrellit, impedit, nor tane away be Act of Parliament, statut, ordinance, reuocatioun, or vther forme of law, anent the quhilk his Maestie and thrie estaitis foirsaidis dispensis and reuokis, rescindis, cassis, and annullis all and quhatsumevir dispositionis and rychtis of patronagis of the saidis beneficis, kirkis, or ony of tham, maid to quhatsumevir vther persone or personis, and all and quhatsumevir vther rychtis, titillis, and securiteis quhilkis in ony vayis may stay or impeid the effect of thir presentis, mortificatioun, and erectionis foirsaidis : Reservand alwayis actioun to Hay of Vrie for the kirk of Cremound, gif ony rycht he hes in and to the said kirk and teyndis thairof, to be procedit befor the juge ordinar, as accordis of the law.¹

39. LETTERS OF PUBLICATION of the PRIVILEGES OF FRASERBURGH.
19th May 1601.

JAMES, be the grace of God King of Scottis, to our louittis Gilbert Guthrie, zounger, Linlythgow pursevant, messingeris, our schirreffis in that pairt, couiunctlie and severallie, speciallie constitut, greating. Forsamekill as it is humelie meanit and schawin to ws be our louitt Sir Alexander Fraser of Phillorth and Fraserburgh, knycht, that quhair we, be our infestment vnder our greit seill, haif erectit and disponit to the said complener, his airis male and assignais, heretable, all and haill the said compleneris landis and leving in ane fre barrony, and be the same infestment, for dyveris greit respectis and gude considera-

¹ Acts of the Parliaments of Scotland, vol. iv. p. 147.

tiounes moving ws, we haif erectit, maid, constitut, and creat the said compleneris toun and burgh of Fraserburgh, with the hail landis lyand within the boundis of auld callit Faythlie, and all thair pairtis, pendicles, and pertiuentis quhatsumeuer, togidder with the tour and fortalice of the said burgh, with the wyndmylnis and wattermylnis of the same, and loch thairof; and with all and sindrie houssis, biggingis, zairdis, landis, tenementis, zairis, aikeris, ruidis, toftis, croftis, outsettis pairtis, pendicles, and pertinentis thairof, with the hail collegis and vniuersiteis within the same, in ane fre port and heavyn, and in ane fre burgh of barrony, and in ane fre regalitie, with fre chapell and chancellarie, with all prevelegis, immwniteis, and jurisdictiones of aue fre regalitie, to be callit the burgh, port, heavyn, and regalitie of Fraserburgh, perpetuallie in all tyme cumiug, aud with speciall and full power to the said complener, his airis male and assignais, to mak, elect, constitut, and creat baillies, thesaurar, dene of gild, counsall, burgessis, fremen, seriaudis, and quhatsumeuer vtheris officeris and rewlaris neidfull within our said burgh, for the rewling and government of the same, and to elect, chuse, imput, and output the saidis baillies, thesaurar, dene of gild, counsall, and vtheris officeris in the saidis offices zeirlye, and to depose thame for ressouabill caussis als oft and sa oft as the said compleuer sall think expedient; and with speciall and full power also to the saidis burgessis and fremen of our said burgh dewlie electit, chosin, ressavit, and admittit to the fredome thairof, now present and that salhappin to be for the tyme, to pak and peill, and within the same burgh aud fredome thairof to by aud sell wyne and walx, clayth, lynning and wolne, braid and narrow, and all vtheris kyndis of marchandrice and stapill guidis; and lykwys to hald, admit, and ressave within our said burgh baxteris, browsteris, flescheouris, fische selleris, tailzeouris, cordiueris, wobsteris, walkeris, wrychtis, smythis, and all vtheris craftsmen necessar pertening and belanging to the libertie of ane fre burgh, with power lykwys to the saidis craftsmen, burgessis, and fremen, and thair successouris, to vse and exerce the saidis craftis als frelie as ony vther fremen and burgessis within our realme; and als with power to the said complener, his airis male and assignais, and to the saidis burgessis and fremen of our said burgh and thair successouris, to big and hald within the same burgh ane tolbuyth aud market croce, and tua market dayes oulklie, vpon the Monouday and Satterday, with tua fre fairis twyse in the zeir, videlicet, Sauct Michaelis day and Sanct Johnnes day (the Baptist), with prevelege to hald market at ilk ane of the

saidis fairis for the space of aucht dayes, and to collect, gadder, intromet with, and apply the customes thairof for the intertenyment, sustening, reparatioun, and building of our said burgh, port, and heavyn : And in respect of the greit expenssis sustenit be the said complener vpon the bulding of the port and heavin of our said burgh, and that it will be lairge expenssis to the said complener to compleit the same, and we being alwys of mynd that the bigging and reparatioun of the said port and hevin be nawys deleyit, bot rather that the same be advancit, because it is and will be verrie confortabill to our lieges and all vtheris extranearis resortand thairto, thairfoir gevand power to the said complener, his airis male and assignais, to intromet with, vplift, and ressave all and sindry the custumes, anchorages, and hevin silver of the said port and heavin of our said burgh of Fraserburgh, alsweill be sey as land, and to apply the same for the bigging, intertenyment, and vphald of our said burgh, port, and heavin, and als to intromet with, vplift, vse, and dispone, vpon all and sindry the fischingis, alsweill salmond as quhyt fisch, and alsweill in salt as fresch watteris, within the haille boundis foirsaidis of our said burgh of barrony and regalitie, with wrak and wair, and to gadder fische bait within the haille boundis foirsaidis at thair plesour ; and als with power to the said complener, his airis male and assignais foirsaidis, to ressave the resignationes of all and sindry the tenementis, toftis, croftis, houssis, biggingis, zairdis, annuelrentis, and vtheris within our said burgh, and to gif and dispone the same to quhatsumeuer persone or persounes havand rycht, with all infetmentis, chartouris, sesingis, and vtheris necessar ; burrow courtis within our said burgh and fredome thairof, at all tymes as thai sall think expedient, to set, affix, begyn, affirme, hald, and continew, als oft as neid beis ; and to creat clerkis, seriandis, dempsteris, and all vtheris officeris and memberis of court neidfull ; transgressouris to pwneis, and to heid and hang, burne and drowne the saidis transgressouris, conforme to the lawes of our realme, with pit and gallos, infangtheif and outfangtheif, vnlawes, amerchiammentis, bludwetis, and escheitis of the saidis courtis, to lyft, vptak, and to thair awin vse to apply, and gif neid beis, to poynd and distrainze thairfoir ; actis, lawes, and statutis within our said burgh and fredome thairof for observing and keiping of gude ordour thairin alsweill [be] the inhabitantis thairof as [be] all vtheris our lieges complenand, to mak and ordane ; and to atteiche, arreist, waird, impresoun, and pwneis all transgressouris of the saidis lawes, alsweill the induellaris of our said

burgh as all vtheris resortand thairto, and apprehendit within the boundis thairof, conforme to the lawes of our realme ; the burgessis, tennentis, and inhabitantis within the boundis of the foirsaid burgh and regalitie being atteitchit, callit, or arrestit befor quhatsumever our justices or judges, criminall or civile, within our realme, for quhatsumever caus, criminall or civile, to repledge and aganebring fra the saidis judges, criminall or civile, thair offices and jurisdiction, to the prevelege, libertie, and jurisdiction of the courtis of the said regalitie; cautioun of collerath, for administratioun of justice to partyes complenand, within terme of law, to gif and fynd, and all and sindry escheitis, bludweitis, amerchiamentis, vnlawes, and vtheris deweteis quhatsumever of the saidis courtis, to lyft, vptak, and to thair awin vse the samyne to apply, togidder with all and sindry vtheris escheitis of moviabil guidis and lyfrentis, and of all vtheris accidentis and casualiteis quhatsumever, quhilkis salhappin to fall within the boundis of the said burgh and regalitie or ony part thairof, to gif, dispone, vplift, ask, crave, and ressave, or vtherwys the same to thair awin vse to apply, and gif neid beis, to poind and distrenze thairfoir ; and generallie all and sindry vther thingis to do within our said burgh and fredome thairof, als frelie in all respectis as ony vther burgh within our realme hes done or may do : And mairour, we haif grantit and gevin full power, libertie, and licence to the said complener, his airis male and assignais foirsaidis, to big and hald within our said burgh of Fraserburgh ane college or collegis, ane or ma, and to erect ane vniuersitie thairin, and to erect, elect, place, and displace all kynd of offices and functiounes, and officeris necessar and requisite for the same, and to dott, gif, and mak fundationes for thair sustentatioun, and all vtheris prevelegis necessar, and to nominat, elect, place, and displace within the saidis vniuersiteis and collegis, rectouris, principallis, subprincipallis, and all vtheris memberis necessar, at thair optioun and plesour ; and als to mak and constitut lawes, ordinances, actis, and statutis for keiping of gude ordour thairin, and caus the same to be obeyit and keipit perpetuallie in all tyme cūming ; and generalie all vther thingis to do, exerce, and vse pertening and belanging to ane vniuersitie and fre college, with all prevelegis, jurisdictiones, and immwniteis quhatsumever requisite thairanent, als frelie in all respectis as ony vther fre college or vniuersitie within our realm, as in the said infetment vnder our greit seill, grantit be ws thairvpone, schawin and producit befor the Lordis of our Counsall, at mair lenth is contenit, quhairvpone it is necessar to the said complener to haif

thir our letteris of publicatioun for publeissing thairof according to the ordour [vseit] in sik caissis, as is allegit : OURE WILL is [heir]foir, and we charge zow straitlie and commandis that, incontinent thir our letteris sene, ze pas to the mercat croces of our burrowis of Abirdein, Fraserburgh, and vtheris places neidfull, and thair be oppin proclamatioun thairat, in our name and auctoritie, mak publicatioun of the premissis, sua that na persone nor persounes pretend ignorance thairof heirefter ; and to do nor attempt na thing in hurt or preiudice thairof in ony tyme cuming, vnder all hiest pane and charge that efter may follow, according to justice, as ze will ansuer to ws. thairvpoun ; the quhilk to do we commit to zow, coniunctlie and seueralie, our full power be thir our letteris, delyvering thame be zow, dewlie execute and indorsat, agane to the berar. Gevin vnder our signet, at Edinburgh, the nyntene day of Maij, and of our regne the xxxiiij zeir, 1601.

Ex deliberatione dominorum consilii.

[Execution on the back by Gilbert Guthrie, younger, Linlithgow pursuivant, and certification by William Chalmers, notary public, that the letters were proclaimed at the market cross of Aberdeen, on the 8th day of August 1601, "being ane mercat day," by the said pursuivant.]

40. CHARTER by SIR ALEXANDER FRASER, knight, to the BURGH OF FRASERBURGH. 22d December 1613.

OMNIBUS hanc cartam visuris vel audituris, dominus Alexander Fraser de Fraserburghe, miles, baro baronie et regalitatis ejusdem dominus, eternam in Domino salutem : Quia per cartam supremi domini nostri Regis nobis sub magno suo sigillo, de data apud Halyrudhous die mensis anno Domini millesimo sexcentesimo primo concessam, burgum de Fraserbrught, cum integris terris jacentibus infra bondas ab antiquo vocatas Faythlie, et omnibus suis partibus, pendiculis et pertinentiis quibuscunque ; vna cum turre et fortalicio dicti burgi, cum aquaticis molendinis et ventosis ac lacu ejusdem, ac cum omnibus et singulis domibus, edificiis, hortis, terris, tenementis, lie zearis, acris, rudis, toftis, croftis, lie outseatis, partibus, pendiculis et pertinentiis ; cum omnibus vniversitatibus et collegiis infra idem ; in vnum liberum burgum baronie, liberum portum

libertatem nobis virtute dicte carte supremi domini nostri Regis concessam, titulo oneroso confirmare prefatis feodariis, liberis et burgensibus dicti burgi, qui sunt et qui futuri sunt, debite electis, creatis, admissis et receptis ad libertatem ejusdem, plenam et liberam potestatem ad lie pack et peill, ac infra dictum burgum et regalitatem antedictam et libertatem ejusdem emendi et vendendi vinum et ceram, laneum et lineum, latum et strictum, omnesque alias mercantias et stapula bona, et alios quoscunque, non liberos seu burgenses, ab hujusmodi mercantiis infra bondas prescriptas impediendi; ac etiam potestatem infra dictum burgum, pistores, brasiatores, carnifices, piscatores, piscium venditores, alutarios, scissores, fullones, textores, fabros, carpentarios, lathanios, textrices, calciarios, et omnes alios artifices necessarios ad liberi burgi libertatem spectantes, admittendi, habendi et recipiendi; ac cum potestate artificibus, burgensibus et liberis, eorumque successoribus, admissis, electis et receptis, vt predicatur, dicta artificia adeo libere vtendi et exercendi sicuti aliqui alii [feodarii] atque liberi et burgenses infra regnum Scotie; ac cum potestate etiam edificandi, habendi et tenendi infra dictum burgum pretorium ac crucem foralem, duoque fora hebdomadatim die Lune et die Sabathi, vnacum duabus liberis nundinis in anno, videlicet, in diebus Sancti Michaelis archangeli et Sancti Joannis Baptiste; cum privilegiis cujuscunque nundine forum tenendi pro spatio octo dierum, ac custumas earundem pro dicti burgi portus, communium operum ejusdem, et pro libertate regalitatis premissa reparatione et tuitione, recipiendi, levandi et applicandi: Prout etiam dedimus et concessimus, ac virtute presentis carte nostre cum consensu antedicto damus et concedimus præscriptis liberis et burgensibus dicti burgi, et eorum successoribus burgensibus ibidem, omnes et singulas custumas, tollonias, anchorages et lie hewining silwer, fyss bollis, fyss tries prefati portus, tam per mare quam per terras, et potestatem eadem recipiendi et colligendi, ac pro nostro intertenemento, edificatione et reparatione dicti portus, vulgo lie bulvark, praetorii, crucis foralis et communis schole, quas concessimus et dedimus dicto burgo et burgensibus ejusdem (sub conditionibus inferius patentibus), aliorumque communium operum dicti burgi, et pro libertate regalitatis prescripte, consilio et auisamento [nostro] nostrorumque heredum masculorum et assignatorum et consilio et auisamento consiliorum adhibito et interposito, applicandi et impendendi (reservando tamen nobis nostrisque antedictis domos inferiores presentis praetorii, cum libero introitu, exitu et earundem vsu omni tempore futuro): Ac cum potestate

etiam liberis et burgensibus predictis, nauiculas piscatorias habere, et habentibus appellere easdem suas nauiculas infra portum orientalem, vulgo within the east shoir and bulwark, [vbi] naues maiores se nauigando inferri solent; et cum libertatibus dictis piscatoribus et nauiculas piscatorias habentibus colligendi et percipiendi piscium escula, vulgo sek fyss baïtt, in omnibus locis solitis et consuetis inter aquam de Phillorthe et limitem de Feingzeask: Necnon cum libertate dicto burgo, burgensibus et liberis ejusdem, vsus aqueductus ad purgandum, quotiens opus fuerit, portum vulgo lie harborie de Fraserbrughe, prout idem aqueductus de presenti currit aut vt in posterum, consilio et auisamento nostro nostrorumque antedictorum et consiliariorum prefati burgi, commodius se ferre inuenietur; cum terre et lapidum libertate ad sustentandum, continendum perpetuum cursum ejusdem: Proviso tamen quod, si contigerit nouum praetorium, nouam crucem foralem, et scholam nouam infra dictum burgum edificari et erigi, tunc et in eo casu presens schola, crux et pretorium que nunc sunt, libere et hereditarie ad nos dictum dominum Alexandrum, heredesque nostros masculos et assignatos, cum omni jure et titulo proprietatis revertentur. Insuper etiam pro causis antedictis dedimus et concessimus, cum consensu predicto, balliuis et consulis dicti burgi qui pro tempore fuerint aut futuri sunt, pro regimine ejusdem, potestatem leges et statuta liberis et burgensibus imponere quotiens opus fuerit, et secundum cause exigentiam, nostro nostrorumque consilio in iisdem condendis constituendisque adhibito; et potestatem etiam dictis balliuis debite electis et receptis curias burgales infra idem burgum affigendi, inchoandi, affirmandi et continuandi, toties quoties ipsis videbitur pro bono et commodo dicti burgi, et earundem legum preuaricatores et violatores debita pena et multa punire: Reseruando tamen per omnia nobis dicto domino Alexandro, heredibus nostris masculis et assignatis, plenam et solimodam potestatem et jurisdictionem superioritatis prefati burgi de Fraserbrughe, titulum et authoritatem precipui et primi magistratus (vulgo the richt off provestrie thairoff), omni tempore futuro, et plenam potestatem creandi burgenses, annuatimque ballivos, thesaurarium, decanum gilde, ac omnes alios inferiores magistratus et officarios necessarios pro regimine prefati burgi eligendi (auisamento tantummodo antiquorum magistratum ejusdem in nouorum magistratum electione et admissione adhibito), ac eosdem pro rationabilibus causis, prout nobis expediens videbitur deponendi, secundum potestatem nobis dicto domino Alexandro per cartam supremi domini

nostri Regis concessam, et cum conditionibus in electione inferiorum seriandorum in dicto contractu specificatis: Prouiso nihilominus quod liberi et burgenses dicti burgi, communia opera et portum, vulgo the bulwark and harberie ejusdem burgi, ceteraque omnia communia opera ibidem que sunt et que erunt, salva et integra tuebuntur, ad quod faciendum obligati virtute hujus carte erunt in perpetuum, et ad tuendum et defendendum dictum burgum appellari semper Fraserbrughe; et quod ferent in vexillis et pilis suis publicis et in sigillo communi et sigillo causerum dicti burgi insignia et arma de Fraser omni tempore futuro. Volumus etiam quod, si contigerit quemvis dictorum burgensium et liberorum et feodatariorum rebellem vel rebelles per diem et annum fore ob aliquam causam a nobis dicto domino Alexandro nostrisque antedictis prouenientem, vnde vitalis redditus illorum vel illius tenementorum vel tenementi de nobis in capite tentorum jure superioritatis in manus nostras deenerit, tunc et in eo casu, libere, gratis, et absque vlllo dispendio vxor et liberi hujusmodi rebellis, vitali redditu talis tenementi vel tenementorum gaudebunt durante vita rebellis, pro solutione in carta feodofirmaria dictorum tenementorum respectiue contenta; si vero causa rebellionis ab ipsis burgensibus et liberis processerit, vitali suo redditu ibidem gaudebunt, pro vitali redditu cujuslibet tenementi solventes summam quinque marcarum vsualis monete regni Scotie, tantum; perimplendo tamen annuatim nobis nostrisque antedictis, prout in particularibus cartis dictorum tenementorum obligantur. Declaramus etiam, et virtute presentis carte nostre designamus, cum consensu, retornatum totius dicti burgi fore omni tempore futuro et extendere tantum ad summam monete antedictae, juxta ratam cujus in posterum solvent taxationes in feofamentis tenementorum suorum contentas et continendas, vt predicatur. Declaramus etiam et notum facimus, quod acre seu rude terrarum, vulgo the outfeiddilland, que aliquando, simul cum quibusdam tenementis per nos nunc hereditarie et absque regressu dispositis, impignorate fuerunt, nullo modo in posterum redimende venient nisi per solutionem vel consignationem totius summe in reversionibus respectiue desuper factis contente; et quod eedem reversiones ad predicta tenementa, vt prefertur disposita, minime extendentur; ad que tenementa hereditaria obligamus nos dictum Alexandrum nostrosque heredes et assignatos antedictos, ac prefatum Johannem Forbes de Petsligo, cum consensu nostro et cum consensu reliquarum personarum pro suis interesse suprascriptarum, admissuros heredes et assignatos

dictorum feodatariorum, prout successerint, vel dispositiones hereditarias eorundem acquisierint, secundum formam et tenorem infeofamentorum suorum que de iisdem habent vel in posterum habebunt. Vltorius dedimus et concessimus libere dicto burgo, liberis et burgensibus ejusdem presentibus et futuris, ad bonum eorum publicum, communitatem, communiam, et communem pasturam pro catallis et animalibus eorundem pascendis, simul et vna cum possessoribus et occupatoribus rudarum de Fraserbrughe qui sunt et futuri sunt, infra bondas et limites communitatis subscripte, et cum conditionibus et reseruacionibus in dicto contractu contentis, videlicet, Beginand at the water sink bezond the draine wall, and holding thairfra south-west or thairby, as it is karnit, to it cum to ane earthfast stane at the firing syde, quhair ther is ane gryt kairne biggit, and therfra direct wast to the wast syde off the gait, quhair thair is also ane wther gryt kairne, and passing therfra south or therby, carne be carne, till it cum to the south-east nuik off the croft callit the Bank, presentlie pertening to William Birnie, and thairfra southe or therby quhill it cum to the croft callit the waird land, occupeed be William Fraser and John Cardno, quhair thair is ane earthfast stane, and halding down thairfra the eist syd off the said ward land till it cum to the end thairof, and thairfra keipand the ward land endis quhill it cum to the clay fawldis, and keipand the end of the saidis clay fawldis till it cum to ane stank, and halding the said stank till it cum to the northe off the Kirktoon off Philorthe, and passing thairfra direct east or thairby till it cum as it is pottit, meithit, and merchit, to the fluidmerk and to the stanneris immediatlie abowe the samen, and halding and keiping the said stanneris abowe the said fluidmark immediatlie and continuallie quhill it cum to the sink auent the same besouthe the said draine wall, quhair the said merchis begane: cum libero introitu et exitu per vias publicas et communes ad prefatam communitatem commodius inseruientes; jacentem infra parochiam de Philorthe et vicecomitatum de Aberdein: Tenendam et habendam predictam communitatem cum libero introitu et exitu ad eandem, insimul et vna cum possessoribus et occupatoribus dictarum rudarum de Fraserbrughe, necnon prescriptas libertates, immunitates, privilegia et iurisdictiones antedictas, prenominatis burgensibus et liberis dicti burgi de nobis dicto domino Alexandro, heredibus nostris masculis et assignatis, cum consensu suprascripto, baronibus dicte baronie et dominis regalitatis eiusdem, in feodo, hereditate et libero burgagio burgi baronie et regalitatis in perpetuum, et per omnes rectas

metas et diuisas antedictas prenominate communitatis, prout jacet in longitudine et latitudine, cum libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, asiamentis et iustis suis pertinentiis quibuscunque ad predictam communitatem, libertates et privilegia spectantibus [seu] quomodolibet in futurum spectare valentibus, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine impedimento, contradictione aut obstaculo aliquali: Reddendo inde annuatim dicti burgenses et liberi dicti burgi, eorumque successores liberi et burgenses ejusdem, nobis dicto domino Alexandro Fraser de Fraserbrughe militi, heredibus nostris masculis et assignatis, seruitium burgagium burgi baronie et regalitatis, prout vsus est burgorum baronie et regalitatis infra regnum Scotie, tantum, pro omni alio onere, exactione, questione, demanda vel seruitio seculari, que de predictis libertatibus, privilegiis, immunitatibus, jurisdictionibus, communitate, aliisque prescriptis, per quoscunque juste exigi poterint quomodolibet vel requiri: Et nos. vero prefatus dominus Alexander Fraser de Fraserbrughe miles, heredes nostri masculi et assignati, omnes et singulas prefatas libertates, privilegia, immunitates, et jurisdictiones, communitatem et commune pastorum, aliaque predicta prenominate burgensibus et liberis dicti burgi, in omnibus et per omnia, forma pariter et effectum, vt premissum est, cum conditionibus et reservationibus prenominate, liberas et immunes ab omnibus actionibus, periculis, damnis et incontinentibus quibuscunque, secundum potestatem nobis per cartam supremi domini nostri Regis concessam, warrantizabimus, acquietabimus et in perpetuum defendemus: Prout ego dictus Joannes Forbes de Petsligo, heredes mei et assignati, easdem libertates, communitatem, jurisdictiones et immunitates, ab omnibus actionibus, accidentibus et incontinentibus a facto nostro proprio provenientes tantum, warrantizabimus, acquietabimus et in perpetuum defendemus, omnibus dolo et fraude seclusis. Insuper dilectis nostris, honorabili etiam viro Joanni Leslie de Balquhane et eorum cuilibet, coniunctim et divisim, ballivis nostris in hac parte specialiter constitutis, salutem: Vobis precipimus et firmiter mandamus, quatenus visis presentibus indilate statum, saisinam et possessionem hereditariam, realem, actualem et corporalem totius integre predictae communitatis, necnon libertatum, privilegiorum, immunitatum, jurisdictionum, aliorumque premissorum, cum conditionibus et reservationibus prius nominatis, prescriptis burgensibus et liberis dicti burgi, vel eorum certo actornato aut procuratori, latori presentium, per terre et lapidis

fundi dicte communitatis, clauium dicti pretorii, et lie hesp et stapill vel complexus dicte crucis foralis donationem et traditionem, vt in similibus moris est, tradatis et deliberetis, seu alter vestrum tradat et deliberet, secundum vim, formam et tenorem antescrite carte nostre in omnibus: Et hoc nullo modo [omittatis]; ad quod faciendum vobis et vestrum cuilibet ballivis nostris antedictis nostram plenariam et irrevocabilem tenore presentium, cum consensu suprascripto committimus potestatem. In cuius rei testimonium huic presenti carte nostre, manu Johannis Leyth seruitoris magistri Gulielmi Barclay advocati Aberdonie scripte, manuque nostra et manu dicti Johannis Forbes de Petsligo aliarumque personarum pro suo interesse predictarum subscripte, sigillum nostrum proprium est appensum: Reseruando tamen nobis dicto domino Alexandro nostrisque antedictis, qualescunque res aut mercantias per nos ad vsus nostros proprios tantum emendas vel vendendas liberas ab omni customarum solutione in futurum: Dedimus denique et concessimus dicto burgo et burgensibus eiusdem vias publicas subscriptas, cum libero introitu et exitu ad easdem, videlicet, viam orientalem, in qua sita est crux foralis, prout nunc se habet, latitudine extendens se ab austro et [via] aquatica in boream vsque ad domum Gulielmi Kilgowr; ac etiam viam australem continentem viginti quatuor pedes in latitudine, extendentem se a dicta via orientali in occidentem qua itur ad viam communis schole; necou viam boriam quadraginta pedum in latitudine protendentem se a dicta orientali via in occidentem directe ad turrin de Braidsie; item aliam communem viam quadraginta pedum in latitudine, incipientem circa medium vie borialis et iude extendentem in austrum orientalem ad viam aquaticam dicti burgi; ac aliam viam incipientem ab angulo orientali borie domorum et hortorum de Bradsie, et inde prout se ducit inter scholam publicam et hortos, lie barn zairdis, quondam Patricii Smyth in latitudine; item viam aquaticam seu aqueductus prout de presenti se habet; ac aliam viam in monticulo, vulgo the Brayheid, octo pedum; necnon alteram viam inter domum Roberti Ogstoun et Hugonis Craford prout se fert per teumentum Patricii Allan ad lie Wattergait viginti quatuor pedum in latitudine, cum omnibus minoribus viis et itineribus in littus marinum descendentibus, prout nunc vsus est; aliam denique viam sub monte ab austro se extendentem in boream, prout nunc teritur et se habet: Tandem dedimus et concessimus dicto burgo, liberis et burgensibus ejusdem, omnes libertates et privilegia que burgum quodcunque baronie et regalitatis hujusmodi

infra hoc regnum habet, in quantum nos eadem concedere et dare poterimus virtute dicti nostri infeofamenti; custodiendo et reservando tamen nobis nostrisque antedictis per omnia libertatem prefati nostri infeofamenti quantum in favorem nostrum concipitur et ad nos primatiue spectare debet: In cuius rei testimonium huic presenti carte nostre, manu magistri Johannis Leyth servitoris magistri Gulielmi Barclay advocati Abredonii scriptae, manuque nostra et manu dicti Johannis Forbes aliarumque personarum pro suo interesse predicatarum, sigillum nostrum est appensum, apud Braidsea, vigesimo secundo die mensis Decembris, anno Domini millesimo sexcentesimo decimo tertio, coram testibus dicto magistro Gulielmo Barclay, Thoma Hay ejus servitore, Thoma Scot nostro servitore.

S^r ALEXANDER FRASER of Fraserbrughe.

JAMES FRASER consentis.

SIMON FRASER consentis.

Mr William Barclay, witnes.

Maister John Leyth, wreitter, vitnes.

Thomas Scot, witnes.

Thomas Hay, witnes.

41. RETOUR of ALEXANDER FRASER of Philorth, as heir to SIR ALEXANDER FRASER of Fraserburgh, knight, his father, in the barony of Philorth, etc. 17th December 1624.

HEC INQUISITIO legitime facta fuit in curia vicecomitatus de Abirdene, tenta in pretorio eiusdem decimo septimo die mensis Decembris, anno Domini millesimo sexcentesimo vigesimo quarto, per honorabilem Thomam Gordoun de Litillgowill, vicecomitem deputatum dicti vicecomitatus, pro tribunali sedentem, sectis vocatis, in curia legitime inchoata [et] affirmata, per hos probos et fideles patrie homines subscriptos, videlicet, magistrum Alexandrum Cullen burgensem de Abirdene, Gilbertum Cullen ballivum burgensem ibidem, Alexandrum Chalmer burgensem ibidem, Alexandrum Cheyne burgensem ibidem, Hugonem Andersoun burgensem ibidem, magistrum Vddastoun Lowsoun burgensem ibidem, Gavinum Chalmer burgensem ibidem, Gilbertum Leslie burgensem ibidem, Andream Meldrum burgensem ibidem, Alexandrum Andersoun, juniorem, burgensem ibidem, Alexandrum Chalmer vietorem, burgensem ibidem, Richardum Paip burgensem

ibidem, Thomam Wentonn burgensem ibidem, Gilbertum Chalmer burgensem ibidem, et Jacobum Leslie burgensem ibidem : Qui omnes jurati dicunt, magno sacramento interveniente, quod quondam dominus Alexander Fraser de Fraserburgh, miles, pater Alexandri Fraser de Phillorth, latoris presentium, obiit ultimo vestitus et sasitus, vt de feodo ad pacem et fidem supremi domini nostri Jacobi Dei gracia Magne Britannie, Francie et Hibernie Regis, fideique defensoris, in omnibus et singulis terris et baronia de Phillorth, cum castro, turre, fortalicio, manerie, domibus, edificiis, hortis, pomariis earundem, et suis pertinenciis ; terris de Abirdour cum suis pertinenciis, jacentibus infra vicecomitatum de Abirdene ; villa et terris de Carnebulg, cum cuniculis et pasturis earundem, cum cymbis et cuniculariis eiusdem, et omnibus suis pertinenciis ; villa et terris de Innerworth, cum novo molendino de Phillorth, terris molendinariis, multuris earundem, et suis pertinenciis ; villa et terris de Ardglassie, cum villa earundem nuncupata novum molendinum de Ardglassie, et suis pertinenciis ; villa et terris de Torrietuthill cum suis pertinenciis ; villa et terris de Bruxie cum suis pertinenciis ; villa et terris de Raitha[n], cum toftis et croftis earundem, lie ailhous et ailhons-croftis, cum molendino de Raithin, terris molendinariis, croftis et multuris earundem, et suis pertinenciis ; villa et terris de Ardmuehorne cum suis pertinenciis ; villa et terris de Memsie, cum villa nuncupata walkmylne de Memsie et molendino fullonum eiusdem, et suis pertinenciis ; villa et terris de Carnemre cum pertinenciis ; villa et terris de Bounzeltoun, cum molendino fullonum earundem et suis pertinenciis ; villa et terris de Kinboig et suis pertinenciis ; lie Kirkton de Phillorth, cum cymbis piscariis, lie lynkis eiusdem, et cuniculariis suisque pertinenciis ; antiquo molendino de Phillorth, cum terris molendinariis, multuris et pertinenciis eiusdem ; villa et terris de Kinglassie cum pertinenciis ; villa et terris de Bankwall cum pertinenciis ; villa et terris de Wodley cum pertinenciis ; villa et terris de Badichell, cum molendino earundem, terris molendinariis, multuris et suis pertinenciis ; villa et terris de Over et Nether Pettuleis, cum manerie, domibus, edificiis, hortis, pomariis earundem, cum molendino terrisque molendinariis eiusdem, ac cum cuniculis, cuniculariis, cymbis et cymbis piscariis earundem, et omnibus suis pertinenciis, ad predictas terras de Pettuleis spectantibus ; terris de Pettallacheis ; villa et terris de Boigheid cum pertinenciis ; villa et terris de Cowburtie cum pertinenciis ; villa et terris de Vrmothe cum cymbis et piscariis earundem et omnibus suis pertinenciis ; villa et

terris de Littill Drumquhendill cum pertinenciis ; terris de Abirdour cum pertinenciis ; omnibus jacentibus infra predictum vicecomitatum de Abirdene : in terris de Tibbertie, cum manerie, pomariis et hortis earundem, et suis pertinenciis ; villa et terris de Outlaw cum pertinenciis ; jacentibus infra vicecomitatum de Bamff : terris de Forfauldus cum pertinenciis ; villa et terris de Bremlaw cum pertinenciis ; villa et terris de Forttieheid cum pertinenciis ; lie Newtoun de Outlaw nuncupata Brokeistoun, cum pertinenciis ; totis et integris terris de Skattertie, cum lie holme alias lie ailhouscroft nuncupata, et salmonum piscariis super aqua de Doverane, et omnibus suis pertinenciis ; totis et integris terris de Faythlie et Tyrie, cum molendino de Tyrie, terris molendinariis eiusdem, et suis pertinenciis, cum collegiis [et] vniuersitatibus infra easdem situatis, ac cum villa et burgo baronie eiusdem, cum portu de Faythlie nuuc Fraserburcht nuncupato, cum turre et fortalicio eiusdem, cum libera regalitate infra omnes bondas predictarum terrarum et baronie, cum omnibus collegiis et vniuersitatibus, ac cum omnibus et singulis priuilegiis, immunitatibus, et jurisdictionibus libere regalitatis et dicti liberi burgi baronie, ac cum aquaticis molendinis et ventosis, ac lacu earundem, et omnibus domibus, edificiis, hortis, rudis, acris, toftis, croftis, lie outsettis dicti burgi baronie, omnibusque suis pertinenciis, cum integris priuilegiis, jurisdictionibus, et immunitatibus dicti burgi ; totis et integris terris de Kirketoun de Tyrie et Cartmyris, cum molendinis, terris molendinariis earundem, suisque pertinenciis ; vna cum aduocacione, donacione et iure patronatus rectoriarum ac vicariarum ecclesiarum parochialium et parochiarum de Phillorth, Tyrie, Cremoud et Raithin, cum omnibus et singulis capellaniis prebendariis omnium et quorumcunque alteragiorum infra dictas ecclesias seu aliquam earundem situatorum seu eisdem quovismodo spectantium et pertinentium ; necnon in omnibus et singulis terris de Inuerrallachie, cum turre, fortalicio, manerie, domibus, edificiis, hortis, pomariis, lacu et piscariis earundem, molendino, terris moleudiuariis, astrictis multuris eiusdem, cum aque ductu dicti lacus descendente ad predictum moleudinum, prout trahitur et extenditur et vt torrens in eadem labitur ; terris de Fortrie et Inuerurie, et molendino earundem nuncupato Denend, cum astrictis multuris eiusdem, et piscatione alborum piscium, cymbis piscariis, lie wraik et wair, et piscium escula, lie fischbait, in littore marino terrarum de Inuerallockie collectis, cum tenentibus, tenendriis et libere tenentium seruitiis earundem, partibus, pendiculis et omnibus suis annexis, connexis, depeudentiis et pertinenciis quibuscunque ; in totis et integris terris tercię partis ville et terrarum

de Faythlie, cum tenentibus, tenandriis, liberetenentium seruitiis earundem, partibus, pendiculis et omnibus suis pertinentiis quibuscunque ; ac etiam in villa et terris vmbrales dimidietatis ville et terrarum de Kindroch et Denend, cum molendino, terris molendinariis, multuris et sequelis eiusdem, annexis, connexis, partibus, pendiculis, lie outsettis, et omnibus suis pertinentiis quibuscunque ; cum carbonibus, carbonariis et patellis salinariis omnium et singularum predictarum terrarum et baroniarum, et salmonum piscariis omnibusque aliis piscariis in omnibus locis convenientibus infra cunctas bondas littoris marini et aquarum dulcium earundem ; cum privilegio et libertate lucrandi et capiendi esculum piscium, vulgo lie fischbait, infra fluxum et metam marinam, lie sea mark, prefatarum terrarum, baroniarum et aliarum superius mentionatarum et eisdem contigue adiacentium ; necnon in totis et integris terris de Armabedy, cum domibus, edificiis, hortis, molendinis, terris molendinariis, multuris, cymbis, piscariis, partibus, pendiculis, lie outsettis, et omnibus suis pertinentiis, cum pastura animalium et eorum cattallis et bonis in et per terras et bondas de Carneglas cum pertinentiis, more solito et consueto, cum libero introitu et exitu in et per lie loningis et pasturantia super eisdem ; ac etiam tota et integra solari dimidietate terrarum de Kindrocht et Denend, cum omnibus et singulis suis partibus, pendiculis et pertinentiis, ac cum omnibus et singulis castris, turribus, fortaliciis, maneriebus, domibus, edificiis, hortis, pomariis, omnibusque aliis villis, terris, molendinis, terris molendinariis, multuris, carbonibus, carbonariis, salinis patellis, columbariis, siluis, nemoribus, parcis, lacubus, piscariis tam in aquis salsis quam dulcibus ; cum cuniculis, cuniculariis, toftis, croftis, lie outsettis, insettis, annexis, connexis, dependentiis, et omnibus suis pertinentiis quibuscunque, omnium et singularum predictarum terrarum, baroniarum ac aliarum particulariter et generaliter supraspecificatarum, tam non nominatis quam nominatis ; cum tenentibus, tenandriis, libere tenentium seruitiis, et omnibus earundem pertinentiis, jacentium infra predictum vicecomitatum de Aberdeen : Quequidem omnes et singule predictae terre, ville, burgi baronie, cum collegiis infra eundem situatis, liberi portus ac libere regalitates, cum omnibus et singulis castris, turribus, fortaliciis, maneriebus, domibus, edificiis, hortis, toftis, croftis, molendinis, multuris, siluis, piscariis, partibus, pendiculis, dependentiis, annexis, connexis, tenentibus, tenandriis, liberetenentium seruitiis ; vna cum advocacione, donatione et iure patronatus ecclesiarum parochialium et parochiarum de Phillorth, Tyrie, Cremond et Raithin, aliarumque particulariter et generaliter supraspecificatarum ; cum

omnibus collegiis et vniuersitatibus ad dictum liberum burgum spectantibus ; cum omnibus et singulis priuilegiis, immunitatibus et jurisdictionibus libere regalitatis, cum omnibus earundem pertinentiis antedictis, vnite, erecte et incorporate sunt in vnā integram et liberam baroniam Baroniam de Phillorth nuncupatam : Ordinando quod vnica sasina capienda apud turrin et fortalicium de Phillorth, tanquam principale messuagium dicte baronie, stabit et sufficiens erit sasina pro omnibus et singulis predictis terris et baronia de Phillorth, proque omnibus et singulis predictis terris, molendinis, siluis, piscariis, burgo baronie, et regalitate, ac aliis particulariter et generaliter supramentionatis, aduocationibus, donationibus et iuribus patronatum et ecclesiarum antedictarum ; cum tenentibus, tenandriis et libere tenentium seruitiis, et omnibus earundem partibus, pendiculis et pertinentiis quibuscunque, non obstante quod simul et contigue non jacent : Et quod dictus Alexander Fraser, nunc de Phillorth, est legitimus et propinquior heres masculus eiusdem quondam domini Alexandri Fraser de Fraserburcht, militis, sui patris, de omnibus et singulis predictis terris, villis, baronia, molendinis, siluis, piscariis ; vnacum aduocacione, donacione et iure patronatus ecclesiarum parochialium et parochiarum antedictarum, burgo baronie regalitatis, ceterisque omnibus aliis antedictis ; cum omnibus earundem castris, turribus, fortalicis, maneriebus, domibus, edificiis, hortis, pomariis, toftis, croftis, acris, tenementis, rudis, salinarum patellis, priuilegiis ; cum omnibus earundem immunitatibus et jurisdictionibus earundem et omnibus earundem pertinentiis antedictis : Et quod est legitime etatis : Et quod dicta villa et burgum de Fraserburcht, cum integris terris jacentibus infra bondas ab antiquo nuncupatas Faythlie, cum omnibus et singulis suis partibus, pendiculis et pertinentiis quibuscunque, cum turre, fortalicio dicti burgi, cum aquaticis molendinis et ventosis ac lacu eiusdem, ac cum omnibus et singulis domibus, edificiis, tenementis, lie zairds, acris, rudis, toftis, croftis, partibus, pendiculis et pertinentiis, cum omnibus collegiis et vniuersitatibus infra eundem, in vnum liberum portum, ac in vnum liberum burgum baronie, ac in liberam regalitatem vnita et erecta, cum omnibus et singulis priuilegiis, immunitatibus et jurisdictionibus libere regalitatis, valent nunc per annum summam octo librarum monete Scotie, et tempore pacis valuerunt summam quadraginta solidorum monete predictae : Et quod dicte terre de Kirkton de Tyrie et Cartmyris, cum molendino, terris molendinariis et multuris, partibus, pendiculis et pertinentiis antedictis, valent nunc per annum summam quatuor librarum monete predictae, et tempore

pacis valuerunt summam viginti solidorum : Et quod dicta aduocatio, donatio et ius patronatus dictarum rectoriarum et vicariarum ecclesiarum parochialium et parochiarum de Phillorth, Tyrie, Cremond et Raithin, omnibus et singulis capellaniis et prebendariis alteragiorum infra dictas ecclesias seu aliquam earundem situatorum, eisdem quovismodo spectantium et pertinentium, valent nunc per annum tredecem solidorum et quatuor denariorum monete predictæ, et tempore pacis valuerunt summam trium solidorum et quatuor denariorum : Et quod ceteræ omnes predictæ terre et baronie de Phillorth, cum molendinis, multuris, castris, turribus, fortaliciis, maneriebus, domibus, edificiis, hortis, pomariis, siluis, piscationibus, tenentibus, tenandriis, liberetenentium servitiis, annexis, connexis, dependentiis, partibus, pendiculis, aliisque particulariter et generaliter supra-mentionatis, cum omnibus earundem pertinentiis, valent nunc per annum [summam] trecentarum librarum vsualis monete regni Scotie predictæ, et valuerunt tempore pacis summam septuaginta quinque librarum monete predictæ : Et quod dicta villa et burgum de Fraserburgh, cum integris terris jacentibus infra bondas ab antiquo nuncupatas Faithlie, cum omnibus et singulis suis partibus, pendiculis et pertinentiis quibuscunque, cum turre, fortalicio dicti burgi, cum aquaticis molendinis et ventosis ac lacu eiusdem, ac cum omnibus et singulis domibus, edificiis, tenementis, lie zairdis, acris, rudis, toftis, croftis, partibus, pendiculis et pertinentiis, cum omnibus collegiis et vniuersitatibus infra eundem, in vnum liberum portum, ac in vnum liberum burgum baronie, ac in liberam regalitatem, vnita et erecta, cum omnibus et singulis priuilegiis et immunitatibus et jurisdictionibus libere regalitatis, tenentur in capite de supremo domino nostro Rege et suis successoribus, in libera alba firma, pro solutione vnus denarii in festo Penthecostes infra dictum burgum, nomine albe firme, si petatur tantum : Et quod dicte terre de Kirkton de Tyrie et Cartmyris, cum molendino, terris molendinariis, partibus, pendiculis et pertinentiis antedictis, tenentur in capite de dicto supremo domino nostro Rege et suis successoribus, in libera alba firma, pro solutione vnus rose in festo Joannis Baptiste super solo dictarum terrarum, nomine albe firme, si petatur tantum : Et quod dicta aduocatio, donatio et ius patronatus dictarum rectoriarum et vicariarum ecclesiarum parochialium et parochiarum de Phillorth, Tyrie, Cremond et Raithin, cum omnibus et singulis capellaniis et prebendariis alteragiarum infra dictas ecclesias seu aliquam earundem situatarum, eisdem quovismodo spectantium et pertinentium, tenentur similiter de

dicto supremo domino nostro Rege et suis successoribus, in libera alba firma, pro annua solutione vnus denarii in festo Penthecostes infra dictas ecclesias, nomine albe firme, si petatur tantum : Et quod cetera omnes predictae terre et baronie de Phillorth, cum castris, turribus, fortaliciis, maneriebus, domibus, edificiis, hortis, pomariis, molendinis, siluis, piscariis, partibus, pendiculis et pertinentiis, tenentibus, tenandriis et liberetenentium seruitiis, ceterisque omnibus antedictis, tenentur in capite de dicto supremo domino nostro Rege et suis successoribus, per seruitium warde et relevii, solvendo annuatim tempore warde et nonintroitus dictam summam trecentarum librarum vsualis monete predictae ad duos anni terminos, festa videlicet, Penthecostes et Sancti Martini in hieme, per equales portiones, ratione quod in taxata warda disposita fuit, et pro maritagio heredis, cum contigerit, summam duo mille librarum monete predictae, cum relevio toties quoties contigerit : Et quod omnes et singulae antedictae terre, baronie, aliaque particulariter et generaliter antedicta, cum omnibus et singulis earundem castris, turribus, fortaliciis, molendinis, multuris, siluis, piscariis, priuilegiis, regalitate, burgo baronie, collegiis, ceterisque omnibus antedictis, vnita et incorporata in vnam liberam baroniam Baroniam de Phillorth nuncupatam, nunc existunt, sicut extiterunt, in manibus dicti supremi domini nostri Regis, tanquam in manibus domini sui immediati superioris earundem, continuo post decessum dicti quondam domini Alexandri Fraser de Fraserburgh, militis, qui decessit in mense Julii, anno Domini millesimo sexcentesimo vigesimo tercio, tendens ad spatium vnus anni et quinque mensium aut eo circa, ratione nonintroitus, in defectu ipsius Alexandri Fraser nunc de Phillorth, veri heredis earundem, jus suum hucusque minime prosequentis : Datum et clausum sub sigillo officii dicti vicecomitatus, necnon sub sigillis maioris partis eorum qui dictae inquisitioni interfuerunt, et extractum ex libro actorum curie vicecomitatus predicti per me magistrum Willielmum Andersoun, scribam curie dicti vicecomitatus subscriptum. *Sic subscribitur.* W. Andersoun.

Iidem iurati dicunt, magno sacramento interveniente, quod quondam dominus Alexander Fraser de Fraserburgh, miles, pater Alexandri Fraser de Phillorth, latoris presentium, obiit ad pacem et fidem supremi domini nostri Jacobi Dei gratia Magne Britannie, Francie et Hibernie Regis, fideique defensoris ; et quod dictus Alexander Fraser de Phillorth est legitimus et propinquior heres eiusdem quondam domini Alexandri Fraser de Fraserburgh, militis, sui patris ; et quod est legitime etatis ; sed quia in sua petitione nullas petiit terras, ideo cetera

brevis clausule in se manent indeseruite : Datum et clausum, etc., vt in precedente retornatu, et subscribitur vt supra.

Alia inquisitio facta dicto die et loco, coram dicto iudice et per dictas inquisitionis personas : Qui jurati dicunt, magno sacramento interveniente, quod quondam Andreas Fraser de Tyrie, patruus Alexandri Fraser de Phillorth, latoris presentium, obiit ad pacem et fidem supremi domini nostri Jacobi Dei gratia Magne Britannie, Francie et Hibernie Regis, fideique defensoris ; et quod dictus Alexander Fraser de Phillorth est legitimus et propinquior heres eiusdem quondam Andree Fraser de Tyrie, sui patruis ; et quod est legitime etatis ; sed quia in sua petitione nullas petiit terras, ideo cetera brevis clausule in se manent indeseruite : Datum et clausum sub sigillo officii dicti vicecomitatus, ne non sub sigillis maioris partis eorum qui dicte inquisitioni interfuerunt. Extractum ex libro actorum curie vicecomitatus predicti per me Magistrum Gullielmum Andersoun, scribam curie dicti vicecomitatus subscriptum. *Sic subscribitur.* M. W. Andersoun.¹

42. WILL of ALEXANDER FRASER of Philorth. 30th July 1650.

MY LETTER WILL AND TESTAMENT, wreittin and subscrivit bee mee, att Pettulie, thee threttie day off Julii 1650 yearis ; quhilk, God willing, I intend to extend in mor ampill forme, keipand thee substance heiroff in all poyntis.

KNOWING nothing to bee more certaine then death, and nothing mor uncertaine then thee tym theroff, therfor I committ my soule to God, and my bodie to thee earth, from whence itt come.

Imprimis, I leave my sone, Alexander, wholl intromettor and executor to mee in all my landis, rentis, moveablis, moneyis, and all quhatsoever doeth belong to mee thee tyme off my deceass, to bee intromettit with bee him, and hee to pay my whol debtis as they are sett doune in this book, and all other comptis and debtis restand bee mee ; and I desyre that till hee bee twentie-fve yearis off aige hee doe all his affairis bee advyce off Achmedden, Wdne, Achintowill, and Mr. James Baird.

Item, I leave to my sister, Marie Fraser, fyve thowsand markis, to bee payit

¹ Inquisitionum Retornatum Registrum, vol. ix. fol. 34b.

to hir, att thee nixt term after my death, and quhat farther Achmedden and Auchintowill sall ordein my sone to give at hir mariage, (being nott exceiding thee soume off other fyve thowsand markis) I ordein him to pay thee same, shoe marieing bee thee advyce off Auchmedden and Auchintowill, and ther consent had therto in wreitt, and that for all that shoe may ask or crave bee deceass off father or mother, brother or sister, or anie other way quhatsoever; and if itt sall pleass God to call mee and my sone (without heiris-mail gottin off ovr owin bodies) befor hir mariag, in that caice I ordein hir tochir to bee doublit bee advyce off thee saidis freindis, and to bee payit bee my nearest heiris off tailie.

Item, I leave to Jean Fraser, dochter to James Fraser off Tyrie, in satisfaction off my band off two thowsand markis quhilk I was restand to my wncle (quhilk band is in Achmacoyis keiping), I leave hir thrie thowsand markis to bee payit, and that besyd hir interteinment since hir coming to mee, and hir brother Tyrie to pay to hir other thrie thowsand markis for thee moveabillis and cropis upon thee land off Tyrie, quhilk hee is to thee ground, att Wytsonday ane thowsand sex hundreth fiftie-ane yearis; and this besyd Achmacoyis band off two thowsand markis, with thee annualrent theroff restand since Tyrie's death, quhilk band is among my wreittis, in ane littil coffer with shottillis in ; and I sall wish thee said Jean to marie bee advyce off hir brother and wnclis, otherwyss that hir brother may know that my band is heritabill, and could nott bee left bee testament in prejudice off thee heir; and quhat hir brother does in this kynd I sall wish it may bee for thee behove off his brother James, iff his sister follow not his advyce.

Item, seing Alexander Fraser off Tyrie hes intromettit with his owin estaite, I sall wish that ther may bee ane mutuall discharg betwixt him and mee off my intromission with his rentis as tutor, and off all bandis and assignatiounis and comptis that I have off his or his fatheris may bee dischargit, and all thee bandis, wreittis, and comptis may bee delyverit to him as they com to handis, and that my sone and hee keip such concord and unitie together as becomis brethren, and as they wish Godis blessing to [bee] upon them and ther posteritie, and as they wold deserve my blessing: also that Tyrie bee cairfull to bring up his brother at schooles, and bee cairfull off his education, and that hee may so bestow upon [him] quhen hee comes to perfyte age, as hee may live honestlie, and nott bee chargeable to anie.

Item, I leave to Issobell Fraser,¹ sister to Andro Fraser, ane thowsand markis money, to bee payit bee my sone att thee term after hir mariage; and iff shoe marie nott, I leave to hir hir lyfrent off Bankwall, and that in satisfaction off all that shoe may crave off mee or myne anent hir father or brother.

Item, I leave Margaret Philpis housse to be buildit for four poor ones; and thess four to have two bollis sowing off land, ilk one off them, mortefiet in Fraserburgh with ane yaird for kail, and failing off thee land, four bollis meal yearlie ilk one off them.

Item, iff it sall pleass God to call mee befor Mertimes nixt, I leave thee hail rest dewties restand to mee bee my tennentis in Fraserburgh, Rathin, and Petsligoe parish, to bee dischargit to them preceeding Wytsonday 1650 yearis.

Item, I leave my sone full right and tittl to all claime and right quhilk I have to thee landis off Carnebulge, never to bee disponit bee him so long as hee is able to keip itt, my right to thee landis off Aberdour, Littl Drumquhendill, Rotnachie, and thee multures off thee landis off Bougheid; and to doe in thess actionis be advyce off his lawyeris.

Item, I assigne to him my right to thee comprysingis off Meldrumis lyfrent, and assignationis to anie right I h[ave] theroff, till I be satisfiet off thee soumis off money, annuall rentis, and expenssis payit bee mee for him to Mr. Roger Pattoun, and fyve hundreth markis lent to himself to bring him home out off Dundie att Candilmes 1650.

Item, I assigne to my sone my right to thee comprysingis off thee estaite off Caskiben, till hee bee payit off all debtis restand to my selff, and off all debtis for quhich I am ingadgit for him with Watertoun, Tolquhon, Streichin, and Aslowin.

Item, I leave to him my right to thee landis off Blaktoune, quhilk I ordein him to give back and assigne to Blaktown, howsoone hee is payit off thee soume off thrie thowsand markis, and that for all that I may claime preceeding thee daite heiroff, except thee releiff off my cationrie.

Item, I assigne him to thee right off my comprysing off thee landis off Crombie, the assignation quheroff is in Achtintowlis keiping till hee bee payit off thee heiris off thee landis off Crombie, off ane thowsand lib. principall soume, to have bein payitt att Wytsonday, ane thowsand sex hundreth fortie-nyne yearis.

¹ Probably a daughter of John Fraser of Quarrelbuss and Crechie.

Item, that my sone bee cairfull that thee Ladie Vrie bee honestlie interteinit during hir lyfytyme, and hee to seik quhat is due to hir in law.

Item, I assigne my sone to thee sowme off ane thowsand lib. restand to mee by thee heiris off Mr. Wiliam Forbes, advocatt, with thee annuall rentis theroff since my last discharge given to him, quhilk band, with thee band off releiff and discharg given upon thee payment theroff, is all in thee handis off Alexander Thomson, advocatt in Aberdein, in thee said Alexander his keiping, for my vss.

ALEX^r FRASER.

Indorsed: Schedule of Philorth's testament, wrote and signed by himself in July 1650.

43. RETOUR of ALEXANDER FRASER, elder of Philorth, as heir to GEORGE LORD SALTOUN his grandfather. 14th April 1670.

HÆC INQUISITIO legitime facta fuit in curia vicecomitatus de Banff, tenta in pretorio burgi eiusdem, decimo quarto die mensis Aprilis, anno Domini millesimo sexcentesimo septuagesimo, virtute dispensationis dominorum consilii et sessionis supremi domini nostri Regis penes præsens feriatum tempus ad hunc effectum, de data apud Edinburgum decimo sexto die mensis Martii proxime elapsi, specialiter concessæ, coram honorabili viro domino Jacobo Baird de Auchmedden, vicecomite principali dicti vicecomitatus, pro tribunali sedente, per hos nobiles probos et fideles homines patriæ subscriptos, videlicet, Gulielmum Mariscalli comitem, dominum Keith etc., secreti sigilli custodem, Alexandrum dominum de Pitsligo, Georgium dominum de Banff, Gulielmum magistrum de Forbes, Colonellum Georgium Keith de Aden, fratrem germanum dicti comitis de Marshall, dominum Georgium Gordoun de Haddo, dominum Alexandrum Forbes de Tolquhon, dominum Gulielmum Gordon de Lesmoir, Adamum Vrqhart de Meldrum, dominum Patricium Ogilvie de Boynd, Thomam Fraser de Strechin, Walterum Forbes de Blacktoun, Alexandrum Fraser de Techmurie, Alexandrum Fraser de Tyry, et Alexandrum Abernethy de Auchincloich: Qui iurati (magno sacramento interveniente) dicunt, quod quondam nobilis dominus Georgius dominus de Salton etc., avus venerabilis viri Alexandri Fraser senioris de Philorth, presentium latoris, obiit ad fidem et pacem quondam Jacobi Dei gratia Magnæ Britanniaë, Franciaë et Hiberniaë Regis, fideique detensoris, beatæ memoriæ; et quod dictus Alex-

ander Fraser senior de Philorth, presentium lator, est nepos et legitimus et propinquior hæres lineæ ex parte matris dicti quondam Georgii domini de Saltoun etc. eius avi : Et quod est legitimæ ætatis : In cujus rei testimonium præsentibus sigilla quorundam eorum qui dictæ inquisitioni intererant faciendæ clausis, necnon sigillum dicti domini Jacobi Baird de Auchmedden militis, vicecomitis principalis antedicti, (brevis regio incluso) vnicuique subscriptione manuali Roberti Sharp, clerici vicecomitatus de Bamff, sunt appensa, die, loco et anno superscriptis. Sic subscribitur. R. Sharp, cts.

Hæc est vera copia principalis retornatus super præmissis in cancellaria S. D. N. Regis remanentis, extracta, copiata et collationata per me dominum Gulielmum Kerr de Hadden militem, eiusdem cancellariæ directorem, sub meis signo et subscriptione manualibus. WILL. KERR.

44. RATIFICATION in favour of ALEXANDER LORD SALTOUN, of the title and dignity of the Lord Abernethy of Saltoun. 11th July 1670.

OUR SOVERAIGN LORD, with advyce and consent of the Estates of Parliament now presently convened, ratifies and approves, and for his Majestie and his successors, perpetually confirms to Alexander now Lord Saltoun, and the aires of his bodie alredie procreat and to be procreat, the letters-patent vnderwrittin, made and granted be his Majestie, wherof the tenor follows : *Sic superscribitur.*

CHARLES R. Wheras wee have seen Alexander Fraser of Philorth his generall service as air of lyne to the deceast Abernethy, Lord Saltoun, retoured to our chancellarie ; and wee being willing that the said Alexander Fraser and the aires of his bodie already procreat and to be procreat, as nixt in blood and linealy descended of the said family, and conforme to ther rychts therto, may injoy the title and dignity of the Lord Abernethie of Saltoun in all tyme coming : Therfor wee have not only ratified and approven the forsaid service and retour, bot also ratifie and approve of the said Alexander Fraser his vseing and takeing vpon him, as air of line and nixt of blood, and linealy descendèd of the said family, the title, dignity, place and rank therof ; and will and declare that the said Alexander and the aires linealy descending of him may vse and injoy the forsaid title and dignity in all tyme coming as any other Lord Abernethy of Saltoun did in any time bygone vse and injoy the samen, and all the honors and priviledges

therto appertaining; wherof wee will and command all our officers and others our subjects to tak notice. Given at our Court at Whytehall, the elevint day of July 1670, and of our reign the 22 year. By his Majestie's command. *Sic subscribitur.* Lauderdale. In all and sundry heids, articles, priviledges, immunities, honors and dignities therof abovementioned, and after the forme and tenor therof in all points.¹

IV.—CHARTERS RELATING TO FORGLEN AND ARDENDRACHT FAMILY.

45. CHARTER by KING ROBERT THE SECOND to JOHN, son of Sir William Fraser, knight, of the lands of Wester Essyntoly. 18th June [1373].

ROBERTUS etc. omnibus etc. Sciatis nos dedisse etc. Johanni Fraser, filio quondam Willelmi Fraser militis, terram de Wester Essyntoly cum pertinentiis infra vicecomitatum de Kyncardyn, que fuit Johannis de Dalgarnok, et quam idem Johannes nobis sursum reddidit et resignavit: Tenendam et habendam dicto Johanni Fraser et heredibus suis, de nobis et heredibus nostris, in feodo et hereditate, per omnes rectas metas etc. Reddendo inde nobis annuatim vnum denarium argenti nomine albe firme apud castrum montis de Durrys, prout dictus Johannes de Dalgarnok per cartam suam inde reddere tenebatur, ad festum Pentecostes, tantum, si petatur, pro omni alio onere, consuetudine, exaccione seu demanda: In cuius rei, etc. Testibus, etc. Apud Abirdene, xviiij^{uo} die Junij, anno regni nostri tercio.²

46. CHARTER by ALEXANDER FRASER, knight, lord of the barony of Cowie, to JOHN FRASER his brother, of the lands of Auchinschogyll, etc. 19th May 1376.

UNIERSIS hanc cartam visuris uel auditoris, Alexander Fraser, miles, dominus baronie de Cowie, eternam in Domino salutem. Noueritis me dedisse [etc.] dilecto fratri meo Johanni Fraser, totas terras meas de Auchynschogyll, de Plady, et de Dalgedy, cum le Quarrell eiusdem, in Buchania, infra vicecomitatum de

¹ Acts of the Parliaments of Scotland, vol. viii. p. 33.

² Registrum Magni Sigilli, Roll ii. No. 17.

Aberdene, pro suo bono seruicio michi hactenus impenso : Tenendas [etc.] predicto Johanni, et heredibus suis de corpore suo procreatis seu procreandis, de me et heredibus meis, in feodo et hereditate [etc.] Reddendo [etc.] unum par calcarium deauratorum ad festum Pentecostes apud maneriei locum de Philorth [etc.] et faciendo tres sectas curie, pro omni alio seruicio seculari [etc.] sic tamen quod, si forte dictus Johannes sine herede de corpore suo procreato seu procreando decesserit, quod absit, dicte terre cum pertinencijs, omnibus et singulis, ad me et heredes meos integre et libere reuertantur [etc.] In cuius rei testimonium presentibus sigillum meum est appensum ; apud Aberdene, decimo nono die mensis Maii, anno Domini millesimo tricentesimo septuagesimo sexto.¹

47. OBLIGATION by ALEXANDER FRASER, lord of the barony of Cowie and Durris, to JOHN FRASER his brother, to infest him in the lands of Durris if he were deprived by him or his heirs of the lands of Auchinschogill, etc. 20th July 1385.

PATEAT vniuersis per presentes, nos Alexandrum Fraser dominum baronie de Colly et de Durres [teneri et] per presentes firmiter obligari Johanni Fraser fratri nostro, quod si aliquo processu legitimo contigerit, per aliquem vel aliquam, aliquos vel aliquas, heredem nostrum vel nostram, heredes nostros aut nostras, de terris de Achinsogill, Plady, Delgedy, cum le Quarell, de quibus ipsum Johannem Fraser hereditarie alias infeodauius, pro se et heredibus suis de corpore suo legitime exeuntibus, expelli aut aliquid remoueri, sic quod de eisdem minime gaudere poterit, idem Johannes Fraser possideat et habeat libere sibi, et heredibus suis de corpore suo procreatis seu procreandis legitime, omnes terras nostras baronie de Durres, infra vicecomitatum de Kyncardin, cum omnibus pertinentiis quibuscunque ad ipsam terram spectantibus seu spectare valentibus in futurum ; adeo libere, quiete, plenarie et honorifice, in omnibus et per omnia, sicut nos ipsas terras de Durres de domino nostro Rege liberius, quocius, plenius et honorificentius hereditarie tenemus aut possidemus, sine aliquali contradictione nostrum aut nostrorum heredum, in recompensationem terrarum de Achinsogill,

¹ Antiquities of Aberdeenshire, vol. i. p. 470, from a copy in the Charter-room at Slains, where also there is a copy of a Charter of Confirmation of the grant by

“Willelmus Fraser filius et heres Domini Alexandri Fraser, militis, domini baronie de Cowie, ac dominus de Philorth,” dated at Aberdeen, on the 2d of April 1397.

Plady, Delgedy cum le Quarell in Buchania, superius expressarum : Ad que omnia et singula nos obligamus et heredes nostros ac omnia bona nostra mobilia et immobilia, et ad obseruacionem premissorum. In cuius rei testimonium presentibus sigillum nostrum est appensum ; apud Abirdene, vicesimo die mensis Julii, anno Domini millesimo trecentesimo octuagesimo quinto.

48. CHARTER by JOHN, ABBOT OF ABERROATH, to JOHN FRASER, of the lands of Forglen. 2d March 1387-8.

OMNIBUS hanc cartam visuris vel audituris, Johannes permissione diuina Abbas monasterii de Abirbrothoc et eiusdem loci conuentus, eternam in Domino salutem : Sciatis nos ex consensu tocius capituli nostri, diligenti tractatu prius habito, dedisse, concessisse et assedasse, et hac presenti carta nostra confirmasse Johanni Fraser, et heredibus suis de corpore suo legitime procreandis, totam terram nostram de Forglen que pertinet ad Bracbennach, vna cum iure patronatus ecclesie eiusdem terre, pro homagio et seruicio nobis et successoribus nostris, faciendoque in exercitu domini Regis nomine nostro pro dicta terra, quod pertinet ad Bracbennach, quociens opus fuerit : Quam quidem terram Gilbertus Vrry et Johanna sponsa eius, heres quondam Mariorie sponse Johannis Fraser, filie et heredis quondam domini Johannis de Monymuske militis, apud Forglen, tercio die mensis Augusti, anno Domini millesimo trecentesimo octogesimo septimo, coram quampluribus fidedignis, videlicet, domino Roberto de Dumbarr, Johanne filio Nicholai, Johanne Bouer, monachis, Alexandro Skyrmechur de Abirbrothoc senescallo nostro, Thoma Fraser de Korntoun, Willelmo de Dyssyntoun filio et herede domini Willelmi de Dissyntoun militis, Andrea Malvyin, Johanne Setoun, burgensibus de Abirbrothoc, Johanne Conane de Conansythe, et multis aliis, nobis per fustum et baculum reddiderunt et resignauerunt, ac totum ius et clameum quod in eadem terra habuerunt, vel habere potuerunt, pro ipsis et heredibus suis, mera et spontanea voluntate quietos clamauerunt inperpetuum : Tenendam et habendam eidem Johanni et heredibus suis legitime de corpore suo procreandis, de nobis et successoribus nostris in perpetuum, libere, plenarie, cum omnimodis libertatibus, aysiamentis, et commoditatibus ad dictam terram de jure spectantibus vel spectare valentibus in futurum : Et si contingat dictum Johannem et heredes suos de corpore suo legitime procreatos deficere absque liberis de

corporibus suis legitime procreatis, Andreas filius dicti Johannis, pro se et heredibus suis legitime procreatis et procreandis, modo quo supra, dictam terram libere possidebit: Et si contingat dictum Andream vel heredes suos de corpore suo legitime procreatos in fata decedere, nullo herede, vt premititur, superstite, Willelmus Fraser frater eius et heredes sui legitime de corpore suo procreati predictam terram de Forglen, modo quo superius est expressum, bene et pacifice possidebunt; salua nobis semper et successoribus nostris regalitate in eadem terra; saluo eciam iure cuiuslibet: Reddendo inde nobis et successoribus nostris annuatim quadraginta solidos sterlingorum, ad duos anni terminos, videlicet, viginti solidos ad festum Sancti Martini in yeme et viginti solidos ad festum Penthecosten: Dicti vero Johannes et heredes sui, ac eciam Andreas et Willelmus, ac filii sui, et heredes sui, vt premititur, de corporibus suis legitime procreati, nobis et successoribus nostris, homagium et seruicium nichilominus faciendo: Dicti eciam Johannes et heredes sui procreati et procreandi, ac dicti eciam Andreas et Willelmus, ac heredes sui, vt premititur, legitime de corporibus suis procreati et procreandi, nullo modo dictam terram vendent, impignorabunt, seu modis aliquibus alienabunt, sine nostra aut successorum nostrorum licencia speciali petita pariter et optenta: Et si contingat dictum Johannem aut heredes suos legitime procreatos et procreandos, aut dictos Andream et Willelmum siue heredes suos legitime procreatos et procreandos, absque heredibus de corporibus suis legitime procreatis deficere, dicta terra de Forglen cum pertinenciis ad dictos abbatem et conuentum de Abirbrothoc, qui pro tempore fuerint, integre reuertetur: In cuius rei testimonium presenti carte nostre, per modum cyrograffy confecte, nostrum apposimus sigillum commune; alteri vero parti huius carte sigillum dicti Johannis appositum est patenter; teste eodem capitulo nostro; apud Abirbrothoc, secundo die mensis Marci anno supradicto.¹

49. RESIGNATION by JOHN FRASER of the lands of Forglen in the hands of
: WALTER ABBOT OF ARBROATH. 11th December 1411.

VENERABILI in Christo patri ac domino suo in hac parte superiori, domino Waltero Dei gracia abbati monasterij de Abirbrothoc et eiusdem loci conuentui,

¹ Abridged in Antiquities of Aberdeenshire, vol. i. p. 511, and completed from the Original Charter in Forglen Charter-chest.

Johannes Fraser, dominus de Forglen, reuerenciam debitam cum honore. Ego Johannes Fraser predictus, non vi aut metu coactus, nec errore lapsus, nec dolo vel fraude seductus, set mea mera et spontanea voluntate motus, in manus vestras sursum reddo, ac pro me et heredibus meis, per fustem et baculum, pure et simpliciter resigno omnes et singulas terras meas de Forglen cum omnibus suis pertinenciis, quas de vobis teneo in capite, una cum toto jure et juris clameo que ego vel heredes mei in predictis terris cum pertinenciis habemus, habuimus, vel habere poterimus quouis modo, sic quod vos, domine mi superior in hac parte, de predictis terris cum pertinenciis libere valeatis disponere pro libito vestre voluntatis: Ita quod nec ego, nec heredes mei, nec aliquis nec aliqua nomine nostro, aliquid jus vel juris clameum, possessionem vel proprietatem in ipsis terris cum pertinenciis aut in aliqua ipsarum parte, potero, poterint vel poterit exigere seu aliquiditer vendicare: In cuius rei testimonium presentibus sigillum meum apposui; apud Abirden, vndecimo die mensis Decembris, anno Domini millesimo ecce^o vndecimo.¹

50. CHARTER by JOHN DE BONVILLE, lord of Balhelvy-Bonville, to JOHN FRASER, lord of Forglen, of the two towns of Ardendracht. 9th October 1388.

VNIERSIS hauc cartam visuris vel audituris, Johannes de Bona Villa dominus de Balhelvy Boneville, salutem in Domino. Noueritis me dedisse [*etc.*] dilecto consanguineo meo Johanni Fraser, domino de Forglen, illas duas villas meas de Ardendrachtis in comitatu Buchanie, infra vicecomitatum de Abirden, pro quadam summa pecunie [*etc.*]: Tenendas et habendas dicto Johanni [*etc.*] a me et heredibus meis [*etc.*]: In cuius rei [*etc.*] sigillum meum est appensum; et pro maiori securitate et euidencia sigillum discreti viri Thome Nory, locum tenentis vicecomitis de Abirden, vna cum sigillo Laurencii de Leth, tunc aldirmani burgi de Abirden, presentibus apponi cum instancia requisui: Apud Abirden, nono die mensis Octobris, anno Domini millesimo trecentesimo octuagesimo octauo; testibus, domino Thoma de Haya constabellario Scocie, domino Alexandro Fraser vicecomite de Abirden, Johanne de Keth domino de Inuerogy, Thoma de Lask domino eiusdem, Andrea de Turyne domino de Fovern, et multis aliis.²

¹ Antiquities of Aberdeenshire, vol. i. p. 513, and Registrum Nigrum de Aberbrothoc, p. 48.

² *Ibid.* p. 379, quoting the Original Charter at Slains.

51. CONFIRMATION, dated 4th June 1400, by KING ROBERT THE THIRD, of CHARTER by JOHN BONVILLE of Balhelvy-Bonville, to JOHN FRASER of Forglen, of the lands of Balhelvy, etc. 8th January 1388-9.

ROBERTUS Dei gracia Rex Scotorum, omnibus [*etc.*]. Sciatis nos quamdam cartam Johannis Bonvile, filii et heredis quondam Johannis Bonvile de Balhelvy Bonvile, factam et concessam dilecto nostro et fideli Johanni Fraser de Forglen, super vendicione terrarum de Balhelvy Boneville, Colynstoun, et duabus villis de Arden-drachtys, vna cum tenandiis suis de Blaretoun, de Many, et de Achlochery, cum pertinenciis, iacentium infra vicecomitatum de Abirdene, de mandato nostro visam, lectam [*etc.*] intellexisse et inspexisse ad plenum in hec verba :—OMNIBUS hanc cartam visuris uel audituris, Johannes de Boneville, filius et heres quondam Johannis de Boneville de Balhelvy Boneville, eternam in domino salutem : Vestra nouerit vniuersitas dedisse [*etc.*] nobili viro Johanni Fraser, domino de Forglen, omnes terras meas de Balhelvy Boneville, Colynstoun et duas villas de Arden-drachtys, vna cum tenandiis suis de Blaretoun, de Many, et de Achlochery, cum pertinenciis, in vicecomitatu de Aberdene, pro quadam summa pecunie michi in mea vrgenti et pregravi necessitate pre manibus plenarie persoluta : Tenendas et habendas [*etc.*] prefato Johanni Fraser [*etc.*] de domino de Balhelvy Berclay, domino superiori dictarum terrarum et tenandiarum, in feodo et hereditate, a me et heredibus meis [*etc.*] : Faciendo inde annuatim dictus Johannes Fraser [*etc.*] domino superiori dictarum terrarum et tenandiarum tres sectas curie ad tria placita capitalia tenenda apud Balhelvy Berclay, cum seruicio forinseco domini nostri Regis [*etc.*]. In cuius rei testimonium presenti carte mee sigillum meum apposui ; et pro maiori securitate et euidencia sigilla nobilium, Willelmi de Berclay domini de Tolly, et Thome Fraser domini de Corntoun, cum instancia presentibus apponi procuravi : hiis testibus, dominis Thoma de Haya constabulario Scocie, Jacobo Fraser domino de Ferendracht, Alexandro Fraser domino de Fillortht, vicecomite de Abirdene, Johanne de Keth domino de Inuerogy, Alexandro Berclay domino de Kercow, Andrea de Turyne domino de Fovern, Thoma de Lask domino eiusdem, cum multis aliis : Datum apud Forglen, octauo die mensis Januarii, anno Domini millesimo trecentesimo octogesimo octauo. QUAM QUIDEM cartam [*etc.*] approbamus [*etc.*] imperpetuum confirmamus, saluo seruicio nostro. In cuius rei testimonium presenti carte nostre confirmationis nostrum precepimus

aponi sigillum; testibus, venerabilibus in Christo patribus, Waltero episcopo Sanctiandree, Gilberto episcopo Abirdonensi, cancellario nostro, carissimo primogenito nostro Daud duce Rothesaie, comite de Carriet et Atholie, Roberto duce Albanie, comite de Fif et de Menteth, fratre nostro germano, Archebaldo comite de Douglas domino Galwydie, Jacobo de Douglas domino de Dalketh, et Thoma de Erskyne, consanguineis nostris dilectis, militibus: Apud Lithqu, quarto die mensis Junii, anno gracie millesimo quadringentesimo, et regni nostri vndecimo.¹

52. CHARTER by JOHN FRASER, lord of Ardendracht, to ALEXANDER FRASER, son of Duncan Fraser of Tulyfour, for his lifetime, of the Half Davach of Ardendracht. 31st January 1413-14.

VNIUERSIS hanc cartam visuris vel auditoris, Johannes Fraser dominus de Arden-dracht, salutem [in] Domino. Sciatis me dedisse [*etc.*] dilecto consanguineo meo, Alexandro Fraser, filio quondam Duncani Fraser domini de Tulyfour, totas terras meas de Half Dauach de Ardendracht cum pertinenciis, jacentes ex australi parte dictarum terrarum mearum de Ardendracht, in vicecomitatu de Aberdene, pro toto tempore vite sue, pro suo fideli seruicio michi impenso: Tenendas et habendas prefato Alexandro pro toto tempore vite sue, a me, heredibus meis et meis assignatis [*etc.*]. In cuius rei testimonium sigillum meum presenti carte mee apposui; apud Aberdene, vltimo die mensis Ianuarii, anno Domini millesimo quadringentesimo tertio decimo; testibus, Patricio de Morauia domino de Culbardy, Andrea Giffard et Willelmo Cryne de Aberdene.²

53. RESIGNATION by MARGARET FRASER lady of Ardendracht and Auchleuchries. 16th December 1440.

NOBILI et potenti domino, Patricio domino de Glamys et domino baronie de Belheluie, militi, domino suo metuendo, vestra humilis Margareta Fraser, domina

¹ Antiquities of Aberdeenshire, vol. i. p. 289, quoting the Original Charter at Slains.

² *Ibid.* p. 380, from Original in the Charter-room at Slains.

de Ardendracht et Auchleuchry, reuerencias omnimodas et honores. In manus vestras ego predicta Margareta, in mea pura viduitate constituta [*etc.*] mea mera et spontanea voluntate, omnes et singulas predictas terras de Ardendracht et Achleuchrys cum pertinencijs, quas de vobis teneo in capite, per fustem et baculum sursum reddo [*etc.*]. In cujus rei testimonium sigillum meum presentibus est appensum; apud Slainis, decimo sexto die mensis Decembris, anno Domini millesimo quadringentesimo quadragésimo.¹

V.—ABERNETHY CHARTERS.

54. CHARTER by KING DAVID THE SECOND to WILLIAM DE ABERNETHY, of the lands of Rothimay. 22d November 1345.

DAVID Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, salutem. Sciatis nos dedisse, concessisse, et hac presenti cartra nostra confirmasse Willelmo de Abernethy militi dilecto et fideli nostro, pro fideli et laudabili seruicio suo nobis impenso et impendendo, omnes terras de Rothimay cum pertinencijs, infra vicecomitatum de Banf, nos contingentes causa forisfacture quondam Daud de Strathbolgy militis, inimici nostri et rebellis contra fidem nostram in bello interfecti: Tenendas et habendas predicto Willelmo et heredibus suis de [nobis] et heredibus nostris, in feodo et hereditate, et in vnam liberam baroniam, cum furca et fossa, sok et sak, tholl et theame, et infangandthef, et cum homagijs et seruicijs liberetenentium, cum bondis, bondagijs et eorum sequelis, et cum omnimodis alijs libertatibus, commoditatibus, aysiamentis et iustis pertinencijs ad liberam baroniam spectantibus seu iuste spectare valentibus in futurum: Faciendo inde dictus Willelmus et heredes sui tres sectas curie ad curiam vicecomitis de Banf, ad tria placita capitalia singulis annis ibidem tenenda tantum: Reddendoque inde annuatim nobis et heredibus nostris predictus Willelmus et heredes sui vnum par calcarium deauratorum, apud Rothimay, ad festum Pentecostes, tantummodo, si petatur: Concessimus etiam eidem Willelmo quod ipse et heredes sui habeant predictas terras de Rothimay in liberam warennam in perpetuum: Quare firmiter prohibemus ne quis in eisdem terris secet, aucupet,

¹ Antiquities of Aberdeenshire, vol. i. p. 381, from a Copy in the Charter-room at Slains.

Daud de spacia Rex Stotorum. Omnibus probis hominibus totius regni suo. Illi
Abnechy. milia dilecto. et fidelis. et pro fidelis. et laudabili. Sicut suo. nobis imperio. et
tingentes causa forissactio. Indam. Daud de Spachbolz. milias inimia nisi. et rebelli
et heredibus suis in feodo. et hereditate. et in vna libam. bayoniam. en. fura. et fossa. soli. et
bondazys. et eorum. sequelis. et cu. ommodis alijs libatibz. comoditatibz. assistentis. et iustis
deus. Dillius. et heredes sui. tres. factas. Cuyo. ad curiam. vicariorum. de. Banf. ad. et. a.
nro. petrus. Dillius. et heredes sui. omni. pte. calayni. de. regno. apud. Rothomay. ad. feo.
petras. terras. de. Rothomay. in. libam. bayoniam. imperium. Quare. firmat. phibem. ne. qu.
terrar. pntari. psumat. sine. special. licencia. ipsius. Dilli. aut. heredu. suoz. sup. man.
heredes. sui. respondeo. no. habeant. de. aliquibz. onibz. deis. terris. incumbenibz. nisi. ea.
pceptum. appon. Testibz. verabilibz. patibz. Johanne. Roge. et. Ricard. norameys. Bossens.
die. et. hanc. consanguineo. nro. Dillo. Cora. de. Ross. consanguineo. nro. Matolino. fflem.
abz. apud. Elgno. cresio. scto. die. Monembz. Anno. regni. nri. Septuodecimo.

Sanctis nos dedisse concessisse et hac scripta Carta nostra confirmasse. Dillino de
pendendo omnes terras de Borchomā cum praeiuris infra viciniam de Banst nos con
tra fidem nostram in bello interfecit. Genend et hinc p̄cto Dillino et heredibus suis de nobis
alibi tholl et theano et Infrangandese et cum hominibus et singulis libertatibus cum bonis
anencis ad libram bayonā spectantibus seu iusto pretio valentibus in futurum faciendis inde
annuatim singulis annis ibidem tenenda tantum reddendis nunc annuatim nobis et heredibus
penetostes tantummodo ex parte. Concessimus etiam eidem Dillino quod ipse et heredes sui habeant
in eisdem terris secat amaret seu venet aut in lacubus conariis et stagnis ipsarum
tenentiam forisfacturam. Volumus et concedimus pro nobis et heredibus nostris quod deus Dillino et
pro sua diuitia terrae deceret quocumque modo. In cuius rei testimonium scripta Carta nostra sigillata
Duneldensis civitatis dei gratia Episcopo Johanne Tanulphi Corco archidiacono Dno vallis Ania
et Corco de Bogroij Thoma de Caynora Cancellario nostro et philippo de yeldsi milite

seu venetur, aut in lacubus, viuariis vel stagnis ipsarum terrarum piscari presumat, sine speciali licentia ipsius Willelmi aut heredum suorum, super nostram plenariam forisfacturam: Volumusque et concedimus, pro nobis et heredibus nostris, quod dictus Willelmus et heredes sui respondere non habeant de aliquibus oneribus dictis terris incumbentibus, nisi tanquam pro vna dauata terre de cetero quoquo modo: In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi: Testibus, venerabilibus patribus, Johanne, Rogero et Ricardo, Morauiensis, Rossensis, et Dunkeldensis ecclesiarum Dei gracia episcopis; Johanne Ranulphi comite Moraue, domino Vallis Anandie et Mannie, consanguineo nostro, Willelmo comite de Rosse consanguineo nostro, Malcolmo Flemyng comite de Wytoun, Thoma de Carnoto cancellario nostro, et Philippo de Meldrum, militibus; apud Elgyne vicesimo secundo die Nouembris, anno regni nostri septimo-decimo.

55. SASINE of WILLIAM LORD ABERNETHY in the barony of Saltoun.

13th March 1460-1.

IN DEI nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno Domini millesimo quadringentesimo et secundum computationem ecclesie Scoticane sexagesimo, mensis vero Marcii die decima tertia, indictione nona, ac pontificatus sanctissimi in Christo patris ac domini nostri domini Pii diuina prouidencia Pape secundi anno tercio; in mei notarii publici et testium subscriptorum presencia, personaliter constitutus honorabilis vir Patricius de Cokburn de Neubegyne, deputatus vicecomitis de Edinburgh infra constabulariam de Hadingtoun, cum testibus subscriptis, ad capitale messuagium terrarum baronie de Saltone cum pertinenciis, jacentium infra vicecomitatum et constabulariam antedictam, personaliter accessit; et ibidem, super solum dictarum terrarum, vigore et uirtute cuiusdam breuis saisine capelle serenissimi domini nostri Regis Jacobi tercii, ipsi Patricio deputato per nobilem virum Willelmum de Abirnethy, filium quondam domini Laurencii militis, domini Abirnethy in Rothimay, presentati et exhibiti: Quodquidem breue dictus deputatus michi notario publico subscripto exhibuit perlegendum, ac astantibus in wlgari exponi mandauit: Cuius quidem breuis tenor sequitur et est talis:—JACOBUS Dei gracia Rex Scotorum, vicecomiti de Edinburgh et balliuis suis infra constabulariam

de Hadingtone, salutem: Quia per inquisitionem de mandato nostro per vos factam et ad capellam nostram retornatam, compertum est quod quondam Laurencius dominus Abirnethy in Rothimay, pater Willelmi domini Abirnethy, latoris presencium, obiit vltimo vestitus et saisitus vt de feodo, ad pacem et fidem nostram, de terris domini de Saltoun cum pertinenciis, jacentibus infra balliam vestram; et quod dictus Willelmus est legitimus et propinquior heres dicti quondam Laurencii patris sui de dictis terris cum pertinenciis; et quod est legitime etatis; et quod de nobis tenentur in capite: Vobis precipimus et mandamus, quatenus dicto Willelmo vel suo certo autornato, latori presencium, saisinam dictarum terrarum cum pertinenciis iuste habere faciatis et sine dilacione, saluo iure cuiuslibet; capiendo securitatem de xl libris de reliuo dictarum terrarum nobis debito; et hoc nullo modo omittatis: Teste meipso, apud Edinburgh, septimo die mensis Marcii, anno regni nostri primo: QUOQUIDEM brevi perlecto et exposito in wlgari, dictus Patricius Cokburn deputatus, vigore et uirtute dicti breuis, saisinam, statum, et possessionem hereditariam omnium et singularum terrarum prefate baronie de Saltoun cum pertinenciis, prefato Willelmo de Abirnethy, filio et heredi quondam dicti Laurencii domini Abirnethy, per traditionem et deliberacionem terre et lapidis, dedit et deliberauit, et vt moris est in talibus fieri, saluo jure cuiuslibet, impertiebatur, ac ipsum Willelmum postea in aulam dicti capitalis messuagii inclusit et induxit: De et super omnibus et singulis suprascriptis prefatus Willelmus dominus Abirnethy a me notario subscripto sibi fieri peccit publicum instrumentum: Acta erant hec super solum dictarum terrarum baronie de Saltoun, hora quasi quarta post meridiem, sub anno, mense, die, indictione et pontificatu supradictis: Presentibus ibidem honorabilibus et prouidis viris, Georgio Kere de Samelstoune, Jacobo de Cokburn, filio et apparente herede dicti deputati, Johanne Broun de Cummereolstoun, Alexandro Halyburtoun de Nesbet, Thoma Borthwic, Niniano Dickysone, armigeris, ac dominis Jacobo Clerkstone, vicario de Pencatland, Thoma Sinclare, Thoma Wyschart, Johanne Lyll ac Willelmo Scot, presbyteris, cum multis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Alexander de Castelcaris, presbyter Glasguensis diocesis, publicus apostolica auctoritate notarius [*etc. in forma communi*].¹

¹ Original at Salton Hall.

56. CHARTER by KING JAMES THE THIRD, to WILLIAM LORD ABERNETHY in Rothiemay, of the lands of Rothiemay and others. 28th January 1463-4.

JACOBUS Dei gratia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem : Sciatis nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto consanguineo nostro, Willelmo domino Abernethy in Rothemay, omnes et singulas terras de Rothemay cum pertinenciis, iacentes infra vicecomitatum nostrum de Banf; necnon terras de Redy cum pertinenciis, iacentes infra vicecomitatum nostrum de Forfare; ac etiam terras de Dalgathy cum pertinenciis, iacentes infra vicecomitatum nostrum de Fyff; terras de Dalders cum pertinenciis, iacentes infra vicecomitatum nostrum de Striueling; terras de Glencors cum pertinenciis, iacentes infra vicecomitatum nostrum de Edinburgh; terras de Salton cum pertinenciis, iacentes infra vicecomitatum nostrum de Edinburgh, in conestabularia de Hadington; terras de Lileston et Vgistoune cum pertinenciis, iacentes in dominio de Lawedirdale, infra vicecomitatum nostrum de Berwic; et terras de Prendirlaith cum pertinenciis, iacentes infra vicecomitatum nostrum de Roxburgh: Quequidem terre omnes et singule predictae cum pertinenciis fuerunt dicti Willelmi consanguinei nostri hereditarie, et quas idem Willelmus, non vi aut metu ductus, nec errore lapsus, sed sua mera et spontanea voluntate, in manus nostras, apud Edinburgh, coram subscriptis testibus, per fustem et baculum sursum reddidit, pureque simpliciter resignavit; ac totum ius et clameum que in dictis terris cum pertinenciis habuit seu habere potuit, pro se et heredibus suis, omnino quittum clamavit in perpetuum: Tenendas et habendas omnes et singulas prefatas terras cum pertinenciis dicto consanguineo nostro, Willelmo domino Abernethy, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis; quibus forte deficientibus, Jacobo de Abernethy, fratri germano dicti Willelmi domini Abernethy, et heredibus masculis de corpore suo legitime procreatis seu procreandis; quibus forte deficientibus, Georgeo Abernethy, fratri etiam germano dicti Willelmi, et heredibus masculis de corpore suo legitime procreatis seu procreandis; quibus forte deficientibus, Archibaldo Abernethy, fratri etiam germano eiusdem Willelmi, et heredibus masculis de corpore suo procreatis seu procreandis; quibus forte deficientibus, Johanni Abernethy, consanguineo dicti Willelmi, filio Oswaldi Abernethy, et heredibus masculis de corpore suo legitime procreandis; quibus forsitan omnibus, quod absit,

deficientibus, veris legitimis et propinquioribus heredibus dicti Willelmi domini Abernethy hoc cognomen Abernethy et arma capitalia eiusdem Willelmi domini Abernethy habentibus et gerentibus quibuscunque, de nobis, heredibus et successoribus nostris, in feodo et hereditate imperpetuum; per omnes rectas metas suas antiquas et diuisas, prout iacent in longitudine et latitudine, in boscis, planis, moris, merresiis, viis, semitis, aquis, stagnis, riulis, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, aucupacionibus, venacionibus, piscacionibus, petariis, turbariis, carbonariis, lapicidiis, lapide et calce, fabrilibus, bracinis, brueriis et genestis; cum curiis et earum exitibus, herezeldis, bludwittis, et merchetis mulierum; cum tenentibus, tenandriis et liberetenentium seruiciis, et cum omnibus aliis et singulis libertatibus, commoditatibus, asiamentis ac iustis pertinenciis suis quibuscunque, tam non nominatis quam nominatis, ad dictas terras cum pertinenciis spectantibus seu quouis modo iuste spectare valentibus in futurum; et adeo libere, quiete, plene, integre, honorifice, bene et in pace, in omnibus et per omnia, sicut dictus Willelmus dominus Abernethy, aut sui predicesores, prenomatas terras cum pertinenciis, de nobis aut predicesoribus nostris, ante dictam resignationem nobis inde factam, liberius tenuit seu possedit, tenuerunt seu possederunt: In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus; testibus, reuerendo in Christo patre, Jacobo Episcopo Sanctiandree; dilectis consanguineis nostris, Andrea domino Avandale, cancellario nostro, Colino comite de Ergyle, Gilberto domino Kennedy, Johanne domino Dernle, Alexandro Boyde de Drumcoll, milite, magistris Jacobo Lindesay, preposito de Lincludan, nostri secreti sigilli custode, et Archibaldo Quhitlau secretario nostro; apud Edinburgh, xxviii die mensis Januarii, anno Domini millesimo quadringentesimo sexagesimo tercio, et regni nostri quarto.¹

57. CHARTER by KING JAMES THE THIRD to WILLIAM LORD ABERNETHY,
of the barony of Rothiemay and others. 5th August 1464.

JACOBUS Dei gratia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis nos, cum plena et matura deliberacione concilii nostri, dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto con-

¹ Registrum Magni Sigilli, Lib. vi. No. 79.

sanguineo nostro, Willelmo domino Abernethy in Rothymay, omnes et singulas baronias et terras subscriptas; videlicet, baroniam de Rothymay cum pertinenciis, et baroniam de Cornearne cum pertinenciis, iacentes infra vicecomitatum nostrum de Banff; baroniam de Redy cum pertinenciis, iacentem infra vicecomitatum nostrum de Forfare; baroniam de Glencorse cum pertinenciis, iacentem infra vicecomitatum nostrum de Edinburgh; et baroniam de Prenderlaith cum pertinenciis, iacentem infra vicecomitatum nostrum de Roxburgh; necnon terras de Dalgathy cum pertinenciis, iacentes infra vicecomitatum nostrum de Fyff; terras de Daldress cum pertinenciis, iacentes infra vicecomitatum nostrum de Striueling; terras de Saltoune cum pertinenciis, iacentes in conestabularia de Hadingtoun, infra vicecomitatum nostrum de Edinburgh; terras de Lyelstoune et de Vggistoune cum pertinenciis, iacentes in dominio de Lawederdale, infra vicecomitatum nostrum de Berwic; cum omnibus et singulis dictarum baroniarum et terrarum pertinenciis et annexis: Que omnes et singule predictae baronie et terre cum pertinenciis fuerunt dicti Willelmi, consanguinei nostri, hereditarie, et quas baronias et terras cum pertinenciis et annexis, idem Willelmus, non vi aut metu ductus, nec errore lapsus, sed sua mera et spontanea voluntate, in manus nostras, apud Inuernes, coram subscriptis testibus, personaliter per fustem et baculum sursum reddidit, pureque simpliciter resignavit; ac totum ius et clameum que in dictis terris cum pertinenciis habuit seu habere potuit, pro se et heredibus suis, omnino quittum clamavit in perpetuum: Tenendas et habendas omnes et singulas prenominate baronias et terras cum pertinenciis prefato Willelmo, consanguineo nostro, domino Abernethy, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis; quibus forte deficientibus, Jacobo de Abernethy, fratri germano dicti Willelmi domini Abernethy, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis; quibus forte deficientibus, Georgeo de Abernethy, fratri germano dicti Jacobi, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis; quibus forsitan deficientibus, Archibaldo de Abernethy, fratri germano dicti Georgei, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis; quibus forte deficientibus, Johanni de Abernethy, consanguineo dicti Archibaldi, filio quondam Oswaldi de Abernethy, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis; quibus omnibus deficientibus, quod absit, veris, legitimis et propinquioribus heredibus masculis dicti Willelmi domini Abernethy hoc cognomen Abernethy habentibus et arma sua capitalia

gerentibus et habentibus, quibuscunque; de nobis, heredibus et successoribus nostris, in feodo et hereditate in perpetuum, prout iacent in longitudine et latitudine, per omnes rectas metas suas antiquas et diuisas; cum tenandiis et tenandriis et liberetenencium seruiciis; cum furca et fossa, sok et sak, tholl et theme, infangtheif et outfangtheif; cum boscis, planis, moris, marresiis, pratis, pascuis et pasturis, viis, semitis, aquis, stagnis, siluis, riuolis et lacubus, petariis, turbariis, carbonariis, cuniculis, cuniculariis, columbis, columbariis, brueriis et genestis, fabrilibus et bracinis, lapide et calce; cum molendinis, multuris et eorum sequelis, aucupacionibus, venacionibus et piscacionibus; cum curiis et curiarum exitibus et amerciamentis, bludwitis et herezeldis, et merchetis mulierum; cum communi pastura et libero introitu et exitu; ac cum omnibus aliis et singulis commoditatibus, libertatibus, proficuis et asiamentis ac iustis pertinenciis suis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, procul et prope, ad dictas baronias et terras cum pertinenciis spectantibus seu iuste spectare valentibus quomodolibet in futurum, adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, sine retinemento vel reuocacione quibuscunque, sicut dictus Willelmus dominus Abernethy vel aliquis antecessorum suorum prenomatas baronias et terras cum pertinenciis, ante presentem resignationem nobis inde factam, de nobis aut predicesoribus nostris liberius tenuit seu possedit, tenuerunt seu possederunt: Reseruatis tamen sponse dicti consanguinei nostri, Willelmi domini Abernethy, racionabili tercia dictarum baroniarum et terrarum cum pertinenciis et annexis, cum contigerit, et coniuncta infeodacione, si quam habuerat ante dictam resignationem, de eisdem, pro toto tempore vite sue: In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus; testibus, reuerendis in Christo patribus Jacobo episcopo Sanctiandree, auunculo nostro carissimo, Dauid episcopo Morauisiensi, dilectis consanguineis nostris, Andrea domino Avandale, cancellario nostro, Dauid comite Crawford, Colino comite de Ergile, Johanne domino Dernle, Gilberto domino Kennedy, Roberto le Grahame de Fyntre, Johanne Culquhone de eodem, milite, compotorum nostrorum rotulatore, magistris Archibaldo Quhitlaw, secretario nostro, et Dauid Guthery de Kincaldron, thesaurario nostro; apud Inuernes, quinto die mensis Augusti, anno Domini m^occce^olxiij^{to}, et regni nostri quinto.¹

¹ Registrum Magni Sigilli, Lib. vi. No. 114.

58. CHARTER by KING JAMES THE THIRD to WILLIAM LORD ABERNETHY in Rothiemay, of all his lands, erected into one barony of Abernethy in Rothiemay. 10th January 1482-3.

JACOBUS Dei gratia Rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto consanguineo et consiliario nostro, Willelmo domino Abirnethy in Rothymaye, omnes et singulas terras et baronias infrascriptas, cum tenentibus, tenandriis, et annexis earundem cum pertinentiis, videlicet, totas et integras terras baronie de Rothymaye, baronie de Corncarne cum tenentibus et tenandriis, iacentes infra vicecomitatum nostrum de Banffe; totas et integras terras baronie de Redy, iacentes infra vicecomitatum nostrum de Forfare; terras de Dalgathee, iacentes infra vicecomitatum nostrum de Fyffe; terras de Daldres, iacentes infra vicecomitatum nostrum de Striuelin; totas et integras terras baronie de Glencors, iacentes infra vicecomitatum nostrum de Edinburgh; totas et integras terras baronie de Saltoune, iacentes infra dictum vicecomitatum nostrum de Edinburgh et constabulariam de Hadingtoune; terras de Lielstoune et Vgstoune, iacentes infra vicecomitatum nostrum de Berwik et balliatum de Lawderdale; ac totas et integras terras baronie de Prenderlaith, cum tenentibus, tenandriis, et annexis eiusdem cum pertinentiis, iacentes infra vicecomitatum nostrum de Roxburgh: Quequidem terre et baronie, cum tenentibus, tenandriis, et annexis earundem cum pertinentiis, fuerunt dicti Willelmi domini Abirnethy hereditarie, et quas terras et baronias, cum tenentibus, tenandriis, et annexis earundem cum pertinentiis, idem Wilelmus, non vi aut metu ductus, nec errore lapsus, sed sua mera et spontanea voluntate, in manibus nostris, apud Edinburgh, personaliter, per fustem et baculum, sursum reddidit pureque simpliciter resignavit, ac totum ius et clameum que in dictis terris, baroniis, cum tenentibus, tenandriis et pertinentiis habuit seu habere potuit, pro se et heredibus suis omnino quitum clamavit imperpetuum: Quas omnes et singulas predictas terras et baronias, cum tenentibus, tenandriis, et annexis earundem cum pertinentiis, pro singulari fauore quem gerimus erga dictum consanguineum nostrum, Willelmum dominum Abirnethy, in vnam meram et liberam baroniam, perpetuis futuris temporibus nuncupandam baroniam de Abirnethy in Rothymay, creauimus, vniuimus, annexuimus et incorporauius pro perpetuo, tenore presentis carte

nostre: Tenendas et habendas totas et integras predictas terras et baronias, tenentes et tenendrias, de Rothymay, Corncarne, Redy, Dalgathee, Daldres, Glencors, Saltoune, Lyelstoune, Vgstoune et Prenderlaith, cum annexis et pertinentiis, vt predictum est, vnitas et incorporatas in vnam meram et liberam baroniam nuncupandam baroniam de Abirnethy in Rothymaye, dicto Willelmo domino Abirnethy et heredibus suis masculis de corpore suo legitime procreandis; quibus forte deficientibus, Jacobo de Abirnethy, fratri germano dicti Willelmi, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis; quibus forte deficientibus, Georgeo de Abirnethy, fratri germano dictorum Willelmi et Jacobi, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis; quibus forte deficientibus, heredibus masculis quondam Archibaldi de Abirnethy legitime procreatis; quibus deficientibus, Johanni Abirnethy, filio Oswaldi Abirnethy, et heredibus masculis dicti Johannis de corpore suo legitime procreatis seu procreandis; quibus omnibus, quod absit, deficientibus, veris legitimis et propinquioribus heredibus masculis dicti Willelmi domini Abirnethy, hoc cognomen de Abirnethy et arma sua gerentibus et habentibus quibuscunque, de nobis et successoribus nostris, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, prout iacent in longitudine et latitudine, in boscis, planis, [etc.]; cum curiis et earum exitibus, herizeldis, bludewitis et marchetis mulierum, cum furca, fossa, sok, sak, thol, theme, infangtheif, outfangtheif, pitt et gallous, cum tenentibus, tenandriis et liberetenentium seruiciis, ac cum omnibus aliis et singulis libertatibus [etc.], adeo libere [etc.] sicut dictus Wilelmus dominus Abirnethy, aut predecessores sui, predictas terras et baronias, cum tenentibus, tenandriis, annexis et pertinentiis earundem, de nobis aut predecessoribus nostris, ante prefatam resignationem nobis inde factam, liberius tenuit seu possedit, tenuerunt seu possederunt: Faciendo inde annuatim dictus Wilelmus dominus Abirnethy et heredes sui masculi prius expressati, nobis et successoribus nostris, illa et similia seruicia pro omnibus dictis terris, baroniis, tenentibus, tenandriis et annexis cum pertinentiis, tantum in curia vicecomitis de Banffe temporibus futuris, qualia seruicia ipse et predecessores sui retroactis temporibus pro eisdem fecerunt in curiis vicecomitum de Banffe, Forfare, Fyffe, Striuelin, Edinburgh, Hadingtoune, Berwik, Roxburgh et balliui de Lauderdale; et dictos vicecomites, et eorum deputatos, de Forfare, Fyffe, Striuelin, Edinburgh, Hadingtoune, Berwik, Roxburgh, et balliuum de Lawderdale, presentes et futuros

ac dictum Willelmum dominum Abirnethy et heredes suos predictos, de omnibus huiusmodi seruiis in curiis dictorum vicecomitum et balliui, pro nobis et successoribus nostris, exonerauimus imperpetuum presentis carte nostre per tenorem : In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precipimus ; testibus, reuerendis in Cristo patribus, Johanne episcopo Glasguensi cancellario nostro, Jacobo episcopo Dunkeldensi, Andrea electo Morauisiensi nostri secreti sigilli custode ; dilectis consanguineis nostris, Dauid comite de Craufurde domino Lindesay, magistro hospitii nostri, Willelmo comite de Eröll domino le Hay, constabulario regni nostri, Thoma domino Erskin, Willelmo domino Borthwik, magistris Archibaldo Qulitelaw, archidiacono Laudonie, secretario nostro, et Patricio Leithe canonico Glasguensi, clerico nostrorum rotulorum et registri ; apud Edinburgh, decimo die mensis Januarii, anno Domini millesimo quadringentesimo octuagesimo secundo, et regni nostri vicesimo tertio.¹

59. RETOUR of JAMES LORD ABERNETHY, as heir to WILLIAM LORD ABERNETHY his brother, in the barony of Abernethy in Rothiemay, etc. 10th October 1488.

HEC INQUISICIO facta fuit apud burgum de Edinburgh, in pretorio eiusdem, decimo die mensis Octobris anno Domini millesimo quadringentesimo octuagesimo octauo, coram honorabili viro, Johanne Stewart de Cragyhall, vicecomite de Banff in hac parte specialiter constituto per commissionem supremi domini nostri Regis sibi directam, per hos probos patrie subscriptos ; videlicet, nobiles et potentes dominos, Wilelmum comitem Mariscalli, Johannem dominum Glamis, dominos Alexandrum Dunbare de Westfelde, Jacobum Ogilby de Fynlater, Robertum Hammiltoun de Fingaltoun, milites, Dauid Hepburn de Wauchtoun, Jacobum Dunbare de Cumnok, Jacobum Douglas de Petindrech, Jacobum Skrimgeour de Dudup, Alexandrum Stratoun de Lowrenstoun, Patricium Berclay de Grantuly, Johannem Berclay de Towy, Thomam Bard de Ordinhuch, Alexandrum Mowat de Loscragy, Archibaldum Wauchop de Litolnudry, et Alexandrum Tolloch ac Walterum Ogilby de le Crag : Qui iurati dicunt quod quondam Willelmus dominus Abirnethy in Rothymaii, frater germanus Jacobi Abirnethy, latoris presencium, obiit vltimo vestitus et saisitus vt de feodo, ad pacem et fidem domini nostri Regis, de omni-

¹ Original Charter at Salton Hall.

bus et singulis terris et baroniis subscriptis ; videlicet, de totis et integris terris baronie de Abirnethy in Rothymaii, necnon de terris baronie de Cornecarne, cum tenentibus et tenandriis, cum pertinenciis, iacentibus infra vicecomitatum de Banff ; necnon de totis et integris terris baronie de Rethe cum pertinenciis, iacentibus infra vicecomitatum de Forfare ; terris de Dalgathe cum pertinenciis iacentibus infra vicecomitatum de Fiff ; necnon de terris de Daldres cum pertinenciis, iacentibus infra vicecomitatum de Striueling ; necnon de totis et integris terris baronie de Glencors cum pertinenciis, iacentibus infra vicecomitatum de Edinburgh ; necnon de totis et integris terris baronie de Saltoun cum pertinenciis, iacentibus infra vicecomitatum de Edinburgh et constabulariam de Hadingtoun ; ac eciam de terris de Lyelstoun et Vgstoun cum pertinenciis, iacentibus infra vicecomitatum de Beruik et balliatum de Laudirdale ; ac de totis et integris terris baronie de Prendirlaith, cum tenentibus, tenandriis, et annexis eiusdem cum pertinenciis, iacentibus infra vicecomitatum de Roxburgh : Quequidem terre et baronie predictæ sunt annexe, incorporate, et vnite dicte baronie de Abirnethy in Rothymaii, ad faciendâ seruicia in curia vicecomitis de Banff pro omnibus et singulis baroniis et terris, prout in carta quondam supremi domini nostri Regis desuper ostensa plenius declaratur ; et quod dictus Jacobus Abirnethy, lator presencium, est legitimus et propinquior heres eiusdem quondam Willelmi, fratris sui, de omnibus et singulis terris et baroniis, cum tenentibus et tenandriis, cum pertinenciis, racione tallie ; et quod est legitime etatis ; et quod dicta baronia de Abirnethy in Rothymaii, cum tenentibus et tenandriis eiusdem, valet nunc per annum centum mercis et tempore pacis valuit quadraginta libris ; et quod baronia de Cornecarne cum pertinenciis valet nunc per annum quinquaginta mercis et tempore pacis valuit viginti libris ; et quod baronia de Redy valet nunc per annum quadraginta mercis et tempore pacis valuit viginti libris ; et quod terre de Dalgathy cum pertinenciis valent nunc per annum decem libris et tempore pacis valuerunt quinque libris ; et quod terre de Daldres valent nunc per annum viginti libris et tempore pacis valuerunt decem libris ; et quod baronia de Glencors cum pertinenciis valet nunc per annum quadraginta libris et tempore pacis valuit viginti libris ; et quod baronia de Saltoun valet nunc per annum centum mercis et tempore pacis valuit quadraginta libris ; et quod terre de Lyelstoun et Vgstoun valent nunc per annum viginti mercis et tempore pacis valuerunt decem libris ; et quod baronia de Prendirlaith valet nunc per annum quadraginta libris et tempore

pacis valuit triginta libris : Et quod baronie de Abirnethy in Rothymaii, Corne-
carne, Saltoun, Glencors, cum tenentibus, tenandriis, et annexis earundem, necnon
terre de Daldres et Vgstoun, tenentur in capite de supremo domino nostro Rege,
tanquam domino superiore dictarum terrarum, per wardam et releuium, reddendo
dicto domino nostro Regi et successoribus suis seruicia in curia vicecomitis de
Banff, pro omnibus et singulis terris et baroniis, prout in carta dicti supremi
domini nostri Regis declaratur et continebatur ; et quod baronia de Redy cum
pertinenciis tenetur in capite de supremo domino nostro Rege per albam firmam,
soluendo inde annuatim in festo Penthecostes apud capitale messuagium dictarum
terrarum vnum denarium nomine albe firme, si petatur ; et quod terre de Dal-
gathy tenentur in capite de supremo domino nostro Rege per albam firmam,
reddendo dicto domino nostro Regi vnum denarium annuatim in festo Penthe-
costes super solum earundem terrarum nomine albe firme, si petatur ; et quod
terre de Lyelstoun cum pertinenciis tenentur in capite de supremo domino nostro
Rege, reddendo sibi et successoribus suis vnum denarium argenti in die Penthe-
costes apud capitale messuagium earundem, nomine albe firme, si petatur ; et
quod baronia de Prendirlaith cum tenentibus et tenandriis, cum pertinenciis,
tenetur in capite de supremo domino nostro Rege, reddendo sibi et successoribus
suis vnum florenum auri vel nouem solidos monete currentis ad festum natiuitatis
Sancti Johannis Baptiste, nomine albe firme, super solum dictarum terrarum, si
petatur ; et quod omnes et singule predictae terre et baronie, cum tenentibus,
tenandriis, et annexis earundem, nunc sunt in manibus domini nostri Regis
tanquam in manibus domini superioris earundem legitime per seipsum, in defectu
veri heredis ius suum hucusque minime prosequens a tempore obitus dicti
quondam Willelmi domini Abirnethy, fratris germani dicti Jacobi, qui obiit per
spacium quatuor mensium vel eocirca ante confectionem presencium : In cuius
rei testimonium sigilla quorundam eorum qui dictae inquisitioni intererant, vnacum
appensione sigilli dicti vicecomitis, presentibus sunt appensa, anno, die, mense, et
loco predictis.¹

¹ Original at Salton Hall.

ABSTRACT OF CHARTERS IN APPENDIX.

I.—LETTER RELATIVE TO QUEEN MARGARET, THE MAID OF NORWAY.

PAGE

1. Letter by William Fraser, Bishop of St. Andrews, to Edward the First, King of England, stating that his Majesty's ambassadors, the Scottish ambassadors who had been sent to his Majesty, and several nobles of Scotland, had met at Perth on the Sunday following the Feast of St. Michael, to receive the king's answer to the points treated of by the ambassadors in his presence, and that the faithful nobles, and a certain party of the commonalty of Scotland, gave him unbounded thanks for his answer; that his Majesty's ambassadors and the Bishop himself were making ready to set out for Orkney, to arrange with the Norwegian ambassadors for receiving their queen, when a lamentable rumour spread among the people of her death, whereby the kingdom was disturbed; that on the spread of this rumour, Sir Robert de Brus, who before did not intend to come to the foresaid meeting, came with a large force, but the Bishop was still ignorant of what he meant to do. However, the Earls of Mar and Athole had already summoned an army, and certain other lords were joining their party, so that there was dread of a civil war, unless his Majesty applied a speedy remedy. That the Bishop of Durham, the Earl of Warrenne, and himself, had heard that the queen was recovering, but was still weak, whereupon they had resolved to remain near Perth till they received sure information from the knights who had been sent to Orkney, and if they had good news, they would set out thither to accomplish the business aforesaid. The writer advises that if Sir John de Balliol came to

the king's presence, he should so treat with him that in every event his Majesty's honour and interest should be preserved; and that if the queen had departed this life, his Excellency should condescend to draw towards the Marches for the consolation of the Scottish people, and to spare the shedding of blood, so that the faithful of the kingdom might be able to keep their oath unbroken, and appoint him to be king who of right ought to inherit, providing he would follow his Majesty's counsel. Dated at Leuchars, Saturday, the morrow of St. Faith the Virgin [7th October], 1290, 195

II.—CHARTERS RELATING TO COWIE AND DURRIS.

2. Transumpt, made 21st April 1453, in presence of Master Henry Herwy, precentor and commissary of Aberdeen, at the instance of John Kymbdy, burgess of Aberdeen, of a charter by Robert, janitor of Kincardine in the Mearns, lord of Portarstoun and Achichdonachy, to Duncan Kymbdy, burgess of Aberdeen, of his lands of Achichdonachy: To be held by the said Duncan, his heirs and assignees, of the granter and his heirs, in feu-farm, saving the king's forensic service so far as pertained to the land, for payment of six pennies sterling yearly. Sealed with the granter's seal, and the seals of Sir Alexander Fraser, then sheriff of the Mearns, Symon Fraser his brother, John de Crag, and John Bennom. [*Circa* 1317]. 196
3. Charter by King Robert the First to Alexander Fraser, knight, of six acres of arable land in the king's tenement of Auchincarnie, near the royal manor of Kincardine, bounded as therein described: To be held by him and the heirs begotten between him and the late Mary de Bruce his spouse, the king's sister, in free hostilage, with common pasture in the king's thanage of Kincardine for two horses, ten oxen, twelve cows, a hundred sheep, and their offspring till one year old, with liberty to cast peats and turfs in the said thanage. Dated at Kynrosser, 22d September, A.R.R. 18 [1323]. 198

4. Charter by King Robert the First to Alexander Fraser, knight, and John his son, the king's nephew, granting in recompense for a park, which they should cause to be made for the king's use, in the forest of Cragy in the thanage of Cowie, containing within the enclosure fifteen hundred "particates" of land, the whole of the said forest outside the enclosure of the said park : To be held by them and their heirs, of the king and his heirs, in fee and heritage, and in free forest for ever, for maintaining the enclosure of the said park, and keeping the same for the King's use, with vert and venison, reserving to the king's men the easements of the said forest due and wont. Dated at Stirling, 6th April, A.R.R. 22 [1327], 199
5. Charter by King David the Second to Alexander Fraser his kinsman, of the lands of the thanage of Durris in the shire of Kincardine : To be held by him and his heirs of the king and his heirs, in fee and heritage, and in one free barony, for rendering three suits at the three head courts of the shire of Kincardine, and the service of an archer in the king's host. Dated at Edinburgh, 4th September, A.R.R. 40 [1369],..... 200
6. Charter of Confirmation by King Robert the Second, of a grant made by Alexander Fraser, knight, the king's kinsman, to Alexander Banerman, burgess of Aberdeen, of the lands of Alesek, in the barony of Cowie and shire of Kincardine, reserving the king's service. Dated at Seone, 19th October, A.R.R. 17 [1387], 200
7. Letters of Sale by William Fraser, lord of Philorth, to William de Hay, lord of Errol and Constable of Scotland, of all his lands of the baronies of Cowie and of Durrays, in the shire of the Mearns, for a sum of money paid to the granter : To be held by him, his heirs and assignees, of the king in free barony ; in which lands Dame Elizabeth Hamilton, sometime wife of Sir Alexander Fraser, was joint-feft, who was to be treated with to resign them to the king or the governor, to infest the said William Fraser therein, who bound himself, within forty days after the resignation, or after her decease, to resign them in favour of the lord of Errol, his heirs or assignees, under the penalty

	PAGE
of £100 Scots yearly, till the agreement should be fulfilled. Dated at Perth, 10th October 1413,	201
8. Charter by Robert Duke of Albany, Governor of Scotland, to William de Hay of Errol, Constable of Scotland, his nephew, of the lands of the barony of Cowie in the shire of Kincardine, which belonged heritably to William Fraser of Philorth, and had been resigned by him: To be held by the grantee and his heirs, of the king and his heirs, in free barony for ever, for rendering the services due and wont. Dated at Falkland, 14th May 1415,	202
9. Retour of Sir Alexander Fraser, knight, as heir to Sir Alexander Fraser, knight, his grandfather, in the barony of Cowie, which lands were worth £40 per annum in time of peace, and were held of the Earl of Errol by service of ward, and had been in the hands of the Earl as overlord for three months or thereby, since the death of William de Hay, who died last vest and seised therein. Expede at Kincardine, 14th April 1461,	203
10. Confirmation by King James the First, under the Great Seal, dated 8th August 1430, of a charter of confirmation by King Robert the Third, dated 5th October 1400, to Alexander Fraser, natural son of Sir Alexander Fraser of Cowie and Durris, knight, of a charter made by the said Alexander Fraser, lord of the baronies of Cowie and Durris, with consent of Elizabeth de Hamilton his spouse, to the said Alexander Fraser his son, for homage and service done and to be done by him to them, the survivor of them, and the heirs of their bodies, of the lands of the two Kynclonyes, Balcharne, and Balfuthachy, with their pertinents, in the barony of Durris and shire of Kincardine: To be held by him and the lawful heirs of his body (whom failing, to return to the granter and his heirs), of the granter and the said Elizabeth, and the heirs of their bodies; and if the heirs of their bodies should fail, he gives and confirms to the said Alexander his son, for service already done to him, the whole foresaid barony of Durris, to be held by him	

PAGE

and the heirs of his body (whom failing, to return to the granter and his heirs), of the granter and his heirs, for rendering to the king the service due and wont. Dated at Aberdeen, 20th September 1400, 204

III.—CHARTERS RELATING TO PHILORTH AND OTHER LANDS ACQUIRED AND ADDED TO PHILORTH.

11. Charter by King David the Second to William Earl of Ross, of the earldom of Ross and lordship of Skye, and all other lordships and lands that belonged to the said Earl, except those in the shires of Aberdeen, Dumfries, and Wigtown; which earldom, etc., the Earl had resigned by his procurators in the king's hands in the Parliament held at Perth, 23d October 1370: To be held by the said Earl and the heirs-male of his body; whom failing, by Walter de Lesley, knight, and Eufamia his spouse, and the survivor of them, and the heirs of the said Eufamia's body, so that if there were no heir-male of her body, and she should have several daughters, the eldest daughter, as well of Eufamia as of her heirs begotten of her, failing heirs-male, should succeed to the whole earldom with the above exceptions, always without division; whom failing, by Johanna, the younger daughter of the said Earl, and her heirs, the eldest heir-female always succeeding, without division.—of the King and his heirs, for rendering the services due and wont. Dated at Perth, 23d October, A.R.R. 41 [1370], 206
12. Letters of Complaint by William Earl of Ross to King Robert the Second and his Council, representing that his Majesty's predecessor had given to Sir Walter de Lesley, knight, all the complainant's lands and tenements, and also those of Hugh de Ross his brother, within Buchan, neither he nor his brother being called, summoned, or convicted; that on coming to know of the seizin so given to Sir Walter, violently and without process of law, he had applied by letter to the Bishop of Brechin, chancellor of Scotland, for a letter of attorney from the Chancery, containing the names of Robert Stewart of Scotland, Thomas Earl of Mar, William de Keth, and William de

PAGE

Meldrum, knights, and had written a letter to each of them, entreating them to be his attorneys to ask from the king his lands under pledge, with a letter to the king and another to Eufamia, the complainant's sister, on the same subject; that he intrusted these to Sir John de Gamery, canon of Caithness, his clerk, who was waylaid on his journey by John de Aberkyerdor, calling himself the esquire of the said Sir Walter de Lesley, who arrested him, abused his servant because he would not tie his master to the tail of his horse, despoiled him of the letters, and took him into woods and waste places, compelling him to deliver up the box containing the letters to the said Sir Walter, and pay a ransom; that the Earl went as far as Aberdeen to the king's presence, where he found he could not get his lands to pledge unless he gave up to John de Logy his right to the Platan of Forfar, etc.; that on the king coming to Inverness, the Earl and his brother Hugh, seeing Sir Walter very powerful at Court, were compelled, for avoiding greater perils, to ratify the king's grants to the said Sir Walter, Hugh being then in hiding in woods and inaccessible places; that it was of truth that his daughter was married to Sir Walter de Lesley against his will, and that no grants were made by the Earl to him, save owing to King David's rigour and in fear of his indignation. Dated at Edinburgh, 24th June 1371, 208

13. Transumpt, made 18th April 1455, at the instance of Alexander Fraser of Philorth, of a charter by Walter de Leslie, knight, lord of Ross, to his brother and sister, Sir Alexander Fraser, knight, and Johanna his spouse, and the lawful heirs of their bodies, of the lands of Philorth, namely, the lands of Kirktonn, Cairnbulg, and others therein specified: To be held as compensation for the said lands of Ross, of the king, as freely as the said Walter and Euphemia his spouse held them. Dated at Aberdeen, 4th June 1375, 209

14. Transumpt, made 6th March 1480, by David Meldrum, official principal of St. Andrews, at the instance of Alexander Fresel, eldest son and apparent heir of Alexander Fresel of Philorth,—of a transumpt,

made 17th October 1437, by William of Karnys, vicar of Glamis, and commissary-depute of St. Andrews, at the instance of Alexander Fraser,—of a charter by Walter Lesly, knight, lord of Ross, and Eufamia Ross his spouse, to their brother-in-law Alexander Fraser, knight, and their sister Jonet Ross, and the survivor, of the lands of Auchinchogyl and Mekil Fyntra, in the shire of Aberdeen; the lands of Crekiltoun, in the shire of Wigtown; and an annualrent of £18 sterling out of the lands of Faryndonalde in Ross, in the shire of Inverness; in more full excambion and satisfaction to the said Sir Alexander and Jonet and their heirs, for all their heritable parts of the lands of Ross, in the shire of Inverness, dispoed by them for the said lands and annualrent: To be held by the said Alexander and Jonet, and the survivor and the heirs of their bodies, whom failing, by the heirs of the said Jonet whomsoever, from the granters and their heirs, of the king and his successors; for rendering to the king the service due and wont, and ward and relief when they happened. Dated at Aberdeen, 4th June 1375, 211

15. Transumpt, made at Perth, 24th March 1424-5, under the seal of King James the First, at the instance of William Fraser of Philorth, of a charter by King Robert the Third, confirming all the gifts, grants, conditions, and agreements made by Walter de Leslie, knight, lord of Ross, to Alexander Fraser, knight, of certain lands and annualrents in the earldoms of Ross and Buchan and lordship of Galloway: To be held by the said Alexander and his heirs in fee and heritage, with reservation of the king's service due and wont. Dated at Dundonald, 28th October 1405, 217
16. Charter by King Robert the Second, confirming a charter by Archibald de Douglas, knight, lord of Galloway and Bothwell, to Sir Alexander Fraser, knight, for his homage and service, of 80 merks' worth of lands and mills, in the lordship of Aberdour and shire of Aberdeen: To be held by him and Lady Johanna his spouse, and the survivor, and the heirs of the body of the said Sir Alexander, of the granter

PAGE

- and his heirs, whom failing, of Johanna, the granter's spouse, and her heirs in the lordship of Aberdour ; for rendering the forensic service pertaining to the said lands and mills ; and in case of failure of the heirs of the body of the said Alexander, the said lands to revert to the granter and his heirs ; whom failing, to the said Johanna, the granter's spouse, and her heirs, lords of Aberdour. The Confirmation is dated at the Monastery of Aberbrothok, 31st December, A.R.R. 8 [1378]... 218
17. Charter by James de Douglas, lord of Abercorn and of Aberdour, to his kinsman William Fraser, of the lands of Ouir Pettouly, Nethir Pettouly, Petslegach, Culburty, Le Quarale, Ardelach, Achlun, the three Bulgenis, with the mill of Bulgeny, Glascelach, Culcaoch, Achmacludy, Drumwhendil, with the mill thereof, Mamsy, with the mill of Badechale, and Rathin, in the barony of Aberdour and shire of Aberdeen ; which lands and others belonged to Sir Alexander Fraser, knight, his father, heritably, and had been resigned by him : To be held by the foresaid William and his heirs, of the granter and his heirs, for rendering to them the services due and wont : Reserving to the said Sir Alexander the frank tenement of the said lands during his life, and to Lady Elizabeth his spouse her terce thereof, for her lifetime, if she survived Sir Alexander her husband. Dated at Edinburgh, 25th October 1408, 220
18. Confirmation by Archibald Earl of Douglas, of the foregoing grant by his brother James de Douglas, lord of the baronies of Abercorn and Aberdour, to the Earl's kinsman William Fraser, of the lands of Ouir Pettouly, Nethir Pettouly, Petslegach, Culburty, . . . the three Bulgenis, with the mill of Bulgeny, Glascelach, Culcaoch, Achmacludy, Tulynamolt, with the mill thereof, etc. Dated at Edinburgh, 28th October 1408, 221
19. Charter by Archibald Earl of Douglas, confirming a charter by James de Douglas, lord of Abercorn and of Aberdour in Buchan, to his esquire Patrick Reede Ramsay, for his service rendered and to be

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- rendered during his life, of the lands of Little Drumqwhendill, in the barony of Aberdour and shire of Aberdeen, which belonged heritably to Sir Alexander Fraser, knight, and had been resigned by him into the granter's hands, at Edinburgh, on 25th October 1408: To be held by the said Patrick, his heirs and assignees, of the granter and his heirs and successors, barons of Aberdour, in fee and heritage, for yearly payment of a silver penny in name of blench farm, at Whitsunday, if asked only. Dated at Edinburgh, 31st October 1408, ... 222
20. Charter by Isobella de Douglas, Countess of Mar and Garioch, to her kinsman, William Fraser, and Elinora de Douglas his spouse, and their heirs, in free marriage, of the lands of Tibarty and Wtlaw, with the pertinents, in the barony of Strauthaveth and shire of Banff, for rendering three suits yearly at the granter's head courts. Dated at the Castle of Kyndromie, 8th December 1404, 224
21. Letters of Bailliary by James de Douglas of Balveny, directing Simon Banerman his bailie to infest Alexander Fraser of Philorth in the lands of Culburty, Mamsy, Ouir Pettouly, Nethir Pettouly, and Rathin, in the lordship of Abercorn and shire of Aberdeen. Dated at Perth, 6th October [1430], 225
22. Notarial Copy of Charter by Alexander Stewart, Earl of Mar, confirming the grant made by William Fraser of Philorth to Alexander Fraser his son and heir, and Marjory Meignes his spouse, of the lands of Tibberty and Utlaw, in the barony of Strathalveth and shire of Banff: To be held by them, the survivor of them, and the heirs of their bodies, whom failing, by Isobella, daughter of the said William Fraser, and the heirs begotten between her and Gilbert Meignes, of the Earl and his successors, in fee and heritage for ever; reserving to the Earl the service due and wont. Dated at Perth, *circa* 1430, 225
23. Charter by King James the Second, under the Great Seal, to Alexander Fresaile of Philorth, of the lands of Philorth, and the lands of Aber-

- dour which belonged to the said Alexander, in the shire of Aberdeen; also the lands of Tebarti and Vtelaw, in the barony of Strathalva and shire of Banff; which all belonged to the said Alexander Fresale heritably, and were resigned by him personally at Aberdeen; and which are all hereby incorporated into one free barony, to be called the barony of Philorth: To be held by him and his heirs, of the king and his successors, kings of Scotland, for rendering yearly three suits at the three head courts of the shire of Aberdeen. Dated at Spynie, 9th February 1455-6, 226
24. Charter by Alexander Fraser of Philorth, knight, to Alexander Fraser his son and apparent heir, of all his lands of the barony of Philorth, both property and tenandry, in the shire of Aberdeen: To be held by him and the heirs-male of his body; whom failing, successively by James, William, John, Andrew, and George, his other sons, and the heirs-male of their bodies; whom failing, by any other heirs-male to be begotten of his body; whom failing, by his kinsman Hugh Fraser of Lovat, and the heirs-male of his body; whom all failing, by his nearest heirs-male of the surname of Fraser; of the king, for performing the service due and wont. Dated at Aberdeen, 13th July 1464, 228
25. Charter by Hugh Lord Fraser of Lovat, whereby, in the event of his decease without an heir-male of his body, he grants to his kinsman, Alexander Fraser of Philorth, knight, all his lands of Kynnell, in the shire of Forfar, and the third part of the barony and lands of the Airde, with the pertinents; to wit, Stratherriek, the third part of the lands of Glenelg, of the three Leis, Muckavie, Balvraid, Leinach, with the two Daltilichs, and of Dalcross, in the regality of Moray; also Gushachan, Kirkomyr, Mauls, and Wester Eskidels, lying in Strathglas, in the barony of Aird and shire of Inverness; and all his lands of Lovett: To be held by the grantee and the heirs-male of his body, whom failing, by the granter's heirs-male and nearest of his surname whomsoever, of the king, for rendering the service due and wont. Dated at Aberdeen, 13th July 1464. [Copy], 230

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| 26. Precept of Seizin by Hugh Fraser, Lord of Lovat, for infefting Alexander Fraser of Philorth, knight, in the lands of the lordship of Lovat and of Kynnell, as contained in his charter of tailzie. Dated at Aberdeen, 24th August 1464, | 232 |
| 27. Charter by Hugh de Ross, son of the deceased Sir Hugh de Ross, Earl of Ross, to his uncle Peter de Grame, of the lands of Skaterdy and Beth, in Buchan, within the tenement of Kynnedor : To be held by him and his heirs, of the granter and his heirs, for rendering to them a pair of gloves at Whitsunday yearly, if asked only, and to the king the service due and wont. Sealed with the granter's own seal, and the seal of his brother, William Earl of Ross, at Kynnedor, 30th March 1351, 232 | 232 |
| 28. Charter of Confirmation by John de Ill, Earl of Ross and Baron of Kynnedvarde, of a charter by Thomas Grayme of Scatyrtty and Bytht to Alexander Fraser of Fillorth, knight, of the lands of Scatyrtty and Bytht, in the barony of Kyunedvarde and shire of Aberdeen : To be held by the said Alexander and his heirs and assignees, of the said Thomas and his heirs, for payment of a silver penny at Whitsunday yearly, in name of blench farm, if asked only. The charter is dated at Aberdeen, 25th January, and the confirmation at Dingwall, 24th February 1469-70, | 233 |
| 29. Precept by Alexander Fraser of Philorth, knight, to his bailies, to give seizin to Alexander Fraser, his son and heir-apparent, of the lands of Mamsy, in the earldom of Buchan and shire of Aberdeen. Dated at Philorth, 12th August 1474,..... | 235 |
| 30. Precept of Brief by King James the Fourth, under the Great Seal, appointing Alexander Banerman of Watirtoun, Alexander Lawder, provost of Edinburgh, and others, his sheriffs of Aberdeen, for executing the brieves of inquest purchased or to be purchased by William Fraser, brother of the late Alexander Fraser of Philorth, respecting the lands and annualrents that belonged to the latter in the shire of Aberdeen ; such brieves to be expedie in the Tolbooth of Edinburgh. Dated at Edinburgh, 3d April 1501, | 236 |

31. Charter by Walter de Lesley, lord of Ross, to his kinsman, Andrew Mercer, for his faithful service, of the land of Faythley, with the pertinents, in the barony of Kynedward and shire of Aberdeen, which belonged to Jonet de Meignes, lady thereof, daughter and heiress of Alexander de Meignes, and were resigned by her at Doune in Menteth, on 5th June 1381 : To be held by the said Andrew and his heirs and assignees, of the granter and his heirs, for rendering a pair of gilt spurs at Faythley, at Whitsunday yearly, in name of blench farm, if asked only, under reservation of the king's forensic service due and wont. Dated at Elgin, 18th August 1381, 237
32. Charter by Eufamia, Lady of Ross, daughter and heiress of the deceased William Earl of Ross, confirming the preceding charter by Sir Walter de Lesley, lord of Ross, her late spouse, to Andrew Mercer, th ir kinsman, and his heirs and assignees, of the lands of Faithlie : Confirming to them also an annualrent of nine pounds sterling out of Fynletor, Natyrdole, and Petyndreych, and of 24s. out of Culbreny, in the shire of Banff, to be held for rendering a pair of gilt spurs yearly to the king, in name of blench farm ; also a charter of the lands of Tyrie, in the barony of Kynedward and shire of Aberdeen, to be held for payment of a penny sterling yearly in name of blench farm. Dated at Dingwall, 9th March 1381-2, 238
33. Precept by Henry Marsar of Audy, to give seizin to William Fraser of Philorth, knight, of the lands of Faithlie and Tyrie. Dated at Perth, 15th June 1504, 240
34. Signature by King James the Fifth, ordaining a charter under his Great Seal to be made to Alexander Fraser of Philorth, his heirs and assignees, of the lands and barony of Philorth ; the lands of Faithlie, Scattertie, and Tiry, in the shire of Aberdeen ; the lands of Utlaw and Greymlaw, Fatteheid, Tibberty, and Forfaldis, in the shire of Banff ; of new uniting and erecting the foresaid lands into a free barony, to be called the barony of Philorth, of which the manor-place and castle of Philorth was to be the chief message. Dated 1541,... 240

35. Charter by Mary Queen of Scots, under the Great Seal, dated 1st March 1561, confirming a charter by Alexander Fraser of Philorth to his grandson, Alexander Fraser, and Magdalen Ogilvy his spouse, in conjunct-fee, and the heirs of their bodies, whom failing, to the heirs and assignees whomsoever of the said Alexander, younger, of the lands of Pettalochy : To be held for payment to the Crown of one penny yearly, if asked only. Dated at Banff, 29th October 1559,... 243
36. Contract between John Lord Abernethy of Saltoun, with cousent of his curators, and Dame Margaret Stewart, Lady Saltoun, his mother, and Mistress Margaret Abernethy his sister-german, with advice of her curators, on the one part, and Sir Alexander Fraser of Fraserburgh, knight, with consent of Dame Magdalen Ogilvy his spouse, and Alexander Fraser, their son and apparent heir, on the other part, for a marriage between the said Alexander Fraser, son and heir fore-said, and the said Mistress Margaret Abernethy, to take place betwixt the date of this contract and the 1st of May immediately following : In contemplation of which marriage the said Sir Alexander Fraser binds himself to infest his son and the said Mistress Margaret, his future spouse, in the lands of Nether Pettulies, Over Pettulies, etc., with provision for exchange of these for the lands of Tibbertie and others on Doveranside, in the event of the redemption of these latter by the said Sir Alexander, and with other provisions therein specified ; and the said John Lord Saltoun and Dame Margaret Stewart become bound to pay to the said Sir Alexander Fraser the sum of sixteen thousand marks Scots as tocher, etc. Dated at Edinburgh and Inverallochy, 19th December and 4th January 1595-6, 246
37. Charter by King James the Sixth to Alexander Fraser of Philorth, and the heirs-male of his body, whom failing, his heirs-male and assignees whomsoever, of the lands and barony of Philorth, and the lands of Aberdour, in the shire of Aberdeen, the lands of Tibberty of Utlaw in the shire of Banff, united of old into the barony of Philorth and extending to a twenty pound land of old extent ; the lands of Scatterty,

PAGE

with the salmon-fishings in the water of Doveran, in the barony of Kinedward, the lands of Faithlie and Tyrie, with the port, town, and burgh of barony of Faithlie, in the same barony, and the lands of Kirktown Tyrie, in the barony of Aberdour, all formerly united into the barony of Philorth: the lands of Inverallochy, the lands of Fortrie of Inverury, and mill called Denend, extending to a three pound land of old extent, lying in the barony of Inverallochy, the lands of the third part of the town and lands of Faithlie, the shadow half of the town and lands of Kindrocht and Denend, in the barony of Kinedward and shire of Aberdeen: All which had been resigned by the said Alexander into the hands of the king as superior. Further, the king, for the good, faithful, and ready service done by the said Alexander, grants to him all the lands, barony, and others *de novo*, and erects the town of Faithlie into a free burgh of barony, with a free port, to be called in all time coming the Burgh and Port of Fraser, and unites the whole foresaid lands and port into a free barony, to be called the Barony of Philorth, and grants to him the patronage of the parish churches of Philorth, Tyrie, Crimond, and Rathen, and unites them to the barony of Philorth. Further, the charter confers power to build a college or colleges and erect a university within the burgh of Fraser. Dated at Edinburgh, 1st July 1592, 254

38. Act of Parliament, bestowing in mortmain the patronage of the parish churches of Philorth, Tyrie, Crimond, and Rathen on the university to be founded in Fraserburgh, with consent of Sir Alexander Fraser of Fraserburgh, patron of the foresaid churches; and ratifying the infestment made to Sir Alexander on 1st July 1592 (No. 37, *supra*). Dated 16th December 1597,..... 263

39. Letters of Publication of the liberties and privileges of the burgh of Fraserburgh, according to the infestment under the Great Seal granted to Sir Alexander Fraser of Philorth and Fraserburgh thereon. Given under the signet, at Edinburgh, 19th May, and proclaimed at the Market Cross of Aberdeen, 8th August, 1601, 265

40. Charter by Sir Alexander Fraser of Fraserburgh, knight, whereby, in execution of a contract, dated 26th August and 7th October 1613, for certain sums of money, he grants to the feuars, freemen, and burgesses of the said burgh full power within the said burgh and regality to pack and peill, buy and sell wine and wax, wool and lint, admit craftsmen, build a tolbooth and market cross, hold two weekly markets, and two yearly fairs on St. Michael's Day and John the Baptist's Day, etc., with power to levy and collect customs, tolls, anchorages and haven silver, for building and keeping in repair the bulwark, tolbooth, market cross, and common school, etc., of the said burgh, with advice and consent of the said Sir Alexander and his heirs and of the councillors; with a gift of common: Reserving to the said Sir Alexander and his foresaids the right of buying and selling, for their own use only, all goods, without payment of custom, and the title and authority of chief magistrate or provost of the burgh, etc. Contains a precept of seizin, instructing John Leslie of Balquhain, as Sir Alexander's bailie, to give real and corporal possession of the foresaid privileges to the burgesses and freemen of the said burgh, by delivery of earth and stone, the keys of the town-house, and the "hesp and stapill" of the cross. Dated at Braidsea, 22d December 1613, 269
41. Extract Retour of Alexander Fraser of Philorth, as heir to Sir Alexander Fraser of Fraserburgh, knight, his father, in the lands of the barony of Philorth, which had been in the hands of the king as overlord since the death of the said Sir Alexander in July 1623. Subjoined is a retour of the same as heir to Andrew Fraser of Tyrie, his uncle. Expede at Aberdeen, 17th December 1624, 277
42. Holograph Will and Testament of Sir Alexander Fraser of Philorth. Dated at Pettulie, 30th July 1650, 284
43. Retour of General Service of Alexander Fraser, elder of Philorth, as heir of George Lord Saltoun his grandfather. 14th April 1670. [Copy], 287
44. Ratification in Parliament of Letters-Patent by King Charles the Second, confirming the above-mentioned service and retour of Alexander Fraser

of Philorth, as heir of the deceased Lord Saltoun, and authorising him and his heirs to use the title and dignity of Lord Abernethy of Saltoun. Dated at Whitehall, 11th July 1670, 288

IV.—CHARTERS RELATING TO FORGLEN AND ARDENDRACHT FAMILY.

45. Charter by King Robert the Second to John Fraser, son of the deceased William Fraser, knight, of the land of Wester Essyntoly, in the shire of Kincardine, which belonged formerly to John de Dalgarnock, and had been resigned by him into the hands of the king : To be held by the said John Fraser and his heirs, of the king and his heirs, for payment of one silver penny yearly, in name of blench farm, at the castle-hill of Durris. Dated at Aberdeen, 18th June [1373],..... 289
46. Charter by Alexander Fraser, knight, lord of the barony of Cowie, to his brother, John Fraser, of the lands of Auchynschogyll, Plady, and Dalgedy, with the Quarrell, in Buchan, in the shire of Aberdeen : To be held by the said John, and the heirs of his body, of the granter and his heirs, for payment of a pair of gilt spurs at Whitsunday, at the manor-place of Philorth, and giving three suits of Court ; the lands to revert to the granter and his heirs if the said John died without an heir of his body. Dated at Aberdeen, 19th May 1376, 289
47. Obligation by Alexander Fraser, lord of the barony of Cowie and Durris, that in case his brother John Fraser were removed through process of law, by him or his heirs, from the lands of Achinshogill, Plady, Delgedy, and the Quarell, the said John should have the lands of the barony of Durris, in the shire of Kincardine, to him and the heirs of his body, in compensation therefor. Dated at Aberdeen, 20th July 1385, 290
48. Charter by John, Abbot of Aberbrothoc, and the Chapter thereof, to John Fraser and the heirs of his body, of the land of Forglen pertain-

- ing to the "Barcbennach," with the patronage of the church of the said land, for homage and service to the abbot and his successors, and doing in the King's host the service that pertained thereto; which land Gilbert Urry and Johanna his spouse, heiress of the deceased Marjory spouse of John Fraser, resigned into the abbot's hands, at Forglen, on 3d August 1387: To be held by the said John and the heirs of his body; whom failing, by the other heirs therein mentioned, of the abbot and his successors; reserving to the abbot the regality of the said land; for payment of 40s. sterling yearly, and doing homage and service, with provision that the lands should not be sold, wadset, or anywise alienated without leave of the abbot or his successors. Dated at Aberbrothoc, 2d March 1387-8,..... 291
49. Resignation by John Fraser of his lands of Forglen in the hands of Walter Abbot of Aberbrothoc, to dispose of them "according to the freedom of his own will." Dated at Aberdeen, 11th December 1411, 292
50. Charter by John de Bonville, lord of Balhelvy-Bonville, to his kinsman John Fraser of Forglen, of the two towns of Ardhendracht, in the earldom of Buchan and shire of Aberdeen, to be held from the granter and his heirs. Dated at Aberdeen, 9th October 1388,..... 293
51. Charter of Confirmation by King Robert the Third, dated 4th June 1400, of a charter by John de Bonville, son and heir of the deceased John de Bonville of Balhelvy-Bonville, to John Fraser of Forglen, of the lands of Balhelvy-Bonville, Colynstoun, the two towns of Ardendracht, with their tenandries of Blaretoun, Many, and Achlochery, in the shire of Aberdeen: To be held of the lord of Balhelvy-Berclay as overlord, from the granter and his heirs, for rendering yearly three suits at the three head courts of Balhelvy-Berclay, and forensic service to the king. Dated at Forglen, 8th January 1388-9, 294
52. Charter by John Fraser, lord of Ardendracht, to his kinsman Alexander Fraser, son of umquhile Duncan Fraser, lord of Tulyfour, of

	PAGE
the lands of the half davach of Ardendracht, in liferent, lying on the south side of the lands of Ardendracht: To be held of the granter and his heirs during the lifetime of the grantee. Dated at Aberdeen, 31st January 1413-14,	295
53. Resignation by Margaret Fraser, lady of Ardendracht and Auchleuchry, in her pure widówhood, of the lands of Ardendracht and Auchleuchry, with the pertinents, in the hands of Patrick lord of Glamis and of the barony of Belhelvie, of whom the lands were held in chief. Dated at Slains, 16th Déeember 1440,	295

V.—ABERNETHY CHARTERS.

54. Charter by King David the Second to William de Abernethy, knight, for his faithful service, of the lands of Rothiemay, in the shire of Banff, which had fallen to the crown through the forfeiture of umquhile David de Strathbolgy, knight, the king's enemy and rebel, who was slain in battle: To be held by the said William and his heirs, of the king and his heirs, in fee, heritage, and free barony, for giving three suits at the three head courts of the shire of Banff yearly, and a pair of gilt spnrs to the king and his heirs, at Rothiemay, at Whitsunday yearly, if asked only. Further, the king grants the foresaid lands in free warren for ever, and that the grantee and his heirs should not be answerable for any burdens, save only on one davach. Dated at Elgin, 22d November [1345],	296
55. Instrument of Sasine, proceeding on a brieve from the Chancery of King James the Third, dated 7th March 1460-1, in favour of William de Abernethy, as son and heir of umquhile Sir Laurence, Lord Aberniethy in Rothiemay, knight, in the lands of the lordship of Saltoun, in the constabulary of Haddington and shire of Edinburgh. Sasine is given by delivery of earth and stone, and enclosing the said William in the hall of the principal messuage. Dated 13th March 1460-1,	297

56. Charter by King James the Third, under the Great Seal, granting to William Lord Abernethy in Rothiemay the lands of Rothiemay, in the shire of Banff; Redy, in the shire of Forfar; Dalgathy, in the shire of Fife; Dalders, in the shire of Stirling; Glencors, in the shire of Edinburgh; Salton, in the shire of Edinburgh and constabulary of Haddington; Lileston and Ugistoune in the lordship of Lauderdale and shire of Berwick; and of Prenderlaith, in the shire of Roxburgh: which all belonged heritably to the said William, and were resigned by him into the king's hands at Edinburgh: To be held by the grantee and the heirs-male of his body; whom failing, by James, George, and Archibald, brothers of the said William Lord Abernethy, successively, and the heirs-male of their bodies; whom failing, by John Abernethy, son of Oswald Abernethy, and the heirs-male of his body; whom failing, by the nearest heirs whatsoever of the said William bearing the name and arms of Abernethy, of the king and his successors, in fee and heritage for ever. Dated at Ediuburgh, 28th January 1463-4,..... 299
57. Charter by King James the Third, under the Great Seal, to William Lord Abernethy in Rothiemay, of the baronies of Rothiemay, Cornearne, Redy, Glencorse, and Prenderlaith, and of the lands of Dalgathy, Daldres, Saltoun, Lylstoun, and Ugistoun, which belonged to the said lord heritably, and were resigned by him into the king's hands at Inverness: To be held by him and the heirs-male of his body, whom failing, by the heirs mentioned in the preceding charter (No. 56, *supra*), of the king and his successors, in fee and heritage; reserving a reasonable terce to his spouse. Dated at Inverness, 5th August 1464, 300
58. Charter by King James the Third, under the Great Seal, to his cousin and councillor William Lord Abernethy in Rothiemay, of the lands of the baronies of Rothiemay and Cornearne, in the shire of Banff; of the barony of Redy, in the shire of Forfar; the lands of Dalgathee, in the shire of Fife; Daldres, in the shire of Stirling; the lands of the

PAGE

- barony of Glencorse, in the shire of Edinburgh; of the barony of Saltoun, in the same shire and constabulary of Haddington; the lands of Lielston and Ugston, in the shire of Berwick and bailliary of Lauderdale; the lands of the barony of Prenderlaith, in the shire of Roxburgh; all which belonged to the said William heritably, and were resigned by him personally into the king's hands at Edinburgh; and which the king, for the singular favour he bore him, herewith erects into one free barony, to be called in all time coming the BARONY OF ABERNETHY IN ROTHIMAY: To be held by the grantee and the heirs-male of his body; whom failing, by James his brother; whom failing, by George his brother, and the heirs-male of their bodies; whom failing, by the heirs-male of the deceased Archibald of Abernethy; whom failing, by John, son of Oswald of Abernethy, and the heirs-male of his body; whom all failing, by the nearest heirs-male whomsoever of the said William, bearing the name and arms of Abernethy; of the king and his successors, for ever, for rendering such services in the Sheriff-court of Banff only, as he or his successors had previously rendered in the shires of Banff, Forfar, etc. Dated at Edinburgh, 10th January 1482-3, 303
59. Retour of Special Service of James Abernethy as heir to William Lord Abernethy in Rothimay, his brother-german, in the lands and baronies of Abernethy in Rothimay, Cornecarne, etc., all united into the barony of Abernethy in Rothimay; which lands and baronies had been in the king's hands about four months, since the death of the said William. Expede in the Tolbooth of Edinburgh, 10th October 1488, 305

SEALS OF FRASERS AND FRASER CONNECTIONS.



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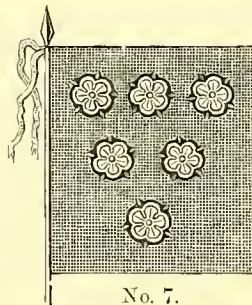
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No. 5.



No. 6.



No. 7.



No. 8.

1. Richard Fraser, *ante* 1276.
2. Sir Richard Fraser, 1297.
3. Sir Andrew Fraser, 1297.
4. William Fraser, Bishop of St. Andrews, 1279-1297. Seal as Metropolitan.
5. William Fraser, Bishop of St. Andrews, 1279-1297. Episcopal Seal.
6. Sir Simon Fraser (filius), 1297.
7. Banner of Sir Simon Fraser (filius), 1300.
8. William Fraser, 1296.



No. 9.



No. 10.



No. 11.



No. 12.



No. 13.



No. 14.



No. 15.



No. 16.

9. Sir Alexander Fraser, Chamberlain of Scotland, 1320.
10. Margaret Fraser, 1392.
11. Sir James Fraser of Frendraught, 1371.
12. Euphemia Countess of Ross, 1381.
13. Hugh de Ross, Lord of Philorth, 1365.
14. James Fraser of Frendraught, 1402.
15. Janet Dunbar, Countess of Moray, 1454.
16. Alexander Fraser, Master of Saltoun, 1676.



No. 17.



No. 18.



No. 19.



No. 20.



No. 21.

17. Sir Alexander de Abernethy, 1292.

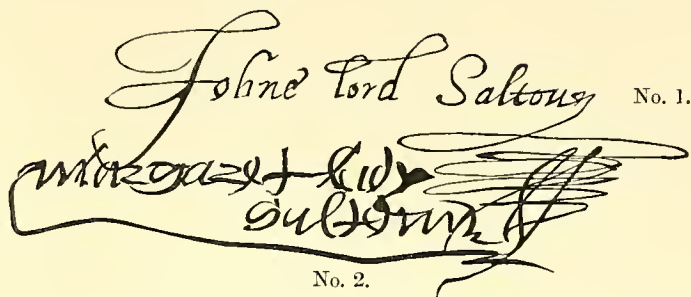
18. Sir George Abernethy, fourth of Saltoun, *circa* 1360.

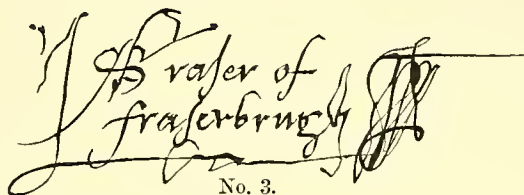
19. Alexander Abernethy, afterwards fourth Lord Saltoun, *ante* 1512.

20. Hugh Fraser of Lovat and Kinnell, 1390.

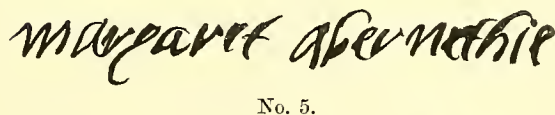
21. John Dunbar, Earl of Moray, 1390.

SIGNATURES OF FRASERS AND ABERNETHIES.

John Lord Saltoun No. 1.

 Margaret Lady Saltoun
 No. 2.

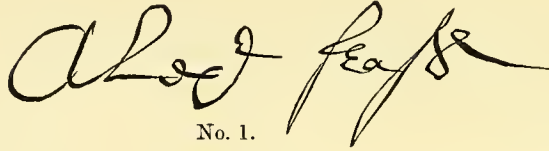
Alexander Fraser of
 Fraserburgh No. 3.


Alexander Fraser
 No. 4.


Margaret Abernethie
 No. 5.


Simon Lord Fraser
 of Lovat. No. 6.

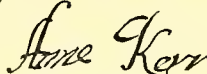

1. John Abernethy, eighth Lord Saltoun, 1595.
2. Dame Margaret Stewart, Lady Saltoun, widow of seventh Lord, 1595.
3. Sir Alexander Fraser of Philorth and Fraserburgh, 1595.
4. Alexander Fraser, younger of Philorth, 1595.
5. Hon. Margaret Abernethy, wife of Alexander Fraser, younger of Philorth, 1595.
6. Simon Lord Fraser of Lovat, 1595.



No. 1.



No. 2.



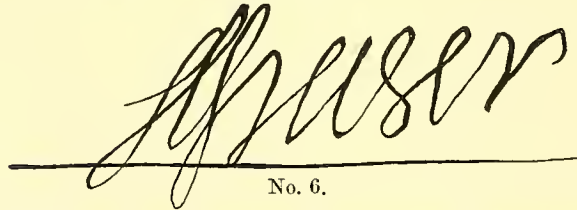
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No. 4.



No. 5.



No. 6.

1. Alexander Fraser, elder of Philorth, afterwards tenth Lord Saltoun, 1652.
2. Alexander Fraser, younger of Philorth, 1652.
3. Lady Anne Kerr, first wife of Alexander Fraser, younger of Philorth, 1652.
4. Dame Marion Cunningham, Countess of Findlater, second wife of Alexander Fraser, younger of Philorth, 1660.
5. Lady Sophia Erskine, third wife of Alexander Fraser, younger of Philorth, afterwards Master of Saltoun, 1663.
6. Alexander Fraser, younger of Philorth, and Master of Saltoun, 1676.

No. 1.

No. 2.

No. 3.

No. 4.

No. 5.

No. 6.

No. 7.

No. 8.

1. Alexander Fraser, tenth Lord Saltoun, 1683.
2. William Fraser, Master of, afterwards eleventh Lord Saltoun, 1683.
3. Margaret Sharp, wife of William Master of Saltoun, 1683.
4. William Fraser, eleventh Lord Saltoun, 1709.
5. Hon. Helen Fraser, daughter of William eleventh Lord Saltoun, married John Gordon, younger of Park, 1709.
6. Alexander Fraser, Master of, afterwards twelfth Lord Saltoun, 1707.
7. Alexander Fraser, twelfth Lord Saltoun, 1718.
8. Lady Mary Gordon, wife of Alexander Master of, afterwards twelfth Lord Saltoun, 1707.

No. 1.

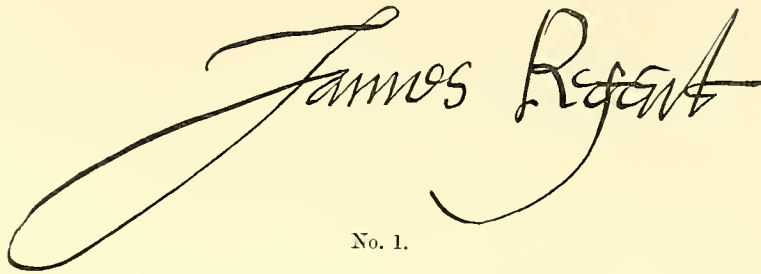
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No. 4.

No. 5.

1. George Fraser, fourteenth Lord Saltoun, 1756.
2. Alexander Fraser, fifteenth Lord Saltoun, 1784.
3. Marjory Fraser, wife of Alexander fifteenth Lord Saltoun, 1784.
4. Simon Fraser of Ness Castle, 1784.
5. Alexander George Fraser, sixteenth Lord Saltoun, 1815.



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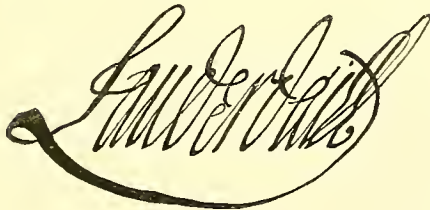


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Charles



No. 5.



No. 6.



No. 7.

1. James Earl of Morton, Regent, 1575.
2. King James the Sixth, 1588.
3. King James the Sixth, 1596.

4. King James the Sixth, 1602.
5. King Charles the Second, 1651.
6. John second Earl of Lauderdale, 1648.

7. John second Earl of Lauderdale, 1663.

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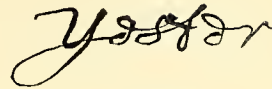
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|--|---|
| 1. James first Duke of Hamilton, 1648. | 4. John Earl of Crawford and Lindsay, 1648. |
| 2. James first Earl of Calander, 1648. | 5. John first Earl of Traquair, 1648. |
| 3. William Earl of Lanrick, 1648. | 6. Earl of Lothian, 1652. |
| | 7. James Lord Killmares, 1660. |



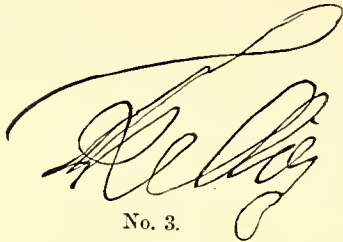
Glencairn witness

No. 1.



Yester

No. 2.



Kellie

No. 3.



Tweeddale

No. 4.



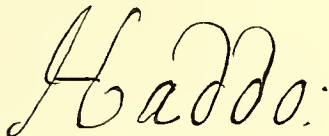
Newbattle

No. 5.



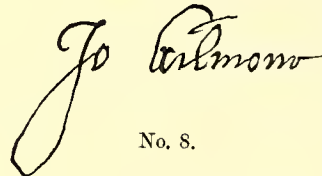
Aberdeen.

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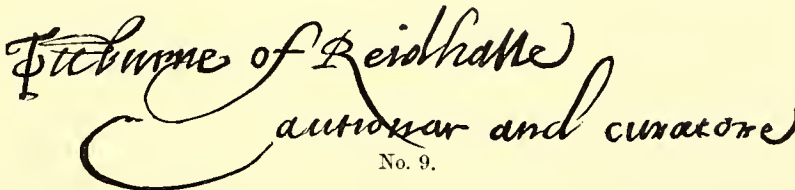
Haddo.

No. 7.



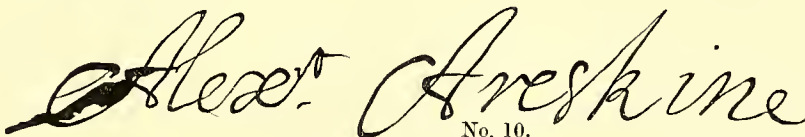
Jo Gilmour

No. 8.



Thomas Otterburne of Reidhall
auctioneer and curator

No. 9.



Alex. Erskine

No. 10.

1. William Earl of Glencairn, 1660.
2. Lord Yester, 1663.
3. Earl of Kellie, 1663.
4. Earl of Tweeddale, 1663.
5. William Lord Newbattle, 1683.
6. Earl of Aberdeen, 1707.

7. Lord Haddo, 1707.
8. Sir John Gilmour, Lord President of Court of Session, 1663.
9. Thomas Otterburne of Reidhall, 1595.
10. Sir Alexander Erskine of Cambo, Lyon King-of-Arms, 1683.

No. 1.

No. 2.

No. 3.

No. 4.

No. 5.

1. Sir William Sharp of Scotsraig, 1683.
2. Sir William Sharp of Staniehill, 1683.
3. Helen Moncreif, widow of Archbishop Sharpe, 1683.
4. Sir John Gordon of Park, 1709.
5. James Gordon, younger of Park, 1709.

END OF THE SECOND VOLUME.





