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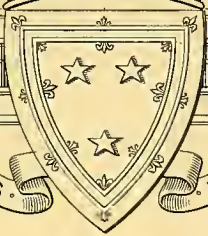


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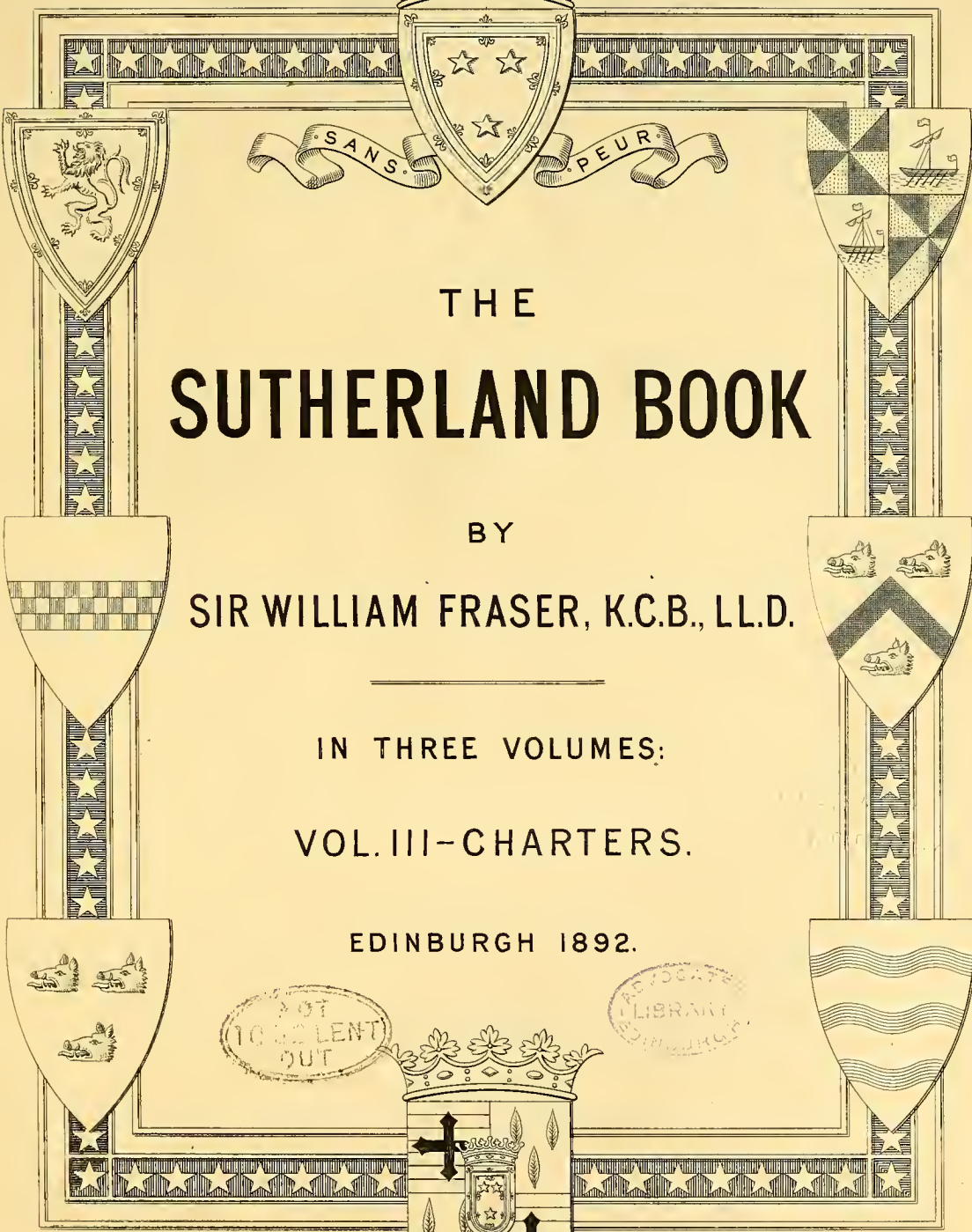
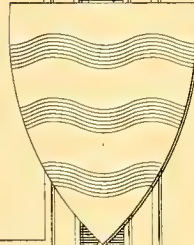
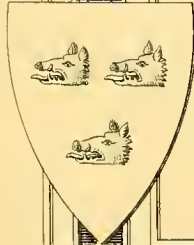
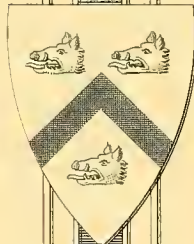
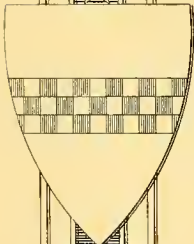
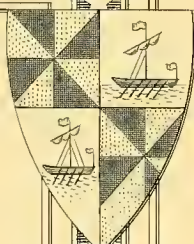
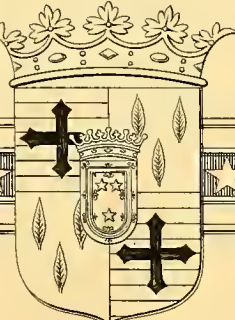
BY  
SIR WILLIAM FRASER, K.C.B., LL.D.

IN THREE VOLUMES:  
VOL. III—CHARTERS.

EDINBURGH 1892.

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ABSTRACT OF THE CHARTERS  
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| <p>1. Charter by Hugh Freskyn, granting to Master Gilbert, archdeacon of Moray, and those heirs of his kin to whom he should choose to give and grant it, and their heirs, the granter's whole land of Scelbol in Sutherland, and Fernebuchlyn and Inuerchyn, and also his whole land of Sutherland toward the west, which lay between the forenamed lands and the marches of Ross : To be held to Gilbert and his forenamed heirs for ever, of the granter and his heirs, for rendering the service of one archer, for all exaction, service or demand belonging to the granter and his heirs, and the King's forinsec service pertaining to the said lands : Witnesses, William and Andrew, the granter's brothers, Hugh Douglas, Freskyn Douglas, Waldeve of Garuiacht, Robert, the chamberlain, and others. <i>Circa</i> 1211,.....</p> | 1    |
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gift by his late father, to Master Gilbert, archdeacon of Moray, and to those heirs of his kin to whom the latter should choose to grant it, and their heirs, of the said Hugh's whole lands of Scelbotil in Sutherland, and of Fernebuchlyn and Inuerchen; and also his whole land of Sutherland towards the west, lying between the forenamed lands and the marches of Ross: To be held of the granter and his heirs, with all freedoms, etc., as the charter of the said Hugh Freskyn bears: Witnesses, Henry, dean of Ross, Maurice, chancellor, Hugh Douglas, Freskyn Douglas, etc. *Circa* 1214,.....

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4. Letters by Gilbert, bishop of Caithness, narrating that in times prior to his administration there had been, as well on account of the poverty of the place as because of frequent hostility, not more than one priest serving God in the cathedral church of Caithness, and that he, being desirous for the honour of our Lord Jesus Christ, and the most blessed Mary, his mother, and all saints, and having taken the advice of discreet men concerning the matter, had resolved to increase divine worship in the same; and at his own expense to erect the said cathedral into a conventual church, according to the measure of his poverty, and had ordained that there should be ten canons therein, who, personally or by their vicars, should for the time being watchfully minister to the bishop there, among whom the bishop as head should preside. Of these canons five dignities shall be created, namely, a deanery, precentory, chancellor, treasury and archdeaconry, each one of whom with the bishop and the abbot of Scone, who is also constituted a canon, shall be bound to find a priest to minister for him in the said church every day in his absence; the three remaining canons being bound to find three deacons vigilantly to assist and serve the said priests in the church. For the support of the said canons he had provided and assigned to each of them a particular and distinct prebend, namely, to the deanery, the church of Clun (Clyne), with the pertinents, the garbal teinds of the city of Durnach (Dornoch), and of the town of Echenboll, with the fourth part of the altarage of Durnach, and the whole land of Methandurnach; to the precentory, the church of Creich, with all its pertinents and chapels, the garbal teinds of Promci, Auelech, Stradormeli, Askesdale and Rutheuerchar, the fourth part of the altarage of Durnach, and the whole land of Huchterhinche at Durnach; to the chancellor, the church of Rothegorth (Rogart), with its profits and pertinents, the

garbal teinds of Scelleboll (Skelbo), namely, of 12 davachs, and the fourth part of the altarage of Durnach ; to the treasury, the church of Larg (Lairg), with its profits and pertinents, the garbal teinds of Scitheboll and Sywardhoch, except the teinds of the precentory at Stradormeli, and likewise the fourth part of the altarage of the church of Durnach ; there being also assigned to each of these four prebends a free toft and croft in the city of Durnach. And for the greater inducement of these dignitaries to residence, the bishop assigned to those residing in the cathedral church, or engaged without, either in its affairs or those of the bishop, the church of Far, with all its profits and pertinents in common, except the teinds and profits of Helgedall, previously granted by the bishop to the church of Ra (Reay), on account of its nearness to Helgedall, and the great distance of the church of Far ; reserving power, however, to divide the parish of Far into several, on account of its wide extent, and ordaining that those resident should share the whole profit of the said church and of its chapels equally among them, those absent receiving nothing in absence. Further, it is ordained that as, after the bishop, they were the principal persons in the cathedral church, their churches should be free from all burden of the officials and rural deans, and that none of the foresaid persons should presume to exercise any jurisdiction over their persons, families or chaplains, as their excesses were to be corrected by the bishop and chapter. To the archdeaconry the bishop assigned the churches of Bouer and Watne (Watten), with all their profits and pertinents. Moreover, to the chancellor, treasury and archdeaconry, the whole lands of Pethgrudi and the two Herkenys are assigned, to be divided among them by equal portions, with the common pasturage of the city of Durnach. The church of Kelduninach, with all its profits and pertinents, is assigned to the prebend of the abbot of Scone, who, by a priest vicar, shall minister in the cathedral church, he and his successors being bound to residence, or to find a vicar in his prebendal church ; while to the three remaining prebends are joined the three parish churches of Olrick, Donat and Canisby separately, and the church of Scynend in community, etc. Sealed with the seals of the bishop and chapter, and subscribed by the canons. *Circa* 1222-45,.....

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and two davachs of Monimor, with their pertinents : To be held for ever peaceably by the church of Caithness, saving the king's forinsec service, without controversy to be moved in future by the earl or his heirs. The rest of the lands, namely, two davachs of Awelech, three davachs of Promsy, one davach of Rutherhard, three quarters of Haskesdale, a half davach of Hachencosse, three davachs of Thorebol, two davachs of Kynalde, four davachs of Largge and one davach of Cuttheldawach, were by the free will of the bishop, with consent of his chapter, to remain in the possession of the earl and his heirs for ever without gainsaying to him or his successors. Further, with the view of obtaining more secure provision for the said church, and full possession of the said lands granted by the said earl, and for benefits conferred by the latter on him and his successors, the said bishop, with consent of his chapter, granted to the earl and his heirs a davach of Owenes, worth half a merk ; with right to the earl and his heirs to present a chaplain to perform mass for ever in the church of Durnach at St. James's altar for the souls of the earl, his predecessors and successors, whom the bishop and his successors should be bound to admit, and to pay to him five merks yearly out of the episcopal goods, namely, the rents of his town of Durnach : Promising with consent of the chapter to give the earl every security that he and his council could wish for the observance of the agreement ; for the keeping of which the bishop for himself and his successors, the dean, archdeacon, precentor and chancellor for themselves and the chapter of Caithness, and the earl for himself and his heirs, gave their bodily oath. To the copy to remain with the earl the seal of the bishop and the common seal of the chapter, etc., are appended. To a like writing to remain with the bishop and his successors and his chapter the seal of the earl, and those of Sir William of Mowat, Sir Andrew of Moray, Sir Alexander of Moray, and Sir David of Inuerlunan, are appended. Done in the cathedral church of Caithness, on 22d September 1275, .....

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28. Confirmation, by John, seventh Earl of Sutherland, narrating that he had seen and caused to be read before him at Pontefract in England, a resignation made by Nicholas of Sutherland, lord of the castle of Duffus, at St. Andrew's chapel, of the lands and tenements of Thurboll with the pertinents, namely, lands to the worth of £40 lying within the earldom of Sutherland and shire of Inverness, into the hands of Robert, Earl of Sutherland, as his overlord, whereupon the Earl granted them to Henry of Sutherland, son of Nicholas, in fee and heritage, to him and his heirs male from the Earl and his heirs, for payment of ward and relief and for rendering three suits at the court of the said Earl in Sutherland ; and as the said Henry died vest and seised in these lands, and had issue male, the earl's kinsman, Alexander of Sutherland, lord of Thurboll, therefore the said John, Earl of Sutherland, at Pontefract in England, granted and confirmed from him and his heirs to the said Alexander Sutherland of Thurboll, and the lawful heirs-male of his body, the foresaid resignation and the lands of Thurboll, with the pertinents, namely, Thurboll, Straghaghcharn, Litill Thurboll, Ilik, Prounsecroie, Nethirprounse, Ouirprounse, Aghaghasshe Dale, Royaghier, Grodebroerer, Karoumenzhe, Sipursale, Kilpedder more, Kilpedder beg, an acre of land lying on the south side of Helmesdale, Kabeyn, and Kilpedder lying in Strethulzhe, with the pertinents belonging to the holding of Thurboll, to the value of a £40 land. Dated 12th July 1444 : Witnesses, Sir Wiliam Bailze, knight, lord of Hoprig, Alexander of Stratoun, lord of Laurenstoun, Alexander Erskyne, lord of Dun, Michael Scot, lord of Balwery, .....	25
29. Letter of Presentation by John, Earl of Sutherland, in favour of Sir Alexander of Ratter, addressed to the Bishop of Caithness, or his vicar general, requiring him to give collation to the said Sir Alexander of Ratter in the perpetual chaplainry of the chapel of St. Andrew of Golspie, and specially to admit him to the town of Drommoy, with the crofts and lands about the chapel, and the croft upon the hill between the waters, with all the just pertinents, rents, etc., of the said town of Drommoy, with the crofts and lands above mentioned, confirmed to the said chaplainry by the Earl and his predecessors. Dated at Dunrobin, 10th May 1448,.....	26

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| 30. Letter of Gift by Richard Sutherland, son and heir of John Sutherland of Forse, of 40 shillings Scots of annual rent out of the rents of the town of Drummy in Sutherland, to the perpetual chaplain of St. Andrew's chapel of Golspie, as freely and honourably as any annual-rent is given to any kirk or chapel in Scotland, to pray for the granter and for the souls of his ancestors and successors: Providing that, in the event of the granter or his heirs contravening the said gift, the bishop of Caithness should place them under interdict, until they satisfied St. Andrew and the said perpetual chaplain of Golspie. Sealed with the seal of William Sutherland of Berrydale, son of Alexander Sutherland of Duffus, and dated 24th October 1451,.....        | 27   |
| 31. Instrument on the Resignation, by John, seventh Earl of Sutherland, into the hands of King James the Third of his whole earldom of Sutherland lying in the sheriffdom of Inverness, and on the sasine thereafter given of the said earldom by the king, in favour of John of Sutherland, son and heir-apparent of the foresaid earl. Done in the burgh of Inverness, in the garden of St. Mary's chapel there, 22d February 1455-6: Witnesses, George, bishop of Brechin, William, earl of Erroll, constable of Scotland, and others,.....  | 28   |
| 32. Precept by King James the Second, under the privy seal, directed to the keeper of the great seal, commanding him to make a charter in due form to John of Sutherland, son of John, Earl of Sutherland, of the lands resigned by his father, with reservations and conditions as in the charter following. Dated at Inverness, 23d February, twentieth year of the king's reign [1455-6],.....   | 29   |
| 33. Charter by King James the Second, under the great seal, to John of Sutherland, son of John, Earl of Sutherland, of the earldom of Sutherland, with the pertinents, lying in the sheriffdom of Inverness, which earldom formerly belonged to the said earl heritably, and was personally resigned by him into the king's hands: To be held to the said John Sutherland, younger, and his heirs, of the king and his heirs and successors, in fee and heritage for ever, they rendering therefor the services due and wont from the said lands; but reserving to the said earl the franktenement of the whole earldom during his life, and to Margaret, his spouse, her conjoint fee of the two towns called Loth, the lands of Cracok, Culnagoure and Virlen, and her reasonable |      |

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terce of the earldom, for her lifetime: If, however, the said earl should happen to die before his son, the king and his successors were not to suffer loss or prejudice in respect of the ward and relief of the lands. Dated at Inverness, 24th February, twentieth year of the king's reign [1455-6],.....	30
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38. Charter by John, Earl of Sutherland, granting to Nicolas Sutherland, son and apparent heir of Angus Sutherland of Thoreboll, the lands of Great Thoreboll and Little Thoreboll, Strathacharne, Ruryarchare, Askadaile, Over Prounsy, Nether Prounsy, Prounsy Croy and Evillik, the lands of Greater Gillpedir and Little Gillpedir, Grudebrora and Scheberskek in Strathbrora, and the lands of Caven and Gillpedir in Strathulze, with their pertinents, lying in the earldom of Sutherland and shire of Inverness; which formerly belonged to Angus Sutherland, father of the said Nicolas, and were resigned by him in the earl's hands at Dornoch, in the Cathedral Church of	

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Caithness : To be held to the said Nicolas and his heirs, of the earls of Sutherland, in fee and heritage, whom failing, to return to the said Angus : Reserving to the latter the franktenement of the said lands, and to Christian, his spouse, her reasonable terce thereof, and also the earl's right to uplift the ward and relief of the lands, should the said Angus happen to predecease Nicolas, his son. Dated at the Cathedral Church of Caithness, 16th April 1472,.....	33
39. Charter by George, Earl of Huntly, with consent of Alexander, Lord Gordon, his son and apparent heir, granting to Adam Gordon, his son, for the affection he bore to him, the lands and towns of Tullouchqubody, with the mill of Das, Drumgask, Balueide, half of the town of Torquhenlauchchye, Fermastoune, with the mill of Casteltone, Wratone, Ferrare, and Dulquhyngye, with the whole pertinents and rights thereof, in the barony of Obyne (Aboyne) and shire of Aberdcen, in excambion for the lands of the barony of Schewes, in the shire foresaid, which belonged heritably to the said Adam Gordon : To be held to the said Adam and the heirs-male of his body, whom failing, to James Gordon, his brother german, and the heirs-male of his body, whom all failing, to revert to the granter and his male successors, of the said earl and his heirs and successors male, in feu and heritage for ever, as freely as the granter or his predecessors possessed them, for rendering three suits of court yearly at the granter's head courts held at the barony of Aboyne, with the service due and wont. Dated at Kincardine (O'Neil), 16th September 1490,.....	35
40. Precept of Sasine by John, Earl of Sutherland, directed to Angus Macculloch of Pladdis, Neil and Alexander of Moray, John Thomson, Patrick Balze or Alexander Mathieson, as his bailies, to infest Hugh, son of Angus Sutherland of Thorboll, in the lands which he holds in chief of the earl in terms of the charter of the late Angus, his father, or the late Nicholas and Donald, deceased brothers of the said Hugh, last possessor of the same, lying in the earldom of Sutherland and sheriffdom of Inverness. Dated at the Castle of Dunrobin, 29th March 1492,.....	36
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| 42. Notarial Instrument on the resignation by Adam Gordon of Aboyne in the hands of George, Earl of Huntly, as superior, of the lands of the towns of Tullochquhody, with the mill of Desk, Drumgask, Baluedy, half town of Torquhenlauquhy, Fermastoune with the mill, Casteltoune, Vratoune, Ferar and Dulquhinge with the pertinents and universal rights thereof, so that the said earl might dispose of them at his pleasure : which resignation having been thus made, the said lord, after a moderate interval of time, granted, assigned and confirmed the said lands with their pertinents and whole rights to the said Adam and his heirs and assignees, in fee and heritage for ever, in terms of his charter made to him thereupon, by delivery of the charter thereof. Done in the Castle of Strathbogy, 1496,.....  | 38   |
| 43. Charter of Resignation by George, Earl of Huntly, to Adam Gordon, his son, for the affection he bore to him, of the lands of the towns of Tullochquhody, with the mill of Dasse, Drumgask, Baluedy, half of the town of Torquhenlauchye, Fermastoune with the mill, Casteltoune, Vratoune, Ferrare and Dulquhyngye, with the whole pertinents and rights thereof, in the barony of Aboyne and shire of Aberdeen, which lands belonged to the said Adam, and were resigned by him in the granter's hands as superior thereof at Newark, near the water of Spey : To be held to the said Adam and the lawful heirs-male of his body, whom failing, to James Gordon, his brother german, and the lawful heirs-male of his body, whom all failing, to revert to the granter and his heirs and successors male, of the said earl, and his heirs and assignees, with every escheat of theft and of blood in which the inhabitants of the said lands happened to be amerced in the granter's court, etc., for payment yearly of a penny Scots, on the ground of the said lands, in name of blench farm, if asked only. Dated at the manor of Newark foresaid, 6th April 1496,..... | 39   |
| 44. Brieve of King James the Fourth directed to the sheriff of Inverness or his bailies for the special service of Elizabeth Sutherland as heiress of her father, John, Earl of Sutherland, charging him to hold an inquest and make a retour to Chancery of the lands and annual rents in which the late John, Earl of Sutherland, died last vest and seised, and if his daughter were his nearest heir, and of lawful age, etc. Dated at Edinburgh, 4th May, 21st year of reign [1509]. An indorsation bears that the brieve was proclaimed at the market   |      |

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cross of Inverness on 23d May 1509 by Alexander Blak, mair of the sheriffdom of Inverness, to be served before the sheriff or his deutes, in the tolbooth of Inverness, on 8th June following,.....	40
45. Note of Retour of John, Earl of Sutherland, as heir to his father, John, Earl of Sutherland, in the earldom of Sutherland. Dated 24th July 1509,.....	41
46. Notarial Instrument certifying that on 25th July 1509, in the sheriff court of Inverness held in the tolbooth of Inverness by the deutes of Alexander, Earl of Huntly, sheriff principal of Inverness, Gilbert Hay, as attorney on behalf of John Sutherland, son and heir of the deceased John, Earl of Sutherland, with Adam Gordon of Aboyne, and Elizabeth Sutherland, his spouse, daughter of the foresaid earl, for their interest, personally compeared and presented a brieve of inquest from Chancery which they desired should be served. They affirmed that the said John, Earl of Sutherland, died last vest and seised in the earldom of Sutherland, castle of Dunrobin, and advowson and gift of the chaplainries of Golspie, Helmsdaill, and St. James's in the Cathedral Church of Caithness; and that the said John Sutherland, his son, was his lawful and nearest heir in the said earldom. Moreover, in opposition to the above, there compeared Alexander Sutherland, also son of the said deceased earl, craving justice against the brieve and petition of the said John, and, asserting that he had a hereditary right to the earldom, desired that the said sheriff-deutes, in respect of his being under age, namely, eighteen years old, would appoint for him curators <i>ad lites</i> . They accordingly appointed Andrew, bishop of Caithness, commendator of Ferne, William, Earl of Caithness, John, Master of Athole, Sir William Spyne, provost of Tain, and Thomas Robertson, rector of Assint, as his curators, who, on advising with the said Alexander, and afterwards mutually conferring with the foresaid Mr. Gilbert Hay, attorney, Adam Gordon, and Elizabeth Sutherland, agreed that the said Alexander should, for a certain composition, renounce his right in and to the said earldom in favour of the said John Sutherland, and Elizabeth Sutherland, and their heirs, reserving to himself the right of succession, should there be a total failure of the heirs of the said John and Elizabeth. Thereupon the said Alexander Sutherland, with the advice of his curators, judicially renounced all right to the earldom before the said sheriff-	

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| deputes, in favour of John, his brother, and Elizabeth, his sister, reserving his right of succession as above, for composition and contentation to him of 40 merks worth of land, given to him, by charter and sasine, by the said Adam Gordon; which charter and sasine the said Adam delivered to the said Alexander in court with his own hands. Whereupon the sheriff-deputes proceeded to serve the said brieve; and instruments, with the seals of the said sheriff deputes and of Alexander Sutherland the renouncer, were craved by the said Adam Gordon. Done in the tolbooth of Inverness, there being present Alexander, Earl of Huntly, Thomas Fraser, lord of Lovat, Alexander Setoun of Tulybody, and others,..... | 41   |
| 47. Retour of Special Service of Sir Thomas Murray, as lawful son and heir of Alexander Murray, his father, in certain crofts of land and tenements situated within the town of Dornoch, and also in two crofts that formerly belonged to Paul Burges, lying in the earldom of Sutherland, burgh of Dornoch and shire of Inverness; which crofts and tenements were held in chief of the bishop of Caithness. Dated at Dornoch, 4th May 1512,.....  | 43   |
| 48. Notarial Instrument on the Resignation by Adam Gordon of Aboyne in the hands of Alexander, Earl of Huntly, as superior, of the lands of Farer, Vratone, Tulloquhody, Drumgask and Balwid, with the mill of Des, and on the subsequent regrant of the said lands, mills and others, by the earl to the said Adam and Elizabeth Sutherland, his spouse, and the survivor of them, and to the heirs-male of their bodies, whom failing, to the heirs of the said Adam whomsoever in conjunct fee, charter and possession having followed. Done at Brodland of Glentanner, 18th November 1512,.....   | 44   |
| 49. Charter of Resignation by Alexander, Earl of Huntly, to his brother, Adam Gordon, and Elizabeth Sutherland, his spouse, and to the survivor of them and the heirs-male of their bodies, whom failing, to the heirs of the said Adam whomsoever, of the lands of Ferare, Vratone, Tuliquody, Drumgask and Baluid, with the mill of Des, in the barony of Obin (Aboyne) and shire of Aberdeen; which lands and mill belonged heritably to the said Adam, and were resigned by him personally in the granter's hands, as superior thereof, at Glentanner: To be held to the said Adam and Elizabeth and their heirs  |      |

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foresaid, of the granter and his heirs and assignees heritably and forever, as freely as any land within the realm of Scotland is held in conjunct fee; for rendering yearly the service due and wont to be done, by their old infestment only. Dated at Glentanner, 19th November 1512,.....	45
50. Instrument of Sasine of John Sutherland, son and heir of the deceased John, Earl of Sutherland, in the lands and earldom of Sutherland, with the castle of Dunrobin, and their pertinents, and the gift and advowson of the chaplainries of Golspie, Helmsdale, and St. James in the cathedral church of Caithness, proceeding on a precept from Chancery, dated at Edinburgh, 6th August, and given at the castle of Dunrobin, 14th December 1512,.....	47
51. Commission by King James the Fifth, appointing William, Lord Ruthven, John, Lord Drummond, David Lyndesay, Master of Crawford, William Scott of Balweary, David Lyndesay of Edzell, knights, William Gray of Loure, Alexander Rede of Straloch, John Ross and Walter Ross, his sheriffs of Inverness in that part to execute a brieve or briefes of idiotry upon John, Earl of Sutherland; empowering them to hold their court to execute the said briefes in the tolbooth of the burgh of Perth, and to summon good and faithful men of the shires of Inverness, Perth, and the four shires next adjacent to them, for serving of the said briefes; and to determine and deliberate on the points in the briefes, and make a retour thereof to Chancery: Decerning the tolbooth of the burgh of Perth to be as lawful for serving the said briefes as that of Inverness. Given under the quarter seal at Stirling, 3d May, first year of reign [1514],.....	48
52. Notarial Instrument on the Proclamation of a Brieve of Idiotry, for cognoscing John, Earl of Sutherland, certifying that on the 9th of May 1514, before Alexander Blair, provost and sheriff of the burgh of Perth, and John Donyng and Robert Bonkill, bailies thereof, compeared John Gordon of Halheid, and presented letters from the King, confirmed with his Highness' signet, for taking the oaths of certain lords and noble men as sheriffs of Inverness in that part, nominated in letters of commission by the King, for due execution of a brieve or briefes of idiotry, purchased or to be purchased, on a noble lord, John, Earl of Sutherland, the letters being	

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directed to the provost and bailies foresaid, and to be put to execution on lawful requisition ; and bearing that they were to take the oaths of the sheriffs contained in the commission to do justice in their office respecting the serving of the said brieves ; dated at Edinburgh, 5th May, first year of reign [1514]. On reading whereof, the provost and bailies took the oath of John, Lord Drummond, one of the sheriffs aforesaid of Inverness, who thereupon received from the said John Gordon the letters of commission directed to him with the King's brieve of idiocy enclosed, and caused the notary to read them, and then caused to be affirmed a sheriff court of Inverness, Hugh Rose of Kilrawak, John Campbell of Cawdar, David Ross of Ballagoun, knights, and David Dunbar of Durris, being first called for their suits and presence, and clerks and mairs of the court appointed, and sworn. After which the said sheriff passed personally to the market cross of the burgh of Perth, and caused one of the mairs proclaim the brieves of idiocy, and appointed the same to be served in the sheriff court of Inverness, to be held on the 13th June following, in the tolbooth of the burgh of Perth, in terms of the said commission, by him or his colleagues ; summoning by public proclamation all barons, free-holders of the sheriffdoms of Inverness, Perth, and four shires next adjacent, to compear said day and place to proceed to serve the said brieves, under penalty of ten pounds from every person summoned who should be absent. Done in the tolbooth and at the cross of the burgh of Perth foresaid, 9th May 1514,..... 49

53. Notarial Instrument on the cognition of the above Brieve of Idiocy, bearing that William Scott of Balweary, knight, and Alexander Reid of Straloch, sheriffs of Inverness in that part, nominated by the King's commission for the execution of a brieve or brieves of idiocy upon John, Earl of Sutherland, undertook that office, and were sworn in by Robert Bonkill, one of the bailies of the burgh of Perth ; that thereupon they affirmed and held a sheriff-court of Inverness, in which they caused the said commission and relative brieve directed to them to be proclaimed at the window of the tolbooth of the burgh of Perth, to all having interest. None compearing to object to the serving of the brieves, the said sheriffs chose a jury of inquest for cognition and determination of the things contained in the said brieve, caused the jurors to be sworn ; and before their egress from the Court, asked, and *viva voce* demanded of the said

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Earl of Sutherland, who should be held to succeed to him and his heritage, and by hereditary right enjoy his lands and possessions, failing lawful heirs of his own body: Which Earl declared publicly and judicially that, failing lawful heirs of his own body, Elizabeth Sutherland, his sister german, and spouse of Adam Gordon, should next and immediately succeed to him and his heritage, and should enjoy it after his decease, giving thereto his full consent and assent. And as, because the Earl's natural intellect was weak, he was greatly concerned lest his heritage should be alienated or dissipated in whole or in part, he, on licence to be obtained from the King, chose and nominated the said Adam Gordon, spouse of his sister Elizabeth, and John Sutherland, burgess of Elgin, managers of his affairs, and curators to guide and rule him, and his lands, goods and gear, so that they should honourably maintain him in food and clothing as law required. Done in the tolbooth of the burgh of Perth, by virtue of the royal dispensation, on 13th June 1514; there being present, William, Earl of Errol, John, Earle of Athole, Gavin, postulate of Arbroath, and others.....

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54. Notarial Instrument narrating the proclamation at the market cross of Inverness of the King's letters for serving the brieves from Chancery respecting the rights of the earldom of Sutherland in the north of Scotland, raised and purchased by Lady Elizabeth Sutherland, daughter and heir of the late Earl of Sutherland; also the summoning of all persons to see the same served in the tolbooth of the burgh of Inverness, on the 3d of October next to come, and of all having interest to compare and object against the said brieves if they had any cause so to do. Done at the market cross of Inverness, 17th September 1514,.....

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55. Retour of Special Service before Andrew Achlek, sheriff-depute of the shire of Inverness, by Thomas Fraser, lord of Lowet, John Grant of Fruchy, George Haliburton of Gask, James Fenton of Ogyll, James Dunbar of Cumnok, Alexander Cuming of Altir, John Cuming of Ernesyde, Alexander Wrquhard of Burriszardis, David Dunbar of Durris, Alexander Brody of that ilk, David Dowglas of Pettindrech, Hugh Ross of Kylravok, Henry Doles of Cantro, William Doles of Bodwyt, Alexander Strathachin of Cullodin, John Corbet of Estirarde, John Waus of Lochslyne, William M<sup>c</sup>Cullocht of Plaidis, Robert Murref of Fochabris, Robert Wrwell of Schanchar, and Thomas

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| Patrikson, burgess of Inverness ; who being sworn find that the late John Sutherland, Earl of Sutherland, brother german of Elizabeth Sutherland, died last vest and seised as of fee in the earldom of Sutherland, chaplainries, etc., thereof, and in the advowson and gift of other churches and hospitals in the earldom ; and that Elizabeth Sutherland, his sister german, was his nearest and lawful heir, and was of lawful age ; and that the earldom was held in chief from the king for the service of ward and relief, and was now in his hands as superior through the decease of the said John, Earl of Sutherland, who died in July last, or thereby, and in default of the said Elizabeth prosecuting her right. Done in the tolbooth of Inverness, 3d October 1514,.....  | 55   |
| 56. Notarial instrument, certifying that Mr. Robert Munro, procurator of Alexander Sutherland, compeared in the sheriff court of Inverness, and on Mr. John Caldor, precentor of Ross, as attorney and in name of Elizabeth Sutherland, producing the foresaid brieve of inquest, duly proclaimed, executed and indorsed, took exception thereto, claiming that his client, Alexander Sutherland, had interest so to do ; but seeing, on being admitted, he opposed nothing against the said brieve or execution thereof, or against the members of court, the sheriff-depute proceeded to elect the assize for serving the brieve. And because the said Alexander Sutherland's procurator handed in a paper, alleging that his client, through the cruelty of Alexander, Earl of Huntly, and his friends, favourers of the said Elizabeth, could have no safe access to the burgh of Inverness, to appear against the said brieve, the said Lord Earl and Adam Gordon of Aboyne, his brother, spouse of the said Elizabeth, for himself and his comrades, offered to give lawful caution, under great penalties, for the safety of the said Alexander, in coming and going to the burgh of Inverness for his lawful defence. Further, because the foresaid procurator by the same paper alleged that the lands and earldom of Sutherland were tailzied by the King's charter, he was required by the assize and the sheriff-deputes to make such charter of taillie forthcoming, which he having failed to do, the assize proceeded to the retouring of the said brieve. Done in the tolbooth of Inverness, 3d October 1514,..... | 56   |
| 57. Precept from the Chancery of King James the Fifth, following on the foresaid retour of inquest, for infesting Elizabeth Sutherland, as heir  |      |

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| of the deceased John, Earl of Sutherland, her brother german, in the earldom of Sutherland, with the advowson and gift of the chaplainrics of St. John, Helmsdail and St. James in the Cathedral Church of Caithness, and other churches and hospitals in the earldom. Dated at St. Andrews, 14th October, 2nd year of reign [1514],.....   | 57   |
| 58. Notarial Instrument, narrating and certifying that Alexander, Earl of Huntly, compeared in the monastery of the Dominican friars at Inverness, and there in presence of a notary and witnesses, declared that though a contract had been entered into between him and Adam Gordon of Obyne (Aboyne), his brother-german, bearing that so soon as the said earl by his exertions caused Elizabeth Sutherland, wife of the said Adam, to be lawfully entered in the lands of the earldom of Sutherland, tenants and tenandries thereof, with possession, the foresaid Adam would resign the whole lands of Aboyne into the hands of the foresaid earl from himself, his heirs and assignees, for ever; yet the earl, for brotherly affection, renounced all right which he had or could have to the said lands of Aboyne for himself, his heirs and assignees for ever, and annulled the said contract in all points as if it had never existed in the nature of things. Done on 30th January 1514-5, ..... | 58   |
| 59. Instrument of Sasine, in favour of Lady Elizabeth Sutherland, spouse of Adam Gordoun of Aboyne, in the earldom of Sutherland, with the gift of the chaplainrics before mentioned, following on a precept from Chancery directed to Alexander, Earl of Huntly, sheriff of Inverness, and a commission by him to his deputes, dated at Huntly, 21st May 1515. Sasine given on the ground of Wuys, within the said earldom, 30th June 1515, .....  | 59   |
| 60. Letter of Presentation by Adam Gordon, Earl of Sutherland, in favour of Sir Robert M <sup>c</sup> Raith, addressed to Andrew Stewart, bishop of Caithness, and perpetual commendator of the monasteries of Kelso and Ferne, requiring him to give collation and institution to the said Sir Robert M <sup>c</sup> Raith into the chaplaincy of the chapel of St. Andrew of Golspie, in the parish of Culmaly, within his diocese, which was then vacant through the resignation of Mr. Malcolm Ratter, last chaplain thereof, and at the earl's presentation and the bishop's collation; and to do therein whatever else was incumbent on him in respect of his pastoral office. Dated at the granter's   |      |



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| manor of Aboyne, 31st August 1515. [Indorsed on the above writ is a notarial instrument narrating that the said Adam, Earl of Sutherland, compared in the castle at Spey called New Werk, and in presence of a notary and witnesses, with his own hands, delivered the presentation to the said Sir Robert M <sup>c</sup> Raith, on 2d September 1515].   | 61   |
| 61. Notarial Letters of Admission and Collation, by Andrew Stewart, bishop of Caithness, and perpetual commendator of Kelso and Ferne, addressed to his official of Caithness, bearing that he had given collation to the foresaid Sir Robert M <sup>c</sup> Raith's procurator, in his name, of the said chaplaincy in the chapel of St. Andrew of Golspie, and had provided him in the same, and given him investiture therein by placing his ring on the procurator's finger, committing to him the care and administration thereof; and charging the official, or any chaplain required to execute the letters, under pain of suspension, to give the said Sir Robert or his procurator, real, actual and corporal possession of the said chaplaincy and its pertinents, to defend him therein, and cause him to receive the fruits, rents, profits and emoluments thereof. Dated at the bishop's lodging in the town of Edinburgh, 18th September 1515,  | 62   |
| 62. Agreement between John, Earl of Caithness, and Adam, Earl of Sutherland, with Elizabeth, Countess of Sutherland, his wife, whereby Earl John binds himself to recover the castle of Dunrobin out of the hands of Alexander Sutherland and other withholders thereof, and to restore the same to the Earl and Countess of Sutherland within twenty days of its recovery; they giving him meanwhile power to intromitt with all the rents and duties of the earldom of Sutherland, and he being accountable therefor, save for what may be spoiled by the withholders, for which he will be discharged. The Earl of Caithness further promises to defend and maintain the Sutherland tenants against Alexander Sutherland and his accomplices, while the Earl and Countess of Sutherland promise to give their band of kindness to defend and maintain the Earl of Caithness in his earldom against all men, the King and Governor excepted. It is further provided that if William of Clyne, Alexander Sutherland in Cavene, John Tarrell, or others in Sutherland assist the said Earl of Caithness in recovering the Castle, then the Earl and Countess of Sutherland should be pleasant to them, and if the castle were not speedily recovered, the |      |

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| Earl and Countess of Sutherland and their servants should find refuge in Caithness in any of the said Earl John's strongholds for the time. In return for all which the Earl and Countess of Sutherland promise to infest John, Earl of Caithness, in a £20 land within Strathulze, under reversion, reserving the salmon fishings, the charter and precept of sasine for which were to be prepared within twenty days after the date of this agreement, and also the reversion by the Earl of Caithness, and all placed in the hands of Sir James Crichton of Frendraught to be delivered to each party after the delivery of the Castle of Dunrobin to the Earl and Countess of Sutherland. For observing all which the said parties make oath, and subscribe and seal each other's part of this agreement at Spynie, 3d September 1516: Witnesses, Sir James Crichton of Frendraught, knight, Robert Innes of Rotnakenze, Walter Innes of the Touchis, and Sir William Nory, notary public. Signed, "Jhon, Erll of Cathanes, wy <sup>t</sup> my hand on the pen," .....  | 64   |
| 63. Reversion, by John, Earl of Caithness, in favour of Elizabeth, Countess of Sutherland, and Adam, Earl thereof, who had granted to him the lands of Helmsdale, Balnavale, Dowypoll, Kyldonnan, Frisgyll, Kynbraice, Knokfyn and Fre in the earldom of Sutherland and shire of Inverness, for the recovering of their castle of Dunrobin and lands of the earldom out of the hands of Alexander Sutherland, brother to the said Countess Elizabeth, and for his further assistance to them during his lifetime, binding himself and his heirs and assignees that so soon as the said Countess and Earl should infest them in £20 worth of land in Caithness, he and his heirs would renounce the said lands, being lawfully warned thereto at their principal place of Girnigo, or in the parish church of Wick. The reversion is dated at Spynie, 5th September 1516: Witnesses, Sir James Crichtoun of Frendraught, knight, Walter Innes of Touchis, Robert Innes of Rothnakenzie, John Innes of Blakhill, Sir William Nory, vicar of Drumblet, Sir Andro Smyth, and Sir Robert Donaldson, chaplains and notaries public. Signed, "Johnne, erle of Chaithnes, w <sup>t</sup> my hand on pen," ..... | 65   |
| 64. Note of Charter, by Elizabeth, Countess of Sutherland, with consent of Adam Gordon, Earl of Sutherland, her spouse, to John, Earl of Caithness, of the lands of Helmsdale and others. Dated 5th September 1516, .....   | 67   |

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| 65. Note of Precept of Sasine following thereupon by Elizabeth, Countess of Sutherland, with consent as above, in favour of John, Earl of Caithness, in the lands of Helmsdale and others. Dated 7th September 1516,.....  | 67   |
| 66. Agreement between Adam, Earl of Sutherland, and Y. Mackay in Stratnaver, for themselves and their respective tenants, that they shall not injure one another, nor proceed against one another otherwise than lawfully, and that Mackay, for the lands he holds of the said earl, shall from Whitsunday forward discharge him thereof, or apprise him therefor; the party failing to keep this agreement to pay to the party observing it one thousand merks Scots. Both parties make faith by swearing the great oath, and by subscribing the agreement interchangeably, at Inverness, 31st July 1517: Witnesses, William Keith of Inverngy, Alexander Irving of Drnm, Alexander Irving, Master Robert Monnorgyn, and Sir John Auchlek. Signed, "I Macky, in Stra <sup>t</sup> navyr, wy <sup>t</sup> my hand on the pē," .....  | 68   |
| 67. Gift by Adam Gordon, Earl of Sutherland, and Elizabeth Sutherland, Countess and heiress of the same, to John Murray, burgess of Dornoch, for his service done and to be done, of the ward and marriage of Janet and Elizabeth Clyne, daughters and heiresses of the deceased William Clyne of that Ilk, granting him full power to marry them to his two sons, Thomas and Hutcheon, or failing them, as he should please; transferring also the right of the one sister to the other, if it should happen either of them to die; and, in case of their disobedience, assigning all manner of right and assithement that they might lose at the granters' hands as their superiors, to the said John and his heirs. Given at Dnnrobin, 10th May 1518: Witnesses, Andrew Kynard of that Ilk, Alexander Garrin, Alexander Bailze, Rorie Johnstoun, burgess of Dornoch, Normont Leslie, and Sir Thomas Poilsons, notary public,..... | 68   |
| 68. Notarial Copy of Indenture between Adam Gordon, Earl of Sutherland, and John M <sup>c</sup> Ky of Stratnaver, whereby the said John becomes man to the said earl, and promises loyally and truly to assist him, with his friends, kinsmen, servants and allies, for all the days of his life, excepting against the king, the governor, and the Earl of Huntly; promising further, that if any man comes to invade the said earl, and  |      |

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if Alexander Sutherland comes in any part pertaining to the said John, or near the bounds of Sutherland, he will endeavour to bring the persons of such to the earl, he being defended therefor by the earl before the king and the lords, if summoned on that account; neither this procedure, nor his failure in the above mentioned undertakings being ground for the forfeiture of the said John's lands holden of the earl, namely, the seven davochs in the height of Strathfleet, being the lands of Larg, Schemeis, Moy, Ryne and Cragy. On the other part, the said Earl of Sutherland promises to be a good lord and master to the said John, to defend him and his friends and servants against all his opponents, the king, the governor, and the Earl of Caithness excepted, to give him in fee the seven davochs above mentioned, and not to reset nor agree with John of Murray or his kinsmen without consent of the said John, who shall not do so either without consent of the said earl. The party failing in this agreement is to pay one thousand merks, one third to the king, another third to the kirk, and the remaining third to the other party. In case this agreement be considered insufficient, power is reserved to both parties to reform it. Besides signing the deed, John M<sup>c</sup>Ky procured the seal of the Laird of Skelbo to be affixed thereto. Dated at Aberscore, 16th August 1518: Witnesses, William Bailze of Ardnele, William Gordon, son and heir apparent to James Gordon of the Cawbracht, Angus M<sup>c</sup>Kay, Donald Bane, Angus Kennochtsoune, Sir Laurence Smyth, and Henry Sutherland. Signed, "Johne M<sup>c</sup>Ky of Stratnavir." Authenticated by Thomas Gray, notary public,.....

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69. Notarial Copy of Act of Court held in the Cathedral Church of Caithness by Sir Robert M<sup>c</sup>Raith, vicar of Kilmaly, commissary substitute, on 6th July 1522, narrating that John M<sup>c</sup>Ky in Strathnaver compeared and bound himself by solemn oath strictly to adhere to his agreement made with Adam, Earl of Sutherland, performing the same in all respects to Alexander Gordon, Master of Sutherland, as to the earl, and was warned to do so faithfully on pain of excommunication. Similarly, the said Master of Sutherland obliged himself to perform the duties undertaken by the said earl to the said John: Witnesses, Thomas Murray, precentor of Caithness, and Edward Wormet, priests, John Murray of Cambussaue, and Murchard Murray. Authenticated by Sir Thomas Gray, notary public,.....

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| 70. Note of Charter of Confirmation by Adam, Earl of Sutherland, to John Terrell of Doill, of the lands of Kilcalmkil in Strathbrora, alienated to him by James Dunbar of Conzie on 12th April 1524. Dated 30th April 1524,.....  | 72   |
| 71. Official Transumpt of Agreement between Adam, Earl of Sutherland, and Elizabeth, Countess of Sutherland, and John, Earl of Caithness, narrating that in presence of Barald Lesly, canon of the cathedral church of Moray, and Commissary general specially deputed for the time, sitting in judgment in the cathedral church, the customary consistorial place, on 4th March 1524-5, compeared Adam, Earl of Sutherland, having in his hands a certain contract or paper letter of agreement between him, Isabella (Elizabeth), his spouse, countess of the same, and John, Earl of Caithness, sealed and subscribed by the said Earl of Caithness, of which he humbly desired that a copy should be made for future memorial thereof; which letter being seen and considered, appeared sound and utterly free from suspicion of flaw in any part, sealed with the seal of the said Earl of Caithness in red wax, bearing two lions and two ships quartered, with a cross engrailed, and confirmed by a certain subscription. Whereupon the said Commissary depute ordered a transumpt to be made of the same, which is as follows [ <i>see</i> No. 62 <i>supra</i> ], decerning the said transumpt to have equal credence with the original. Done in the said church about 11 A.M.: Witnesses, Robert Innes of Innermarky, Mr. John Sauquhy, chancellor of Ross, Sir Thomas Hay and Thomas Gaderer, notaries public. Subscribed by Thomas Craig, notary public,..... | 72   |
| 72. Notarial Copy of Decreet Arbitral by Gavin, bishop of Aberdeen, principal arbiter in the submission between John, Earl of Caithness, and Adam, Earl of Sutherland, and Elizabeth, his Countess, on the one and other parts, anent the claim and plea depending betwixt them respecting the fishing of the water of Helmysdaill, and certain lands on the west side of the same, and respecting all other debates betwixt them, as contained in the compromise made thereupon with the advice and counsel of Alexander, Commendator of Scone and Inchaffray; whereby the said bishop decerned that the said Earl and Countess of Sutherland had full right to the salmon fishing of the said water of Helmysdaill, with free ish and entry thereto, specially in shooting of their   |      |

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- nets and drawing them to land with the fishes therein; and also decerned that the said Earl of Caithness should enjoy all the lands of Helmysdail contained in his charter, on both the east and west sides of the said water: And further decerned that the Earl and Countess of Sutherland should infest John, Earl of Caithness, in a £10 land in a competent place in the earldom of Sutherland, under reversion for 300 merks, without prejudice to the old reversion given by the said Earl of Caithness, etc. Dated at Edinburgh, 11th March 1524-5,...
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73. Charter by Adam Gordon, Earl of Sutherland, and Elizabeth, his spouse, Countess and heretrix thereof, whereby they (lest the lands subject to their lordship should pass to strangers and persons without title) having attentively considered the right of succession of William Sutherland, lord of Duffus, to the lands and lordship of Prouse, by reason of the death of Hugh Sutherland, late lord of Prouse, without heirs-male, and in terms of the tailie and ancient infestment granted thereupon, grant to the said William, his heirs and assignees, the said lands and lordship of Prouse, namely, the lands of the two towns of Turbois, with the mill thereof, the lands of Dalmanayn, Vuir Prouse, Prouse Croy, Prouse Nayn, lands of Ewillie, with the mill thereof, lands of Ruarchar, Austisdail, Grude Broray, Schebriskeig, Kilpeddir moir, Kilpedir beg, Cawen and lands of Kilpeddir in Strathculze, and mill thereof, with their pertinents, lying in the lordship or earldom of Sutherland and shire of Inverness, for rendering the service due and wont; and ward, relief and marriage, when these happened; and also counsel, help and assistance to the earl in his causes and quarrels. Dated at Elgin, 26th March 1525,
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74. Precept of Sasine by Adam Gordon, Earl of Sutherland, lord superior of the lands of Skelbo, with consent of Elizabeth Sutherland, his spouse, lady of the lands of Sutherland and lady superior of the foresaid lands of Skelbo, with the pertinents, lying within the lordship of Sutherland and shire of Inverness, for infesting John Kynnard, son and heir of the deceased Andrew Kynnard of that ilk, last tenant and possessor of the lands of Skelbo, with the pertinents, whom the granters, as superiors, received as tenant, and heir of his said father, in the lands of Skelbo, castle and manor place thereof, Easter Skelbo, with the brewhouse and crofts thereof, Dawauchdow, Auchandro, Pait Mayne, Balnobraid, Cammeseffe, Estir Abbirshoir, Vestir

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| Abbirschoir, Littill Roart, Knok Cartnall, Moir Ench, Auchindowecht, Innirschyn, with fishings thereof, Petintraill, Assent and Artrik-<br>quhilles. Dated at Legetis Town, 13th July 1525,.....  | 77   |
| 75. Contract between Elizabeth, Countess and heretrix of Sutherland, and Adam, Earl of Sutherland, on the one part, and Alexander Gordon, Master of Sutherland, their son and heir apparent, on the other part, whereby the said Elizabeth, with consent of Adam, her spouse, agrees to grant a procuratory for resigning the earldom of Sutherland in favour of her said son; reserving the franktenement to herself and her husband, and the survivor of them: For which the said Alexander, Master of Sutherland, shall cause enact in the books of the Official of Murray, Robert Innes of Innermarky, and seven others, as his cautioners, to pay to the said Elizabeth and Adam, and the survivor of them, yearly, 23 chalders of victual, etc., for the rents of the earldom, in terms of an Indenture made at Dunrobin, on 16th June 1520, between the said Elizabeth and Adam, and the deceased John, Earl of Athole. Moreover, if Elizabeth and Adam died before the said Alexander's sisters were married, he is to pay to each of them then unmarried 300 merks Scots as dowry; and also to cause the Earl of Huntly to receive John Gordon, brother to the said Alexander, as tenant to the lands of Aboyne, etc. The parties consent to be admonished to keep the contract under pain of the greater excommunication. Dated at Elgin, 9th November 1527. The monitions follow, dated 9th November and 17th November 1527,.... | 78   |
| 76. Procuratory of Resignation by Elizabeth Sutherland, Countess of Sutherland, and heritable lady thereof, with consent of Adam Gordon, Earl of Sutherland, her spouse, whereby, for the filial affection which she bears to her eldest son, Alexander Gordon, Master of Sutherland, on the occasion of his marriage with Jonet Stewart, daughter of the deceased John, Earl of Athole, and for benefits and kindnesses in many ways done to her and her spouse, she appoints Master William Gordon, and her lawful procurators, to compare before King James or his successors, to resign into his hands the whole earldom of Sutherland in favour of the said Alexander, Master of Sutherland: Reserving the franktenement thereof to herself and Adam, her spouse, and the survivor of them, for their lifetimes. Dated at Elgin, 10th November 1527,.....  | 82   |

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| 77. Charter by King James the Fifth, under the great seal, to Alexander Gordon, son and apparent heir of Adam, Earl of Sutherland, and Elizabeth, Countess of Sutherland, his spouse, of all and whole the earldom of Sutherland, and all lands thereof, with the Castle of Dunrobin, lying within the sheriffdom of Inverness: which earldom and lands with the pertinents had formerly belonged to the said Elizabeth heritably, and were resigned by her through her procurators, with consent of the said Adam, Earl of Sutherland, her spouse, by staff and baton at Edinburgh: To be held to the said Alexander and his heirs, of the king and his successors, in fee and heritage, for rendering the services due and wont, and under the reservation of the franktenement thereof to the said Elizabeth, Countess of Sutherland, and Adam Gordon, her spouse, by the courtesy of Scotland, and the survivor of them for their lifetimes. Dated at Edinburgh, 1st December 1527,..... | 83   |
| 78. Instrument of Sasine of Alexander Gordon, Master of Sutherland, son and apparent heir of Adam Gordon, Earl of Sutherland, and Elizabeth Sutherland, Countess thereof, of the earldom of Sutherland, following on a precept by King James the Fifth: Sasine taken at the principal messuage or fortalice of Dunrobin, 20th December 1527,.....  | 85   |
| 79. Contract between William Sutherland of Duffus, and John Kynnard of that ilk, whereby the latter becomes bound to infeft heritably, by charter and sasine, the said William and his heirs in his lands of Skelbo, with the castle and salmon fishing thereof, lands of Inner-schine, Auchindowiche, with the fishing, and lands of Easter Abyrskoure; to be held of the Earl of Sutherland as overlord, for service used and wont, and for payment of 2300 merks Scots in the town of Dundee, etc.: The said William is to endeavour to procure the overlord's consent and confirmation, and both parties are to submit themselves to the jurisdiction of the commissary of Aberdeen, under pain of excommunication. Dated at Aberdeen, 1st April 1529,.....  | 86   |
| 80. Bond of Manrent, by John Rory MacAunesone, that with his friends and kin whom he can solicit he will faithfully take part with Alexander Gordon, Master of Sutherland, against all men, the king only excepted, and specially against John M <sup>c</sup> Ky of Strathnaver, Donald  |      |



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McKy, his brother, and their supporters, even to invasion of their country, if required, and their utter displeasure ; also to assist with warning, when necessary, and with his counsel. On the other hand, Alexander, Master of Sutherland, promises to defend the said John in all his actions and quarrels against all men, save the king and haly kirk, and further, for his said service to give to him in marriage Margaret, daughter to John Murray of Cambusawy, to endow her with tocher as arranged, and assist in procuring a dispensation for their marriage, the said John being acted to solemnise the marriage as soon as the dispensation arrives. Both parties make oath and agree in case of failure to the payment of one hundred merks Scots to the faithful party. Signed by the said Alexander, Master of Sutherland, and as the said John could not write, it is signed for him by Alexander Murray, his goodbrother, and also by Mr. William Gordon, notary public. Dated at Dunrobin, 30th June 1529 : Witnesses, John Gordon, brother-german to the said Alexander, Rory Hectorstone, Alexander Scad, Sir William Vmfray, and Mr. William Gordon,.....

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81. Charter of Resignation by Alexander Gordon, Master of Sutherland, and fiar of the earldom thereof, to Walter Innes of Touchys and Janet Terrall, his spouse, and the survivor of them, and to the heirs of their bodies, whom failing, to the said Walter himself and his heirs whomsoever, of the lands of Reve Kirktown, Reve Cragtoun, Kintraid, Davauchbege, Inchezep, Rossoll and Achhele, with the pertinents thereof, in the lordship of Sutherland and shire of Inverness ; which lands belonged to the said Janet Terrall of Innerbreky heritably, and which she had resigned by her procurator into the granter's hands : To be held of the granter and his heirs in fee and heritage for ever, in name of ward and relief, as freely and peaceably in all respects as the said Janet held them before the said resignation ; reserving the franktenement thereof to the said Janet during her lifetime. Dated at Dornoch, 2d August 1529,.....
82. Precept of Sasine by Alexander Gordon, Master of Sutherland, and fiar of the earldom thereof, to John Murray of Cambusavie, his bailie in that part, for infefting Walter Innes of Touchys and Janet Terrall, his spouse, and the survivor of them, in the lands of Reve Kirktown, Reve Cragtoun, Kintraid, Davauchbege, Inchezep, Rossoll and

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| Achhele, with the pertinents, in the earldom of Sutherland and shire of Inverness, which belonged to the said Janet Terrall, and which she had resigned through John Murray, her procurator, to the granter. Dated at Dornoch, 2d August 1529, .....  | 91   |
| 83. Bond of Manrent by William Sutherland of Duffus to Alexander Gordon, Master of Sutherland, promising that as the said Alexander had given to him the lands of Skelbo by confirmation thereof, receiving him as his tenant therein, which lands of Skelbo he had conquest from John Kynnard of Skelbo, and further as the said Alexander undertook to protect him therein, he binds and obliges himself, and his heirs and successors, to be lele and true to him, with his service, warnings, counsel and otherwise according to law and custom. Further and in special the said William binds himself to go and to ride with the said Alexander, with his household and kin, as often as required, to the king's court, or within the diocese of Ross and Caithness, or against invaders and trespassers, and for the fortification of the authority of the said Alexander and his heirs, against all men, the king's grace, James, Earl of Moray, and John, Lord Forbes, the latter for their own actions, and for the lifetime of the said William himself only, being excepted: And this under the penalty of £1500 in case of failure, of which £500 to be paid to the edification of the cathedral church of Caithness, £500 to the king, and £500 to the said Alexander, or his heirs. Moreover, these presents are to be registered in the Consistorial books of Caithness, and the said William and his heirs to be warned to their observance under pain of excommunication. He subscribes the deed and appends his seal thereto at Dunrobin, 4th September 1529. Witnesses, John Murray of Cambusawy, Murchour Murray, burges of Dornoch, Sir William Vmfray, Thom Blair, Mr. William Gordon, notaries public. Signed, "W <sup>m</sup> Suſland off Duffus w <sup>t</sup> my hand." ..... | 92   |
| 84. Extract Retour of Special Service before Alexander Ogilby in Glassauch, and others, sheriffs depute of Aberdeen in that part, of John Gordon, as heir of his great-grandfather [grandfather] Adam, Earl of Sutherland, in the lands of Culquhody, Mill of Desy, Drumgask, Beluady, with half of the town of Torquhinlaquhy, Formastouue, Mill of Casteltoun, Wratoun, Farrar and Dulquhyn, in the barony of Aboyne and shire of Aberdeen, which were then valued at 100 merks yearly,   |      |

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and in time of peace at £20, and were held in chief of the Earl of Huntly, in blench farm, and were then in his hands for the space of one term, through the decease of the said Adam, his great-grandfather [grandfather]. Dated 1st October 1538,.....	94
85. Precept of Clare Constat by George, Earl of Huntly, following upon the foregoing Retour, for infefting John Gordon as heir of Adam Gordon, his great-grandfather [grandfather], in the said lands of Culquhody, Mill of Desy, Drumgask, Belwady, half town of Torquhinlaquhy, Formastoune, Mill of Casteltonne, Wratoun, Farrar and Drumquhyn in the barony of Aboyne and shire of Aberdeen. Given under the seal of the granter, at Aberdeen, 18th December 1538,.....	96
86. Bond for Mutual Defence, between Robert Stewart, bishop-elect of Caithness, and John, Earl of Sutherland, whereby, in consequence of the disorders and daily depredations in the diocese which compel the bishop, dean and chapter of Caithness to invoke the secular help, they agree with the said earl, who for himself and his successors comes under strictest obligation to them and their successors to take their part and that of all other kirkmen in the diocese, and their servants, against all deadly, the crown alone excepted, so that they might freely deal with the benefices and lands of the church therein, without impediment or molestation; to concur with their factors and chamberlains in uplifting the profits and duties thereof as required; to maintain the judicial authority of their courts and officers in the administration of justice; to concur with and defend them in gathering in and disposing of their teinds, giving them a convenient place to store the same, and also to assist, if required, in the gathering of the teinds benorth the Ord: further, to relieve and succour them if invaded or molested, and recover any goods despoiled from them, especially in the parts of the diocese north of the Ord, and either personally, if he lawfully may, punish the transgressors, or procure their condign punishment; to accompany, with his household, if required, the bishop or his successors when they have occasion to pass forth of the diocese of Caithness, on the latter's expenses, and to give and keep true counsel; also to concur in the restoration of lands which may be found to be unlawfully withheld from the kirk, and to maintain and defend the laudable acts and constitutions of the diocese used and wont in the time of King James the Fifth, until abrogated by provincial or general councils. For all which the said	

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| bishop binds himself and his successors to concur with the earls of Sutherland in all their just causes, and to pay to them yearly one hundred pounds Scots. Both agree that if necessary these presents may be reformed by the counsel of "cunning men," for their further security, and both make oath under the highest penalties to faithfully keep the same, which they subscribe and seal at Dornoch [ <i>date torn away, except 15, but after 1542</i> ]. Witnesses, Mr. Johne Jakson, chancellor of Caithness, William Sinclair, parson of Olrik, and others,.....   | 97   |
| 87. Retour of Special Service of John Gordon, son of the deceased Alexander Gordon, Master of Sutherland, in the earldom of Sutherland, with castle and manor place of Dunrobin, and their pertinents, by an inquest held before George, Earl of Huntly, sheriff principal of Inverness, consisting of William M <sup>c</sup> Kintosche of Dunnachtane, Kenzeoch M <sup>c</sup> Kenze of Brayne, Robert Monro of Fowlis and others; finding also that the said John Gordon was of lawful age by reason of the Queen's dispensation, and that the lands of the earldom were then worth 1000 merks Scots yearly, and in time of peace 500 merks, and had been in the Queen's hands for three years and five months or thereby, since the death of King James the Fifth, by reason of ward through the death of the said Alexander, and had been in King James's hands for the space of five years immediately preceding his death, and in the hands of the late Adam Gordon and Elizabeth Sutherland for the space of eight years immediately following the month of January 1529, by reason of liferent or franktenement, in default of the said John prosecuting his right. Expede in the tolbooth of the burgh of Inverness, 4th May 1546,..... | 100  |
| 88. Instrument of Sasine in favour of John Gordon, Earl of Sutherland, of the earldom of Sutherland, and all lands thereof, with the castle and manor place of Dunrobin, lying in the shire of Inverness, following on a precept from the Chancery of Mary, Queen of Scots, in the usual terms, and, <i>inter alia</i> , ordaining security to be taken for payment of £5333, 6s. 8d. of the rents of the said earldom which had been in the hands of her father for five years immediately before his death, and for the three years following in her hands, by reason of ward; which rents extended yearly to £666, 13s. 4d. The precept is dated at Edinburgh, 23d May, fourth year of her reign. Done at the Castle of Dunrobin, 7th June 1546,.....   | 101  |

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| 89. Charter by Mary, Queen of Scots, under the great seal, with advice and authority of her tutor, James, Earl of Arran, Governor of Scotland, granting to John, Earl of Sutherland, and Lady Elizabeth Campbell, Countess of Murray, his spouse, and the survivor of them, in conjunct fee, and the lawful heirs of their bodies; whom failing, to the lawful heirs of the Earl or his assignees, the whole lands of the earldom of Sutherland, with the tower and fortalice of Dunrobyn, tenants, tenandries, etc., and their pertinents, lying in the shire of Inverness; which formerly belonged to the said John, Earl of Sutherland, and were resigned by him through his procurators, and letters patent in the governor's, as in the Queen's hands, at Edinburgh: To be held of the Queen and her successors in fee and heritage, for rendering the services due and wont. Dated at Edinburgh, 6th August 1546,.....   | 104  |
| 90. Licence by John, Earl of Sutherland, lieutenant north of the Spey, and Alexander, postulate of Caithness, to John Gray of Coulmaly, to absent himself from the rendezvous for the siege of Langhope, on 10th of July next, on account of his infirmity. Dated at Dunrobin, 27th June 1547,.....  | 106  |
| 91. Bond of Service, by John, Earl of Sutherland, to Mary, Queen Dowager of Scotland, in return for her bond of maintenance granted to him as her tenant in the earldom of Ross. Dated at Edinburgh, 20th February 1548-9: Witnesses, Thomas, Master of Erskine, and Gilbert, Earl of Cassillis, .....   | 107  |
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William, Earl of Montrose, and Mr. James M <sup>c</sup> Gill on the part of the Earl of Caithness, and Mr. Thomas Marjoribanks, clerk of the Register, and Robert Carnegie of Kinnaird, on behalf of the Earl of Sutherland. Both make solemn oath to observe the premisses, and sign and seal each other's part of the Indenture at Scrabster, 26th April 1549. Witnesses, Robert, bishop of Caithness, Donald M <sup>c</sup> Ky of Fare, David Sinclair of Dun, and others. Signed, "George, erl of Cathness," "Jhone, Erl of Swthyrland," .....	107
93. Mutual Bond of Defence between George, Earl of Caithness, John, Earl of Sutherland, Robert, bishop-elect of Caithness, and Donald M <sup>c</sup> Ky of Far for themselves, their kin, and dependants, promising for all the days of their lives, to defend, counsel, warn and assist one another against opponents, as occasion might require. Dated at Girnigo, 28th April 1549, .....	109
94. Extract Agreement between George, Earl of Huntly and Moray, lieutenant of the north and chancellor of Scotland, and John, Earl of Sutherland, wherein the Earl of Huntly discharges the Earl of Sutherland and his heirs of the rents and fermes and great customs of Elgin and Forres since Huntly's entrance to the earldom of Moray up to the term of Whitsunday last, and promises to grant to the said earl a lease of the earldom of Moray, and of the rents and customs foresaid, for seven years from Whitsunday last, the date of the Earl of Sutherland's entry thereto, for the yearly payment of £800 Scots, he giving sufficient caution therefor, and over and above the said payment, keeping the house of Darnaway upon his own expenses. And seeing certain differences have existed of late between the respective earls and their dependants, they hereby agree to a mutual remission of all displeasures, and where injury has been inflicted, to make amends therefor, on a bill to that effect being given in. Moreover, in respect of the proximity of blood between them, and for the obviating of all displeasures and grounds thereof between them, the said Earl of Sutherland promises to give his perpetual bond of manrent to the said Earl of Huntly and Moray, excepting only the Queen, the Queen-dowager, the Governor, and the authority of Scotland; and the Earl of Huntly promises to give his bond of maintenance to the Earl of Sutherland, with the same exceptions, and for the said bond of maurent to infeit the Earl of Sutherland in five hundred merk-	

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land of the earldom of Moray, as in the rental of the late James, Earl of Moray, to be held bleuch for payment of one penny yearly at Whitsunday. At the entry of every new heir these bonds and infeftments, or any of them, are to be renewed, if required, and the Earl of Huntly is to renew the Earl of Sutherland's right to the five hundred merks of land so often as he happens to get new or more right to the earldom of Moray than he has now. Further, should the Earl of Sutherland wilfully break this bond, and refuse to amend the fault when required thereto, he should thereby forfeit the said five hundred merkland for ever. And should the Earl of Huntly wilfully break his bond and refuse amendment, the Earl of Sutherland's bond shall become null and expire, but he and his heirs shall still possess the five hundred merkland. It shall also expire if the Earl of Huntly be lawfully excluded from the earldom of Moray, unless he infeft the Earl of Sutherland and his heirs in a similar land elsewhere; but the Earl of Huntly was not wilfully nor fraudfully to give over the earldom without the consent of the Earl of Sutherland. Both parties solemnly swear to the faithful observance of the agreement, which is dated at Aberdeen, 23d June 1552. Extracted from the books of Adjournal, ..... 110

95. Precept of Clare Constat, by John, Earl of Sutherland, as superior, with consent of Helen Stewart, Countess of Sutherland, his spouse, for infefting Alexander Sutherland of Duffus as heir of the deceased William Sutherland of Duffus, his grandfather, who died at the faith and peace of King James the Fifth, in all and sundry the lands and fortalice or castle of Skelbo, together with the lands of Innerschyn, and fishings of the water and lyn thereof, lying in the earldom of Sutherland and shire of Inverness, the said Alexander being of lawful age by reason of the overlord's dispensation with his minority; to be held of the earls of Sutherland in chief. Sasine of the fishings to be given by delivery of a net and boat, as use is in like cases. Dated at Darnaway, 3d November 1554, ..... 114

96. Precept of Clare Constat, by John, Earl of Sutherland, as overlord, with consent of Helen Stewart, Countess of Sutherland, his spouse, for infefting Alexander Sutherland of Duffus, as heir to the deceased William Sutherland of Duffus, his grandfather, who died at the faith and peace of King James the Fifth, in all and sundry the lands of Abir-

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scor, Ester Awchindoycht, and Innerschyn, with the fishing of the water and the lyn thereof, with their pertinents, lying within the earldom of Sutherland and shire of Inverness; the granter having dispensed with the said Alexander's minority: To be held of the Earls of Sutherland in chief. Dated at Darnaway, 3d November 1554, ... 115

97. Feu Charter, by Robert Stewart, bishop of Caithness, with consent of the dean and canons of the chapter of Caithness, whereby after mature deliberation, and for the augmentation of the rental of the bishopric of Caithness to the extent of £3 Scots, and for great sums of money paid to the granter by John, Earl of Sutherland, and for defence of the bishop, canons and other ecclesiastical persons of the cathedral church of Caithness, he grants in feu-farm heritably to the said John, Earl of Sutherland, Helen Stewart, Countess of Errol, his spouse, and the survivor of them, in conjunct fee, and to the lawful heirs of their bodies; whom failing, to the nearest lawful heirs of the said Earl whomsoever, the lands of Wester Skibo, Sythera, Vilest, Ardalles, Ferretoun with the boat and ferry, Dawatsin, Drumdewane, Auchiveyauch with the pendicles called Cuthegermolaye and Auchenecolas, mill of Skibo, the bishop's palace of Dornoch, lands of Force with the mill and salmon fishing thereof, Ballze, Stambuster, the tenpenny lands of Weik, Canzeauch Quoyis, Bishop's Quoyis, North Killummister, South Killummister, mill of Wyndeles, with three auchtens of lands in Myreland Norue, mill of Lyche with its multures, ninepenny halfpenny worth of the granter's lands of Scrabustar with the fortalice or castle thereof, John M<sup>c</sup>Kewin and William Randelstoun's lands excepting the crofts of Scrabustar with the fourth part of the salmon fishings of the water of Thurso; all the granter's lands, crofts and acres of his city of Dornoch with their pertinents: which lands of Wester Skibo paid yearly 8 bolls of victual of farm duty, 4 bolls of victual of dry multure, price of the boll 10s.; 2 bolls of horse corn, price of the boll 5s.; 2 dozen of poultry at 3d. each, £4 Scots money of farm duty, and 16s. of grassum, extending in whole to £11, 15s. Scots; and the lands of Sythera and others above specified paid yearly of rental the quantities of grain, numbers of poultry, sums of money and others, mentioned at length in the charter, and which extended in whole to the sum of £227, 11s. 4d. in the old rental: To be held the said lands and others by the said Earl of Sutherland, Helen Stewart, Countess of Errol, his spouse, and



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the lawful heirs of their bodies, etc., of the granter and his successors, bishops of Caithness, in feu-farm and heritage for ever, for payment yearly to them of the said sum of £227, 11s. 4d., with £3 of augmentation, amounting in all to £230, 11s. 4d., with a duplicand thereof at the entry of each heir to the foresaid lands in name of doubled feu-farm only: Further, because the granter's castle of Scrabuster and palace of Dornoch was situated in an Irish (Hibernica) country among fierce and untamed Scots, so that neither he nor his predecessors had been able to enjoy them without very great expenses, he, with consent of his dean and chapter foresaid, appointed the foresaid Earl and Countess, and their said heirs, hereditary constables of the castle of Scrabuster and palace of Dornoch for ever, assigning for their expenses in keeping and maintenance thereof, the ninepenny halfpenny lands of Scrabuster, extending yearly to £27, 12s. 11d., and crofts and acres of Dornoch, extending to £10 yearly. Dated at the cathedral church of Dornoch, 26th March 1557,..... 116

98. Charter by John, Earl of Sutherland, as overlord, with consent of Helen, Countess of Errol and Sutherland, his spouse, granting to his kinsman, Alexander Sutherland of Duffus, his heirs and assignees, the lands, baronies and fishings underwritten, namely, the mains of Skelbo, together with the fortalice of Skelbo, the lands of Ester Skelbo, Petmayne, Cowll, Ballewraat, Cambusawye, Wester Abirscors, Morocht, Morenes, Litile Rowart, and others, with the salmon fishing of the water of Innerschyn and the Lyn, together with the salmon fishings of Machaell upon the water of Oyhall, etc.: the lands of Pentraell, the lands and barony of Pronsie, called Thuriboll Mekle, Thuriboll Litill, Strathcharne alias Dalnamayne, Ruriarchar, Assisedaell, Overpronsie, Netherpronsie, Pronsie Croye, Evillik, Mekle Kilpedder, Litill Kilpedder, Grudebrora, Schiberskek in Strathbrora, and the lands of Caven and Kilpedder in Strathvlzie; with power to dig, labour and cultivate new lands, and use fishings not yet used, within the bounds of the foresaid lands, lying in the earldom of Sutherland and sheriffdom of Inverness; all which lands formerly belonged to the said Alexander Sutherland of Duffus, and were resigned by him at Dunrobin into the hands of the earl as overlord, to be united into a barony to be called the barony of Skelbo, in favour of the said Alexander and his heirs and assignees: To be held of the said earl and his heirs and successors, earls of Sutherland, for payment of ward and

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| 102. Letters of Presentation by Henry and Mary, King and Queen of Scots, addressed to the Lords of Council and Session and Comptroller, narrating that their Majesties had granted to Gavin Borthwick, son lawful to Michael Borthwick of Glengelt, the benefice and deanery of Caithness, with all fruits, rents, teinds, teind sheaves, mails, fermes, gressumes, kirks, kirklands and all other profits thereof, of all years since the decease of Mr. William Hepburne, last dean and possessor thereof, and in time coming during his lifetime, which deanery was vacant and at their Majesties' disposal; charging therefore the said Lords, and the comptroller to direct other letters in the four forms and others, at the instance of the said Gavin, to cause him be answered and obeyed of the fruits, rents and emoluments of the said deanery, kirks, kirklands and all other profits thereof, in the same manner as if he were provided thereto in the Court of Rome. Given under the Privy Seal at Holyroodhouse, 30th November 1565,..... | 134  |
| 103. Instrument of Sasine in favour of John, Earl of Sutherland, of the lands, lordships, baronies and others belonging to the earldom of Sutherland, viz.—the lands of Navadale, Borroboll, Eister Killernane, Vaster Killernane with mill thereof, lands of Vlbister, Galzeboll, Bereboll, Askeag, Altreboll, Cayan, Kilpedder in Straythvllzie with mill thereof, Auchadaill with mill thereof, Water of Helmsdail with salmon fishing thereof etc.: also Dunrobin with tower, fortalice, place, houses, orchards, gardens and pertinents, and other lands of   |      |

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the earldom enumerated at length ; with advocation and gift of the benefices of St. Andrew, called Golspie Kirktown, chaplainries of St. James of Helmsdaill and of St. James of Dornoch, all lying in the shire of Inverness ; proceeding on a precept from the Chancery of Henry and Mary, King and Queen of Scotland, directed to their sheriffs of Inverness ; all which lands, baronies, etc., formerly belonged to the Queen's natural brother, Robert Stewart, younger, and were by him resigned at Edinburgh : Further, the precept unites and annexes all these lands, lordships, baronies and others into one free earldom, to be called the Earldom of Sutherland, one sasine, taken at the castle of Dunrobin, to be sufficient. The precept is dated at Edinburgh, 25th March 1566, and sasine is taken at the place and fortalice of Dunrobin, near the well, and at various other places, 27th, 28th, 31st May, and 1st June 1566,.....	135
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ness, such as Colin Mackkanze of Kintail, Hugh, Lord Fraser of Lovet, Lauchlan Makintosche of Dunnauchtane, Robert Munro of Fowlis, with many other clans and men of the country, cherished deadly hatred towards each other, so that they could not come to the burgh of Inverness together without great inconvenience likely to arise: That in these circumstances George, Earl of Huntly, sheriff principal of the shires of Aberdeen and Inverness, had consented that a commission should be granted by the Lords of Council, appointing John Leslie of Buchquhane, Gilbert Menzeis, apparent of Petfoddellis, Patrick Menzeis, burgess of Aberdeen, Mr. Robert Lummisdane of Clova, and Mr. Patrick Ruthirfurde, burgesses of Aberdeen, or any three or two of them, sheriffs of Inverness in that part, to serve the said brieves in the tolbooth of the burgh of Aberdeen. The king therefore, in terms of the petition, granted such a commission ordaining the persons above named to be sheriffs of Inverness in that part, and to hold courts and serve the brieves in the tolbooth of Aberdeen. Dated at Edinburgh, 30th May 1573,..... 141

107. Extract from the records of the Burgh Court of Aberdeen narrating the proceedings at the service of Alexander, Earl of Sutherland, as heir to his father, John, Earl of Sutherland: (1) On 13th June 1573, in the Burgh Court of Inverness, held in the tolbooth of Aberdeen, by Mr. George Middiltoun, one of the bailies of Aberdeen, John Leslie of Balquhane, Gilbert Menzeis, apparent of Petfoddellis, Patrik Menzeis, burgess of Aberdeen, Mr. Robert Lummisden of Clouaith and Mr. Patrik Ruthirfuir, co-burgesses of the burgh, appointed sheriffs of Inverness in that part by the commission of the Lords of Council, accepted office and gave their oath of fidelity: (2) On 13th June 1573, the Sheriff Court of Inverness was constituted in the tolbooth of Aberdeen, fenced and officers appointed: (3) On 13th June 1573 in the Sheriff Court of Inverness held by virtue of the commission, dated 30th May 1573, the brieves of inquest, being presented to the court by John Kennedy, attorney for Alexander, Earl of Sutherland, were delivered to the officers to be duly executed at the market cross of Inverness, and to be served in the tolbooth the 8th July next following, while the commission is ordered to be inserted in the books: (4) On 8th July 1573, in the Sheriff Court of Inverness, held in the tolbooth of Aberdeen, by Mr. Robert Lummesden of Clouaytht, Mr. Patrick Rutherfuir and Patrick Menzeis, burgesses of

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- Aberdeen, sitting in judgment, Alexander, Earl of Sutherland, constituted Mr. William Davidson and George Barclay his procurators. The brieve was then admitted to the knowledge of an assise; the proclamation at the market cross of Inverness was verified by the officer and witnesses; the assise nominated Andrew, Master of Erroll, their chancellor; and the procurators of Alexander, Earl of Sutherland, produced a Petition dated 6th June 1546, a Retour of the late John, Earl of Sutherland, dated 4th May 1546, a Decreet of Restitution of Parliament reducing the forfeiture led against the said deceased Earl John, of the date, at Edinburgh, 9th April 1567, and an Attestation by James Ballindene whereby the said Alexander's age may be known, dated 25th May 1573: Whereupon the whole inquest served the said Alexander as nearest and lawful heir of the deceased John, Earl of Sutherland, his father, in the earldom of Sutherland, ..... 143
108. Extract Retour of Special Service of Alexander Gordon as heir to his father, John, Earl of Sutherland, in the earldom of Sutherland and all lands thereof, with the castle, fortalice and manor place of Dunrobin, lying in the sheriffdom of Inverness: The inquest find that the lands had been in the hands of the King's mother for one month and six days or thereby, by reason of ward, through the decease of the said Earl John, father of Earl Alexander, and in the hands of the King, by reason of ward, for five years ten months and twenty-two days or thereby; and in his hands, by reason of non-entry, for twenty-two days or thereby, immediately last bypast: Expede in the tolbooth of Aberdeen by virtue of the preceding commission to Mr. Robert Lummsdene of Clovay and others, 8th July 1573, ..... 148
109. Retour of the Service of Alexander Gordon as heir to his late father, John, Earl of Sutherland, in the earldom of Sutherland, and in all the lands of that earldom and pertinents thereof, which are held in chief of the Crown for service of ward and relief, and which have been in the hands of the King's mother, through the death of the said Earl John on 23d June 1567, for the space of a month and six days, and since then in the hands of the King, also by reason of ward, for five years ten months and twenty-two days, and by reason of non-entry for the last twenty-two days, through default of the said Earl Alexander, who is stated to be of lawful age. The lands are valued at 500 merks in time of peace, and 1000 merks now. The retour was expede in the court-house of the burgh of Aberdeen on 8th July 1573, 149

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110. Ratification by William Sutherland of Duffus of the bond of manrent by William Sutherland of Duffus, his grandfather, to Alexander, Master of Sutherland, narrating that his said grandfather acquired the lands of Skelbo from John Kinnaird of Skelbo, who held them from the said Alexander, Master of Sutherland, for ward and relief, and was bound to him therefore in continual manrent; and that the said Master of his own good pleasure received his said grandfather as tenant in these lands, though not obliged thereto, as he could have recognised the lands on account of their having been alienated without his consent. The said bond, of date 4th September 1529, [No. 83 *supra*] is given in full, which the said William Sutherland of Duffus acknowledges to be the original bond made by his grandfather, and as his heir by progress and successor in the lands of Skelbo he acknowledges that he is obliged thereby to Alexander, now Earl of Sutherland, grandson and successor to the said Alexander, Master of Sutherland. And now seeing the said earl has received him as tenant in these lands, for himself and his heirs and successors in the lands of Skelbo and Pronse he ratifies the same in all points. Dated at Edinburgh, 15th March 1580: Witnesses, John Arnott, burghess of Edinburgh, John Kennedy, portioner of Doill, John Gordon, elder, in Clynetredwall, John Gordon, younger, his brother, William Sutherland in Kynmouny, and Adam Gordon, younger, servitors to the granter, and William Gibson, burghess of Elgin. Signed "William Sutherland off Duffus,"..... 151
111. Notarial Instrument narrating that, in presence of the subscribing notary and witnesses, Alexander, Earl of Sutherland, passed to the personal presence of the King, and on bended knees, by staff and baton, resigned, renounced and overgave all the lands of the earldom of Sutherland, with the castle of Dunrobin, etc., lying within the shire of Inverness, into the King's hands, as held immediately of him in chief, in favour of John, Master of Sutherland, his eldest son, and the heirs and assignees of the said John whomsoever, for a charter and infeftment to be made and delivered to the said John, Master of Sutherland, by the King under his great seal; reserving to the said Alexander, Earl of Sutherland, his franktenement or life-rent of the earldom: Which resignation being so made and received the King gavé, conveyed and delivered the said earldom of Sutherland, etc., to John, Master of Sutherland, his heirs and assignees, by

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| redelivery of the staff and baton to Lawrence Gordon, pensionary of Galloway, his attorney, on his behalf, under reservation foresaid. Done in the palace of Holyrood, 18th March 1580-1,.....  | 153  |
| 112. Agreement between Alexander, Earl of Sutherland, and John Thomasson, sometime in Moy, who for himself and his sons, grandsons and other relatives, and friends named, promises to faithfully serve the said earl, and in special to endeavour to bring certain other friends named to dissociate themselves from the service of Hucheon M <sup>c</sup> Ky before Michaelmas 1587, and to become good country Sutherland men, and serve the said earl; and if they will not relinquish the said Hucheon M <sup>c</sup> Ky's service, then to be enemies to them until they do so, and become true Sutherland men. Moreover, the said earl leases to the said John Thomasson the three penny land of Blarocht from Whitsunday last 1587 to Whitsunday following 1588, when the said earl consents that the said John Thomasson shall enter to the lands of Moy, and continue therein during the said earl's pleasure, paying for the said lands of Blarocht to Hew Murray, heritor thereof, or his heirs, the duties used and wont only, and to the said earl or his chamberlains for Moy the duties used and wont during his occupation thereof. Further, if the persons named, while in the service of M <sup>c</sup> Ky, commit any injury to the said earl or his country, the said John and his friends are to pursue them as enemies to the said earl and his country; while, if they come into his service, the said earl promises to give them service and lands as they shall deserve. Dated at Dornoch, 14th June 1587,..... | 154  |
| 113. Assurance by George, Earl of Caithness, to Alexander, Earl of Sutherland, for himself and his kin and friends, that he and they should not be molested nor harmed in doing their lawful business within the county of Caithness, and this assurance to endure till the last day of November next. Dated at Edinburgh, 7th August 1588: Witnesses, George, Earl of Huntly, John Sinclair of Dun, Olypher Gordoun, and John Daidson, notary public. Signed, "G. Caithnes,".....  | 156  |
| 114. Mutual Submission by George, Earl of Caithness, and Alexander, Earl of Sutherland, to the arbitration of George Sinclair of Mey, William Sinclair of Dunbeath, Robert Innes of that Ilk, Robert Innes of   |      |



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Innermarky, Alexander Innes of Coxtoun, and John Innes of Leuchars, chosen for George, Earl of Caithness; and Sir Patrick Gordon of Auchindoun, knight, Sir Thomas Gordon of Cluny, knight, James Dunbar of Tarbert, David Dunbar of Durris, Mr. Alexander Gordon, chancellor of Moray, and John Gordon of Carynborow, chosen for Alexander, Earl of Sutherland, with George, Earl of Huntly as oversman; in reference to the deadly feud that has arisen between them, the pretended right of the Earl of Caithness to the heritable justiciary over the diocese of Caithness, and in special over the Earl of Sutherland's lands wherever they lie, the claim by the Earl of Sutherland from the Earl of Caithness of a reversion over the lands of Strathulzie, how amity and friendship is to be maintained in future between the respective houses, and what penalties should be imposed to that end. The arbitrators having accepted office, they and the parties are to meet at Elgin on 27th November, and the arbitrators' decision is to be given within eight days thereafter. Failing their agreement the Earl of Huntly is to give his decision within ten days thereafter. If the questions regarding the reversion claimed, and the right of justiciary be found too difficult to determine, these may be omitted, and referred to the Lords of Council and Session. In case of absence of any of the judges, others may be chosen, and should either of the parties be absent, judgment shall be given notwithstanding, and the sentence shall be final, and shall be registered in the books, and have the force of an act of the Lords of Council and Session. Dated at Elgin, 26th November 1589,..... 157

115. Decreet Arbitral in terms of the preceding submission by the foresaid judges arbitrators, wherein they determine that in reference to the slaughters, murders, spoliations and destructions committed by the parties against one another, a number of which are particularised, from the 13th February 1587 to the date of these presents, both should be freed, acquitted and absolved, each party to warrant the other and their dependants from any risk of legal process on account thereof; but should any injured person take legal procedure against either of the earls or their dependants and be awarded damages, such sum to be repaid within forty days by the other earl. With respect to the jurisdiction claimed by the Earl of Caithness over the Earl of Sutherland's lands in the diocese of Caithness, these lands are declared to be exempt therefrom in all time coming and the jurisdiction

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thereof to pertain to the Earl of Sutherland, as if in this respect the deadly feuds between them still stood unreconciled. As to the third point, regarding the reversion claimed by the Earl of Sutherland from the Earl of Caithness over the lands of Strathulzie, the arbitrators, feeling incompetent to deal with the legal questions which arise in the case, remit it to the decision of the Lords of Council and Session. And fourthly, as to the maintenance of friendships and amity, both the earls are to enter into a mutual contract for that end, the terms of which are set forth in detail, under a penalty of five thousand merks in case of contravention, and the said earls are to cause their dependants to give to each other sufficient letters of slains, when required within ten days. Further, where any persons have been dispossessed by either of the earls during these troubles they are, before 1st January next, to repon them or the survivors or heirs of such as have been dispossessed since April 1586. Dated at Elgin, 29th November 1589. Copy attested by James Justice and Habbakuk Bisset, co-notaries,..... 160

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- dated at Spynie, 3d September 1516, whereby on condition of delivering to them the Castle of Dunrobin, etc., they agreed to infeft the said Earl of Caithness in a £20 land under reversion [No. 62 *supra*]: Also to any summons and other legal process begun against the Earl of Caithness, as heir to his said great-grandfather, for delivery of the said reversion. Dated at Dunrobin, 1st July 1590,..... 168
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by war or plague, abatement should be made to the lessees in proportion thereto, and mutual arrangements made whereby neither party should be injured. As Jean, Lady Strathnaver, is infest in part of the estates, and for the good of the family consents to restrict herself to an annuity of five thousand merks yearly during the said period in case she survive her husband, the said lessees oblige themselves to pay the same to her in such case, with penalty of ten per cent. more in case of failure. Finally the lessees bind themselves to relieve their said cautioners and to register these presents for due execution. Dated and subscribed at Edinburgh 7th and 12th August 1675,.....	203
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Omnes homines et amicos suos / has litteras visum et audire / Longo tempore  
mea confirmasse / et accepit Gilberto Archidiacono coronam / et illis heredibus dicitur  
in Suthirlandia / et de farnburgham et fumerchyn / et p[ro]p[ri]a tota dicitur  
de vobis / tenenda et hinc et a heredibus suis p[ro]p[ri]a / in p[ro]p[ri]a / dicitur  
in fangnis / et colendinis / in coris / et agaresis / in v[er]is / et in quibus  
suis / faciendo q[uod] p[ro]p[ri]a dicitur Sicut v[er]o dicitur / q[uod] omni exactione  
tando p[ro]p[ri]a dicitur Sicut v[er]o dicitur / q[uod] ad p[ro]p[ri]a dicitur p[ro]p[ri]a  
Archidiacono coronam / et illis heredibus de parentela sua / q[uod] ip[s]e dare  
et defendere in p[ro]p[ri]a. Hinc testibus / Willo p[ro]p[ri]a meo / Andree p[ro]p[ri]a meo  
Roberto camerario / Reginaldo p[ro]p[ri]a meo / Ricardo de coronam / An  
Alexando de d[omi]n[us] / et multis aliis (— — —)

Item in dno / Rata omnes tam presentes q̄ p̄t̄ / me dedisse / concessisse / et hac presentia carta  
parentela sua / q̄bz ipse dare / et concedere voluit / et heredibus / tota terra mea de selbold  
mea de Enchynlandia / cum pertinentiis q̄ iacet me / has terras / p̄sentas / et dimittas  
me / et heredibus meis / p̄ rectas dimittas suas / in bosco / et in plano / in p̄s / et in p̄sibus /  
et in omnibus infra pertinentiis suis / libere / quiete / pacifice / et honori  
et successu meo / ducio / et demora / ad me / et ad heredes meos / et p̄sentas / et adhe  
re / et hugo fresby / et heredes mei / p̄sentas terras / p̄sentas / p̄sentas / p̄sentas / p̄sentas /  
concedere voluit / et heredibus / q̄ omnes homines et feminas / Baran / abun / acq̄ abun /  
baldo / corobach / hugone / duglas / fresbyno / duglas / baldeno / de garnet /  
ebaldo / de duffus / augustino / de elsyn / thoma / filio / augustini / Joh̄e / nigro /



# CHARTERS

OF

## THE EARLS OF SUTHERLAND

FROM A.D. 1211.

1. CHARTER by HUGH FRESKYN to GILBERT, Archdeacon of Moray, of the lands of Skelbo, in Sutherland, and others. [*Circa* 1211.]

OMNIBUS hominibus et amicis suis has literas visuris vel auditoris, Hugo Freskyn, salutem in Domino. Sciant omnes, tam presentes quam futuri, me dedisse, concessisse. et hac presenti carta mea confirmasse Magistro Gilberto, archidiacono Moraue, et illis heredibus de parentela sua, quibus ipse dare et concedere voluerit, et heredibus eorum, totam terram meam de Scelbol in Suthyrlandia, et de Fernebuchlyn, et Inuerchyn ; et preterea, totam terram meam de Suthyrlandia versus occidentem, que iacet inter has terras prenominatas et diuisas de Ros : Tenendas et habendas sibi et heredibus suis prenominatis in perpetuum, de me et heredibus meis, per rectas diuisas suas, in bosco et in plano, in pratis et in pascuis, in stangnis et molendinis, in moris et maresiis, in ripis et in piscariis, et in omnibus iustis pertinenciis suis, libere et quiete, planarie, pacifice, et honorifice : Faciendo pro predictis terris seruicium vnius sagittarii, pro omni exactione, consuetudine, seruicio, et demanda, ad me et ad heredes meos spectantis : et adquietando forinsecum seruicium domini Regis quantum ad predictas terras pertinet. Ego vero Hugo Freskyn et heredes mei predictas terras prenominatas predicto magistro Gilberto, archidiacono Moraue, et illis heredibus de parentela sua, quibus ipse dare et concedere voluerit, et heredibus eorum, contra omnes homines et feminas warantizabimus, acquietabimus, et defendemus in perpetuum. Hiis testibus, Willelmo fratre meo, Andrea fratre meo, Waltero Morthach, Hugone Duglas, Freskyno

Duglas, Waldeuo de Garuiacht, Roberto, camerario, Reginaldo, janitore, Ricardo de Morauia, Archebaldo de Duffus, Augustino de Elgyn, Thoma filio Augustini, Iohanne Nigro, Alexand[r]o de Elgyn, et multis aliis.

2. CONFIRMATION by KING WILLIAM THE LION of the preceding Charter to GILBERT, Archdeacon of Moray, of the lands of Skelbo and others. 29th April [*circa* 1212].

WILLELMUS, Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciant presentes et futuri me concessisse, et hac carta mea confirmasse donationem illam quam Hugo Fresekin fecit magistro Gilleberto, archidiacono Morauię, de tota terra de Scelebol in Suthyrlandia, et de Ferenbeuchlin, et de tota terra de Suthyrlandia uersus occidentem, que iacet inter has terras prenominate, et diuisas de Ros : Tenendas sibi et illis heredibus de parentela sua, quibus ipse terras illas dare et concedere uoluerit, de predicto Hugone Fresekin et heredibus suis hereditarie, per rectas diuisas suas, et cum omnibus iustis pertinentiis suis, ita libere et quiete, plenarie et honorifice, sicut carta predicti Hugonis Fresekin testatur ; saluo seruicio meo. Testibus, Willelmo de Boscho, cancellario meo, Oliuero et Willelmo, capellanis meis, Philippo de Valoniis, camerario meo, Hugone de Sigillo, clerico meo ; apud Seleschirche, xxix die Aprilis.

3. CHARTER by WILLIAM, LORD OF SUTHERLAND, son and heir of the deceased Hugh Freskyn, confirming the Charter to GILBERT, Archdeacon of Moray. [*Circa* 1214.]

OMNIBUS hoc scriptum visuris vel auditoris Willelmus, dominus de Suthyrlandia, filius et heres quondam Hugonis Freskyn, eternam in domino salutem. Nouerit vniuersitas uestra me confirmasse, ratum et gratum habuisse, pro me et heredibus meis, illam donacionem quam Hugo Freskyn, quondam pater meus, dedit et concessit magistro Gilberto, archidiacono Morauię, et illis heredibus de parentela sua, quibus ipse dare et concedere uoluerit, et heredibus eorum, totam terram meam de Scelbotil in Suthyrlandia, et de Fernebuchlyn, et de Inuerchen : et preterea totam terram meam de Suthyrlandia uersus occidentem, que iacet inter has terras prenominate, et diuisas de Ros : Tenendas et habendas sibi et heredibus suis prenominate in perpetuum, de me et



¶ Dea cetera Rex p̄cori. Dn̄m̄i nob̄is Honoris Torus Toris sue. Ovis et laus. Saltu. Et oñe  
presentes et futi. me concessisse. Et h̄ac Carta mea confirmasse. Dnd̄m̄onem illam s̄m̄i Huḡo. fesech.  
fecit cōgr̄isbro. Galdhoret. Archidiacono p̄d̄ante. De tota terra de seleshol. in sūchland. Et de foren  
bunehung. Et de tota terra de Sūchland. nec suis Dnd̄m̄onem. que dicit ip̄e h̄ac tras p̄nom̄natas. Et  
Dn̄s̄as de hos. Dnd̄m̄i. sibi et illis heredibus de parcella sua. q̄bus ip̄e tras illas dicit et concedere  
voluit. De p̄s̄o Huḡo. fesech. et h̄ab̄is suis hereditarie. p̄ heretis Dn̄m̄is suis. et cum Dn̄m̄i uisib̄is per  
necis suis. et libere et dicit. p̄d̄ant. et honorifice sicut Carta p̄s̄o Huḡo. fesech. testatur.  
Salvo servicio mo. Tost. Will. de h̄os. Dnd̄m̄i. Dnd̄m̄i. et Will. Capitanus meus. Will. de h̄os. Dnd̄m̄i.  
Dnd̄m̄i. mo. Huḡo. de siḡ. Ovis mo. Apud seleshol. p̄. Dnd̄m̄i. de Aprilis.





Omnia hoc scriptum videtur et audire. Velle sine de Euthylandia filium  
firmasse vacu et non habuisse pro me et heredibus meis illa donationem que  
coram vobis heredibus de parentela sua quibus ipse daret et gade colit  
et de smotheren et ples tota terra mea de Euthylandia vers  
thudag et theobald eius pueris in presentem de me et heredibus meis  
datis etis episcopis non episcopis velantibus et terra de hinc  
piscum est deo magister galter archidiacono coram et illis heredibus  
bonis et feminis herentibus et accedentibus et in presentem defendent  
no de vos magister cancellario hugon ducis presentem de ducis

res quida hugonis presb in / et ha in dno catom / affone omniscas tra me  
huo presb in quida pad meus / sedu & passu / magis galba archidiacono  
& heredibz eoz / tota tra mea de selbord in Enchirlandia, & de farnedunghim.  
advent que racet me has traq pmoitas & omnes / de ros / & erendas  
& p rectas dmsas suas / cu omibz libracibz / commodacibz / & aspanatibz /  
presb in se testat / Ego G. Bille & heres mei / stae traq pmoitas / &  
porentia sua / qz ipse qcedit & dare voluit / & heredibz eoz / & omnes  
omn rei testimoniu sigillu meu est appensu / hinc testibz / henrico deca  
est / reginaldo pantoore / johe nigro / & inter aliis /



heredibus meis, per rectas divisas suas, cum omnibus libertatibus, commoditatibus, et asiamentis, dictis terris spectantibus seu spectare valentibus, sicut carta dicti Hugonis Freskyn in se testatur. Ego vero Willelmus et heredes mei dictas terras prenominate, vt prescriptum est, dicto magistro Gilberto, archidiacono Moraue, et illis heredibus de parentela sua quibus ipse concedere et dare voluerit, et heredibus eorum, contra omnes homines et feminas warantizabimus, acquietabimus et in perpetuum defendemus. In cuius rei testimonium sigillum meum est appensum : Hiis testibus Henrico, decano de Ros, Mauricio, cancellario, Hugone Duglas, Freskyno de Duglas, Reginaldo, janitore, Johanne Nigro, et multis aliis.

4. APPOINTMENT by GILBERT, Bishop of Caithness, of a Constitution for the Chapter of his diocese. [1222-1245.]

UNIERSIS Christi fidelibus hoc scriptum visuris vel auditoris, Gilbertus, diuina miseracione Episcopus Cathanensis, eternam in Domino salutem. Cum in temporibus precedentibus tempus administracionis [nostre], in cathedrali ecclesia nostra non esset nisi vnicus sacerdos Deo ministrans, tum propter loci paupertatem tum propter frequentem hostilitatem, nos ad honorem Domini nostri Jesu Christi et beatissime Marie, matris eius, et omnium sanctorum, desiderantes in eadem cultum diuinum ampliare, habito super hoc diligent . . . et consilio virorum discretorum, decreuimus ipsam Cathedralem ecclesiam sumptibus propriis edificand . . . rem supramemorata Dei genitricis dedicauimus, pro modulo paupertatis nostre conuentualem erigere : Ordin[amus] itaque et prouidimus in eadem ecclesia decem esse canonicos episcopo qui pro tempore fuerit, inter eos coninnice[m] per se uel suos vicarios uigiliter ministraturos quibus episcopus quasi caput preminebit : ex reliquorum nume[ro] quinque creatis dignitatibus ; videlicet, decanatu, precentaria, cancellaria, thesauraria et archidiacon[at], quorum quilibet, una cum episcopo et abbate de Scona, canonico in eadem ecclesia instituto, sacerdotem vnicum in sua absentia pro se inueniet singulis diebus in prefata ecclesia ministrantem. Tres nero reliqui canonici tres inuenient diaconos, predictis sacerdotibus in ipsa ecclesia uigiliter assistentes et seruientes. Ad sustentacionem quatuor predictorum canonicorum, et luminaribus ecclesie cathedralis, quatuordecim parochialibus ecclesiis nostre diocesis deputatis, sexque consimilibus episcopalibus usibus reseruatis, vnique ipsorum suam prebendam discretam et distinctam assignare curauimus ; in priuis, decanatu ecclesiam de Clun cum omnibus prouentibus suis et pertinentiis, decimas garbarum ciuitatis de Durnach et uille de

Echenbol, cum quarta parte altaragii de Durnach, et tota terra de Methandurnach ; precentarie autem, ecclesiam de Crech, cum omnibus suis prouentibus et pertinenciis et capellis, decimas garbarum de Proinci et de Auelech, de Stradormeli, Askesdale et Rutheuerchar, quartam partem altaragii de Durnach, cum tota terra de Hutherhinche apud Durnach ; cancellarie autem, ecclesiam de Rothegorth, cum suis prouentibus omnibus et pertinenciis, decimas garbarum de Scelleboll, scilicet, de duodecim dawachs et quartam partem altaragii de Durnach ; thesaurarie uero, ecclesiam de Larg, cum omnibus prouentibus suis et pertinenciis, decimas garbarum de Scitheboll et Syuardhoch, exceptis decimis precentarie apud Stradormeli preassignatis, ad predictas terras spectantibus et similiter quartam partem altaragii ecclesie de Durnach ; assignato nichilominus vnicuique premissarum quatuor prebendarum, tofto et crofto liberis in ciuitate de Durnach. Et ut predictas optinentes dignitates ad resideuciam facilius et melius inducantur, ipsis in ecclesia cathedrali residentibus, aut in eiusdem vel episcopi negociis exterius occupatis, ecclesiam de Far, cum omnibus suis prouentibus et pertinenciis, in communi assignauimus ; exceptis decimis et prouentibus de Helgedall, ecclesie de Ra, prius a nobis, propter ipsius ecclesie ad Helg[edall] propinquitatem et ecclesie de Far magnam distanciam deputatis ; reseruataque nobis nichilominus potesta[te diuiden] di predictam parochiam de Far in plures propter ipsius diffusionem. Decernentes et statuentes ut residenc . . . premissum est, eiusdem ecclesie prouentus omnis et suarum capellarum pro equali percipiant porcione quando residen . . . cerint, absentes autem in sua nichil percipiant absentia. Quicum sint eciam post episcopum in ecclesia cathedrali principales et precipui, ipsorum ecclesias ab omni onere archidiaconali, officialium et decanorum ruralium liberas fore decreuimus et immunes. Statuentes ut predictorum nullus iurisdictionem aliquam in eorum personas uel familias aut capellanos exercere presumat : ipsorum per nos et capitulum excessibus corrigendis : Archidiaconatui autem assignauimus ecclesias de Bouer et Watne, cum omnibus suis prouentibus et pertinenciis. Insuper assignauimus cancellarie et thesaurarie et archidiaconatui totam terram de Pethgrudi, et totam terram de duabus Herkhenys, equali porcione inter eos diuidendas, cum communi pastura dicte ciuitatis de Durnach : Prebende uero abbatis de Scona, ecclesiam de Kelduninach cum suis prouentibus omnibus et pertinenciis assignauimus, qui per sacerdotem vicarium in ecclesia cathedrali ministrabit, ut superius est expressum, ipso et suis successoribus ad residenciam, uel ad inueniendum vicarium in ecclesia sua prebendali nullatenus compellendis : eo tamen prouiso, quod eidem ecclesie per sacerdotem competentem nichilominus seruatus. Tribus autem reliquis prebendis, tres ecclesias parochiales, uidelicet, Olrich, Donat



Canenisbi, separatim adiunximus ecclesiam de Scynend, ipsorum communitati deputantes : cuius prouentus concedentis tantum percipiant, ut superius ecclesia de Far ordinatum est et dispositum. Si uero nullum eorum residere contigerit operationi et ornatui ecclesie cedant cathedralis salarie centum solidos Willelmo de Ros, clerico nostro, prius concessis et assignatis in vna summam eadem ecclesia percipiendis : et similiter salarius tribus marcis Eudoni, capellano nostro, assignatis singulis annis in eadem ecclesia in vna summa percipiendis, . . . bus aut decedentibus predicta ecclesia de Scynand ad usus predictorum trium cauonicorum ecclesie per equales portiones inter eos diuidenda : Ecclesiam autem de Dyrnes assignauimus ad inueniendum cathedrali ecclesie huiusmodi lumen et incensum : Ad sustentacionem insuper vicarii pro nobis in dicta cathedrali ecclesia ministrantis ex consensu capituli nostri, decimas garbarum de Thoreboll et de Kynald, et vigiuti acras terre apud Durnach cum tofto et crofto in eadem ciuitate assignauimus. Nichilominus quinque prebendis superius proximo institutis et distinctis toftis et croftis ibidem assignatis, ne in absentis suis exinde ualeant excusaciones assumere. Decreuimus igitur et constituimus, ut premissas ecclesias et eas prebendas optinentes cum omnibus pertinentiis libere percipiant et quiete, saluis nobis episcopalibus de ecclesiis. Preterea per communem capituli consensum, statuentes decreuimus ut decanus singulis annis saltem, per medietatem cuiuslibet anni, moram contrahat in ecclesia cathedrali, et omnes alii canonici in dignitatibus uel extra constituti, excepto abbate de Seona, singulis annis residenciam faciant per tres menses simul uel singillatim, nisi licenciatus fuerit ab episcopo uel capitulo : quam qui non fecerit qualibet hebdomada sue absentie, operationi et ornatui cathedralis ecclesie duodecim denarios persoluat. Deceruentes insuper statuimus, quod si quis canonicorum canonicè uocatus per episcopum uel capitulum ut ueniat ad defensionem ecclesie, consilium et auxilium eidem inpensurus, venire neglexerit, redditu suo priuetur prebende, quousque ueniat ad eorum competentem satisfactionem, nisi canonicam pretendere possit excusacionem. Item ordinauimus et statuimus, ut quilibet septem sacerdotum in premissa ecclesia cathedrali ministrantium, singulis diebus celebret diuina, nisi canonicè fuerit prepeditus, et tam predicti sacerdotes omnes quam diaconi, singulis horis intersint qualibet die, nisi aliquem abesse contingat infirmitatis causa uel licencia episcopi, si presens fuerit uel decani. Qui uero se aliter absentauerit, secundum consuetudinem super hoc in ecclesia optinendam puniatur : Cunctis igitur predictæ Cathedrali ecclesie et canonicis ac uicariis in ipsa Deo ministrantibus s . . . iura seruantibus, sit pax et gloria Domini nostri Jesu Christi quatenus, et hic fructum bone accionis percipiant et apud districtum iudicem premia eterne pacis inuocant. Distrahentibus autem et iniuriantibus, ira et

indignacio Omnipotentis Dei in perpetuam dampnacionem. Et ut premissa omnia rata permaneant et inconcussa ac robur optineant perpetue firmitatis, huic ordinacionis et constitutionis nostre pagine propria manu subscripsimus, eidemque in indubitabile testimonium sigillum nostrum, vna cum sigillo capituli nostri, fecimus apponi; postulantes ut quod nostra qualiscumque statuit discretio successorum nostrorum nulla cassare presumat elacio. De qua ut euidentius in posterum constare possit, singuli canonicorum nostrorum propriis manibus roborantes subscripserunt. Teste capitulo.

5. AGREEMENT and ACCORD passed betwixt GILBERT, Bishop of Caithness, and WILLIAM, EARL OF SUTHERLAND, in reference to certain lands about which Earl William had some controversy afterwards with William, Bishop of Caithness, the successor of Gilbert.

[ORIGINAL not found, but described as above by Sir Robert Gordon in his "Genealogy of the Earls of Sutherland," pp. 426, 427, where he refers to it as one of the proofs of the precedency of the title of Earl of Sutherland to that of Earl of Caithness.]

6. CHARTER by KING ALEXANDER THE SECOND, confirming the Gift by GILBERT, Bishop of Caithness, to RICHARD, his brother, of the lands of Skelbo and others. 26th December [1235].

ALEXANDER, Dei gracia Rex Scottorum, omnibus probis hominibus tocius terre sue, salutem. Sciant presentes et futuri nos concessisse, et hac carta nostra confirmasse donationem illam quam Gilbertus, episcopus Katannie, fecit Ricardo, fratri suo, de tota terra suo de Suthyrlandia, quam Hugo Fresekyn dicto episcopo dedit, scilicet de tota terra de Skellebolle, et de Ferinbeildin, et preterea de tota terra que jacet inter dictas terras de Skellebolle, et de Feriubeildyn et diuisas de Ros uersus occidentem: Tenendas eidem Ricardo, et heredibus suis, de heredibus predicti Hugonis Fresekin in feodo et hereditate, per rectas diuisas suas, et cum omnibus iustis pertinentiis suis, ita libere et quiete, plenarie et honorifice, sicut carta dicti Gilberti, episcopi, inde plenius confecta predicto Ricardo, et carta prenominati Hugonis Fresekyn, et confirmatio domini regis Willelmi, patris nostri, super dictis terris prefato Gilberto, episcopo, plenius confecte, iuste testantur et confirmant; saluo seruitio nostro: Testibus W[illelmo] episcopo Glasguensi, cancellario, P[atricio] comite de Dunbar, Waltero filio Alani Senescalli, iusticiario Scocie,







Quibus sic gratul esse filius: hoc scriptum visut ul audiret. Archibaldus miserat duina Ep̄ Catharine: eam. Etiam in dno. Cum dicitur stron  
lia quonda exora fuit in venabiles patres p̄decessores nros. Gilebrum. Willm. & Valterum bene memorie Ep̄os Catharine noie de ecc̄ ex vna pre. & Job  
les viros. Willm clare memorie. & Willm eius filii comites surthelandie oup Calle de eschthelbolle cum quibdam aliis t̄ris. Videlicet ex nauaris de  
schydebolle. & ex dauaris de syrethembly. in pallagio. & duab; dauaris t̄re cu dimidia de wyggever. & weddale. Cereyeth. cum piscaria de le buunach. de  
surthelwylach. de duab; dauaris de wyggenor. de duab; dauaris de Wyelot. de trib; dauaris de promey. de vna dauata de 20. Wejorthar. de t̄b; quib; de hal  
keldale. de dimidia dauata de hachencossly. de t̄b; dauaris de thorebolle. de duab; dauaris de kynalle. de 20. quoz dauaris de laryge. In quib; t̄ris & 20. se  
dei p̄decessores nri noie ecc̄ Catharine ius e' vendicabant a p̄tis comitib; & dea grivisia in no modum dispensant ecc̄ Catharine. & suos sumpt  
dcoz comitū diu fuit agrata & preclara usq; ad temp nrm. & Willi filij p̄ti comitis clare memorie. Tandem hri fideios. & p̄al zelatores p̄ati ecc̄e  
Nobiles hri. Comites. & barones. & alij qm plures fide digni p̄suro & angustis ecc̄ Catharine & laborib; & expensis p̄toz Comitū copondentes. zelo  
caritati infincti. p̄ros suas diligētē impolunt. vō facem & vnitatem vō eciam Catharine nos & successores nros. & p̄tem s̄obolem Willm comitē. et  
eius heredes. ordinarent. & in p̄teritū stablirunt. Tandem post multas ordinaones & p̄ouocōes: des Comis consilio dcoz p̄toz. p̄rim. & alioz subditōz  
noz inclinatū: ogera voluntate sua & spontanea q̄esit ecc̄ Catharine nob & successorib; nris castri de schydebolle cu ex dauaris t̄re adia  
tētib; & ex dauaris t̄re de syrethembly cu pallagio. & duab; dauaris cu dimidia de wyggever. & wyelot. & de Cereyeth. cu piscaria de le buunach. et  
duab; dauaris de wyggenor. cu eoz p̄tinencis. Tenendas & habendas. & in p̄teritū pacifice possidendas ecc̄ Catharine nob & successorib; nris. saluo  
forinleo dūco dñi regis. Et alij q̄troula de ecc̄ motura ab ip̄o Comite & heredib; suis. Relidie t̄re vob; die dauare de Weloch. tres dauate de  
promey. vna dauata de surthelwylach. tres q̄troula de hachencossly. dimidia dauata de hachencossly. tres dauate de thorebol. due nauaris de laryge. &

tie. ⁊ pactice. on greditee ul inquietatee motural a nob ul successoribz nris. Ad hoc l' ut eede nre nob ⁊ successoribz nris a deo comite concessaz potimus nancisi. Exp' vilitate ⁊ qmodo nob ⁊ successoribz nris  
riam possessionem dñi dñaz eede nre nob ⁊ successoribz nris a deo comite concessaz potimus nancisi. Exp' vilitate ⁊ qmodo nob ⁊ successoribz nris  
a deo comite concessaz potimus nancisi. Exp' vilitate ⁊ qmodo nob ⁊ successoribz nris  
⁊ q deo Comes ⁊ sui heredes possunt nob ⁊ successoribz nris q' temp' fuerit. vni capitam' p'sentare. q' iuratum celebrabit in ead' de durynach ad altare  
s' Jacobi p' animabz d' comitis p'cessor' ⁊ successor' suoz. que' quide' capitam'. nos ⁊ successor' nri ad p'sentacionem p'ci comitis ⁊ heredum suoz ad  
mittem'. ⁊ deo capllano ad ei' sustentacionem quinqz maris annuas de bonis ep'ialibz videlicet de finis nris de villa nra de durynach. p' man' baluoz nroz  
qui p' temp' fuerit. ⁊ successor' nroz ad duas ann' terminos videlicet ad festu' s' martini in yeme duas mare. cu' dimid. ⁊ duas mare cu' dimidia ad pentecoste.  
iuratum administrabim'. p'missim' ⁊ de voluntate ⁊ consensu capli nri. p' nob ⁊ successoribz nris. q' nos p'videm'. faciem' p' deo comite ⁊ ei' heredibz;  
omne' securitate' ad istas ordinacones iuratum ⁊ de voluntate ⁊ consensu capli nri. p' nob ⁊ successoribz nris. q' nos p'videm'. faciem' p' deo comite ⁊ ei' heredibz;  
ad istam ordinaconem deu' copulacionem i' violabilem i' perpetuum observandam. qm' ip'e ⁊ sigillum am' velint ⁊ p'cedit de iure ordinare ul' pete. Et  
ta' decem. Archidiacon' p'centoz. ⁊ cancellar'. p'ce ⁊ caplo Carchannie. Comes p'ce ⁊ heredibz suis. h'ndem' copulacionem. In cui' rei testimoniu' ⁊ ad  
manuce' hui' rei securitatem huic scripto penes comite ⁊ ei' heredes resident'. sigillum nri vna cu' q'muni sigillo capli Carchannie. ⁊ sigill' Decani Archi-  
diaconi p'centoz ⁊ cancellarij Carchannie e' appensu'. Conemilli l' scripte penes nos ⁊ successores nros ⁊ caplin nri resident'. sigillum p'ci comi-  
tis vna cu' sigill' dñi Wlthi de wyonte alio dñi andr' de wyorauna. Dni alexandri de wyorauna. ⁊ Dni Rauid de yndulunan e' appensu'. Act' in Carchezali  
eada' Carchannie. x. kal' octobris. Anno gre. q' re septuag' quinto.





Waltero Olifard, iusticiario Laodonic, Alano, Hostiario, Waltero Bysset, Willelmo de Mar: Apud Sanctum Andream, vicesimo sexto die Decembris, anno Regni domini Regis vicesimo secundo.

7. AGREEMENT between ARCHIBALD, Bishop of Caithness and WILLIAM, EARL OF SUTHERLAND, in regard to the Castle of Skibo and other lands. 22d September 1275.

OMNIBUS sancte matris ecclesie filiis hoc scriptum visuris uel auditoris, Archebaldus, miseracione diuina Episcopus Cathannie, salutem eternam iu Domino. Cum diutina contouersia quondam exorta fuit inter venerabiles patres predecessores nostros, Gilebertum, Willelmum, et Walterum, bone memorie episcopos Cathannie, nomine dicte ecclesie ex vna parte, et nobiles viros, Willelmum, clare memorie et Willelmum, eius filium, comites Sutthirlandie, super castro de Schythebolle cum quibusdam aliis terris, videlicet, sex dauatis de Schythebolle, et sex dauatis de Syttheraw cum passagio, et duabus dauatis terre cum dimidia de Miggewec, Swerdisdale, Creych, cum piscaria de le Bunnach, de Cuttheldawach, de duabus dauatis de Monimor, de duabus dauatis de Awelec, de tribus dauatis de Promsy, de vna dauata de Roweherchar, de tribus quarteriis de Haskesdale, de dimidia dauata de Hacchencossy, de tribus dauatis de Thorebolle, de duabus dauatis de Kynalde, et de quatuor dauatis de Largge, in quibus terris et castro dicti predecessores nostri nomine ecclesie Cathannie ius sibi vendicabant a predictis comitibus; et dicta contouersia in non modicum dispendium ecclesie Cathannie, et graues sumptus dictorum comitum diu fuit agitata, et protelata usque ad tempus nostrum, et Willelmi filii predicti comitis clare memorie. Tandem viri fideles, et pacis zelatores, prelati ecclesiarum, nobiles viri, comites, et barones, et alii quam plures fidedingni pressuris et angustiis ecclesie Cathannie et laboribus et expensis predictorum comitum compacientes, zelo caritatis instincti partes suas diligenter interposuerunt vt pacem et vnitatem inter ecclesiam Cathannie, nos, et successores nostros, et predictum nobilem Willelmum comitem, et eius heredes ordinarent, et in perpetuum stabilirent. Tandem post multas ordinaciones et prelocuciones, dictus comes concilio dictorum prelatorum, procerum, et aliorum fidedingnorum inclinatus, mera voluntate sua et spontanea concessit ecclesie Cathannie, nobis, et successoribus nostris castrum de Schythebolle cum sex dauatis terre adiacentibus, et sex dauatis terre de Syttheraw cum passagio, et duabus dauatis cum dimidia de Miggewech, Swerdel, et de Creych, cum piscatura

de le Bunnach, et duabas dauatis de Monimor, cum eorum pertinenciis ; tenendas et habendas, et in perpetuum pacifice possidendas ecclesie Cathannie, nobis et successoribus nostris, saluo forinseco seruicio domini Regis, sine aliqua contro- uersia de cetero motura ab ipso comite vel heredibus suis. Residue vero terre, videlicet, due dauate de Awelech, tres dauate de Promsy, vna dauata de Ruther- hard, tres quarterie de Haskesdale, dimidia dauate de Hachencosse, tres dauate de Thorebol, due dauate de Kynalde, quatuor dauate de Largge, et vna dauata de Cuttheldawach, de mera voluntate nostra et conseusu capituli nostri residebunt penes predictum comitem, et heredes suos in perpetuum, plenarie, hereditarie, et pacifice, sine contradictione uel inquietacione moturis a uobis uel successoribus nostris. Adhoc vero vt ecclesie nostre nobis et successoribus nostris securius esset prouisum, et vt plenariam possessionem dictarum terrarum ecclesie nostre nobis et successoribus nostris a dicto comite concessarum poterimus uancissi ; et pro utilitate et commodo nobis et successoribus nostris a dicto comite collatis, de voluntate et consensu capituli nostri, dedimus et concessimus predicto comiti et heredibus suis vnam dauatam de Owenes, valentem dimidia marce ; et quod dictus comes et sui heredes possint nobis et successoribus nostris, qui pro tempore fuerint, vnum capellanum presentare, qui inperpetuum celebrabit in ecclesia de Durnach ad altare Saucti Jacobi pro animabus dicti comitis predecessorum et successorum suorum : Quem quidem capellanum nos et successores nostri, ad presentacionem predicti comitis et heredum suorum, admitteremus ; et dicto capellano ad eius sustentacionem quinque marcas annuas de bonis episcopalibus, videlicet, de finis nostris de villa nostra de Duruach, per manus baliuorum nostrorum, qui pro tempore fuerint, et successorum nostrorum, ad duos anui terminos, videlicet, ad festum Sancti Martini in yeme duas marcas cum dimidia, et duas marcas cum dimidia ad Pentecostes, inperpetuum, administrabimus. Promisimus etiam, de voluntate et consensu capituli nostri pro nobis et successoribus nostris, quod nos prouidebimus, faciemus pro dicto comite et eius heredibus omnem securitatem ad istas ordinacionem concessiones inperpetuum inuolabiliter obseruandas quam ipse et consilium suum velint, et poterint de iure ordinare uel petere. Et ad istam ordinacionem seu composicionem inuolabiliter inperpetuum obseruandam, in omnibus et per omnia pro vt superius scriptum est, tam nos pro nobis et successoribus nostris, tam decanus, archideaconus, precentor, et cancellarius, pro se et capitulo Cathannie, comes pro se et heredibus suis fidem dedimus corporalem. In cuius rei testimonium, et ad maiorem huius rei securitatem huic scripto penes comitem et eius heredes resideuti sigillum nostrum vna cum communi sigillo capituli Cathannie, et sigillis decani, archideaconi, precentoris, et

cancellarii Cathannie est appensum. Consimili vero scripture penes nos et successores nostros et capitulum nostrum residenti, sigillum predicti comitis vna cum sigillis domini Willelmi de Monte Alto, domini Andree de Moravia, domini Alexandri de Moravia, et domini David de Ynuerlunan, est appensum. Actum in Cathedrali ecclesia Cathannie, x kalendas Octobris, Anno graciae m<sup>o</sup> cc septuagesimo quinto.

8. CHARTER by JOHN OF MORAY, son of Sir Malcolm of Moray, to his brother, SIR WILLIAM OF MORAY, of the lands of Culnacloyth and Ruthrelen in Strathbolgy, held of the Earl of Sutherland. [c. 1284.]<sup>1</sup>

OMNIBUS hoc scriptum visuris vel audituris Johannes de Moravia, filius domini Malcolmi de Moravia, salutem eternam in Domino. Noveritis universitas vestra me dedisse, concessisse et hac presenti carta mea confirmasse domino Willelmo de Moravia, fratri meo, pro homagio et serujicio suo, totas terras meas de Culnacloyth et de Ruthrelen in Strathbolgy, quas teneo de domino Willelmo, Comite Sutherlandie, per rectas divisas suas, cum omnibus justis pertinenciis suis, libertatibus et aysiamenis, ad dictas terras spectantibus vel aliquo tempore spectare valentibus: Tenendas et habendas dicto domino Willelmo de Moravia et heredibus suis de me et heredibus meis in feodo et hereditate, libere, quiete, pacifice et honorifice, in bosco et plano, in pratis et pascuis, in viis et semitis, in moris et maresiis, in aquis et piscariis, in feris et avibus, in stangnis et molendinis: Reddendo inde ipse et heredes sui vel assignati mihi et heredibus meis vnum par cyrotecarum et vnum denarium ad pascha, et faciendo forinsecum serujicium Scoticanum domini Regis quantum pertinet ad dictas terras. Volo etiam et concedo ut dictus dominus Willelmus de Moravia et heredes sui vel assignati quieti sint ab omnimodis sectis curiarum ad me et heredes meos pertinentibus. Et si assignati dicti domini Willelmi, fratris mei, non habeant saisinam in dictas terras de Culnacloyth et Ruthrelen ante mortem dicti domini Willelmi de Moravia, volo quod non sit prejudicium dictis assignatis qui habeant et teneant predictas terras de me et heredibus meis sicut in plenariam saisinam ante decessum dicti domini Willelmi prefuissent sine aliqua contradictione vel impedimento mei vel heredum meorum. Ego vero Johannes et heredes mei omnes predictas terras, ut prescriptum est, predicto domino Willelmo et heredibus suis vel assignatis contra omnes homines et feminas in perpetuum warrandizabimus, acquietabimus et defendemus. In

<sup>1</sup> From priut in the Registrum Moraviense, p. 462.

cuius rei testimonium presenti scripto sigillum meum apposui ; hiis testibus, domino Willelmo, comite de Ros, domino Willelmo, comite Suthirlandie, Johanue de Strivelyn et domiuo Willelmo de Dolays, militibus, dompno Willelmo, priore de Hurchard, domino Symone, priore de Pluschardy, Adam de Moravia, Willelmo de Lectona, et multis aliis.

9. PETITIONS by WILLIAM, EARL OF ROSS, to KING EDWARD THE SECOND OF ENGLAND, in reference to Bruce's invasiou of Sutherland, etc., and the gift of the ward of the Earldom of Sutherland to his son John. [c. 1307-8.]<sup>1</sup>

Par le Counte de Rosse.

Fait a savoir qe nous ounes la venue Sire Roberd de Bruse envers les parties de Rosse od grant poer par quei nous ne avoms poer encontre lui mes ne purquant nus fesayoms. A vuer nos gentz, e joums une quinzaine od treis mile des gentz sur nos coustages en marches de nostre couute e en deus autres cunttes, coe est a savoir, la Couute de Sothrenland e de Cathenesse, e les destrut outreement si nous ne vssoms pris treuse od lui, od prier de boue gent ke de religion qe des autres jesques ala Pentecoste prochein avenant qe socour nous vigne de vous nostre Seignor, sile vous plest, qar tote nostre esperance et tote nostre afraunce est en vous, Sire. E sachez, cher Sire, qe en nulle manere ne vssom pris treuse od lui mes pour ceo qe le Gardeyn de Moref ne fust a loigne du pais, qe la gent de sa garde ne volent respoundre a nous sanz le comandement de lui pur destruer nos euemis issi qe uulle ayde auioms mes soulement de nos gentz de mene. Dount, cher Seignor, sile voust plest, remembrer de nous et nous mandez vostre volonte des choses qe nous avoms auandit.

Ad istam pcticionem non potest responderi sine Rege.

Fete a savoir qe Gillame, jadis Counte de Sothrenland, fist a la fey nostre Seignor, vostre pere, e quant il morout Sire Aymer de Valaunce, gardein Descoce, a cele heure graunta la garde de mesme cele countee a Johan, nostre fiz puisnee, pur respoundre des issues meme cele countee sauues ses despenses. E pur ceo qe le fiz mesme cele countee nest pas suffisaunt de senz pur gouverner avandite countee voillez, cher Sire, comaunder a nous par vostre lettre qe nous pernomes la feaute del eyre le avantdit counte, e qe nous faceoms leuer la relefe de meme cele countee et qe nous le peusoms

<sup>1</sup> Chancery Portfolios (Scotland), No. 41. Printed in Calendar of Documents relating to Scotland, vol. iv. pp. 399, 400.

aeir, sile vous pleust, pur nostre grauntz despenses qe nous aucoms fet en defense encountre vos enemys, et qe lavant dite countee soit gre par nous a vostre volente et a vostre grace puis qe le eyr de meme cele counte neest mie suffisaunte.

Coram rege.<sup>1</sup>

10. EXTRACT OF CHARTER by ROBERT THE BRUCE, KING OF SCOTS, to WILLIAM, EARL OF ROSS, of the lands of Dingwall, and of the lands of Frenerosherie within the Earldom of Sutherland ; dated at Cullen, 5th August, 16th year of reign (1322).

[ORIGINAL not found, but Charter described as above by Sir Robert Gordon in his "Genealogy of the Earls of Sutherland," p. 566, as then among the writs of the Earldom of Sutherland.]

11. RENUNCIATION by KENNETH, FOURTH EARL OF SUTHERLAND, in favour of REGINALD MORAY, of all claims on the said Reginald's possessions within his earldom. [6th December 1330.]

OMNIBUS has literas visuris vel auditoris Kennatus, comes Suthyrlandy, filius quondam Willelmi, comitis Suthyrlandy, eternam in Domino salutem. Nouerit vniuersitas vestra quod quia plures dissenciones retroactis temporibus suscite fuerunt inter progenitores nostros ex vna parte, et predecessores Reginaldi de Morauia, filii et heredis Alani quondam de Morauia, domini de Culbyn, ex altera, super diuersis terris, debitis, possessionibus et earum iuribus, atque rebus aliis, nos, ad huiusmodi dissenciones omnino sedandas, et pro finali concordia ac perfecta amicicia inter nos et heredes nostros et dictum Reginaldum atque heredes suos perpetualiter confouenda et teuenda, presencium tenore remisimus, resignauimus et quiete clamauimus, pro nobis et heredibus nostris, dicto Reginaldo et heredibus suis, omnimodas exacciones debitorum, ac omnes et singulas controuersias, querelas et calumpnias, motas seu mouendas vsque ad tempus confectionis presencium literarum, super vniuersis et singulis terris, possessionibus et tenementis in comitatu nostro, de quibus carta nostra confirmacionis exinde confecta, quam dicto Reginaldo et heredibus suis fieri fecimus, plenius et expresse in se proportat et testatur ; ita quod non liceat nobis vel alicui heredum nostrorum

<sup>1</sup> There are other petitions by the Earl of Ross, but they do not refer to Sutherland.

aliquod ius seu clameum in eisdem terris vel possessionibus in futurum exigere vel vindicare, seu impedimentum facere ratione alicuius controuersie primitus mote, quam per presentes omnino remisimus ; et imperpetuum donauimus dicto Reginaldo totum releuium terrarum suarum in Suthyrlandia ratione et ex causa copule matrimonialis inter Gilbertum de Morauia, filium et heredem dicti Reginaldi, et Eustachiam, primogenitam filiam nostram : Volentes, et efficaciter fide media promittentes, quod si alique litere obligatorie seu conuencionales aut aliqua munimenta vel scripta, puppica vel priuata, possint inueniri que nobis et heredibus nostris poterunt prodesse et dicto Reginaldo vel heredibus suis aliquid obesse, exnunc scripture huiusmodi vbicunque inueniantur et ad quorumcunque manus deuenierint nullius sint efficacie vel virtutis, set perpetualiter presentium tenore omni robore careant firmitatis. Insuper in vi fidei antedictae fatemur nos esse firmiter obligatos ad manutenendum et defendendum dictum Reginaldum, homines suos et terras suos ac ipsorum possessiones et ad confouendum eosdem in omni iusticia consilio et auxilio atque fauore. In cuius rei testimonium sigillum nostrum presentibus est apensum ; datum apud capellam Sancti Andree de [Gol]espij in crastino Sancti Nicholaj, anno Domini nostri Jesu Christi millesimo ccc<sup>mo</sup> trigesimo.

12. CHARTER by KING DAVID THE SECOND to WILLIAM, EARL OF SUTHERLAND, and MARGARET BRUCE, his spouse, the king's sister, in free marriage, of the thanedoms of Douny, Kincardine, Aberluthnot, and half of Formartine and Kintore. [28th September] 1345.<sup>1</sup>

DAUID, Dei gratia rex Scotorum, omnibus probis hominibus totius terre sue clericis et laicis, salutem. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse Willelmo, Comiti Sutherlandie, et Margarete de Bruys, sorori nostre carissime, thanagium nostrum de Douny cum pertinentiis infra vicecomitatum de Foirfair, in liberum maritagium : Tenendum et habendum eisdem comiti et Margarete, sorori nostre, et eorum diutius viventi et heredibus inter ipsos legitime procreandis, de nobis et heredibus nostris, in feodo et hereditate, per omnes rectas metas et diuisas suas, in liberam baroniam cum furca, fossa, sock et sac, thol et thame et infangandtheif, libere, quiete, plenarie, integre et honorifice, in boscis et planis, pratis, pascuis et pasturis, viis, seuitis, moris, maresiis,

<sup>1</sup> Extract from the Register.

aquis, stagnis, piscationibus, aucupationibus et venacionibus, multuris, molendinis ac eorum sequelis, bondis, bondagiis, natiuis ac eorum sequelis, vna cum homagiis et seruitiis omnium libere tenentium eiusdem baronie, et cum omnimodis aliis libertatibus, commoditatibus, aysiametis et iustis pertinentiis, tam non nominatis quam nominatis, in omnibus et per omnia, ad liberam baroniam spectantibus seu iuste spectare valentibus in futurum quoquomodo. Concessimus etiam et hac presenti carta nostra confirmamus eisdem comiti et Margarete, in liberum maritagium, thaynagium nostrum de Kincardin cum coustro (castro) siue manerio ac parco eiusdem, thaynagium nostrum de Fethircarne et thanagium nostrum de Abirluthnok, cum pertinentiis, infra vicecomitatum de Kincardin: Tenenda et habenda eisdem comiti et Margarete et eorum diutius vententi, et heredibus inter ipsos legitime procreandis, de nobis et heredibus nostris, in feodo et hereditate, per omnes rectas metas et diuisas suas in liberas baronias, adeo libere et quiete et honorifice in omnibus et per omnia sicut de predicta baronia de Douny superius est expressum; vna cum aduocationibus siue iure patronatus omnium ecclesiarum que infra baronias predictas quocumque vacare contigerint. Preterea concessimus et hac presenti carta nostra confirmamus eisdem comiti et Margarete, in liberum maritagium, medietatem thaynagiorum nostrorum de Fermartyne et de Kintor infra vicecomitatum de Abirdene: Tenendam et habendam eisdem comiti et Margarete, in liberum maritagium, et eorum diutius vententi, et heredibus inter ipsos legitime procreandis, de nobis et heredibus nostris, in feodo et hereditate, libere, quiete, integre et honorifice, cum homagiis et seruitiis omnium libere tenentium eiusdem medietatis thaynagiorum de Fermartyne et de Kintor, cum multuris, molendinis et eorum sequelis, bondis, bondagiis, natiuis et eorum sequelis, et cum omnimodis aliis libertatibus, commoditatibus, aysiametis et iustis pertinentiis, in omnibus et per omnia, ad dictam medietatem thaynagiorum de Fermartene et de Kintor spectantibus seu iuste spectare valentibus in futurum quoquomodo. Volumus tamen quod si contingat prefatum comitem et sororem nostram predictam absque herede de eorum corporibus legitime procreande superstite, quod absit, in fata decedere, omnes terre siue baronie predictae ad nos et heredes nostros in prestinam naturam thaynagiorum sine intradictione quacumque libere reuertantur, saluo iure quod Matildis de Bruys, soror nostra carissima, habet ad eandem medietatem thaynagiorum de Fermartyne et de Kintor virtute concessionis nostre sibi per nos exinde facte, si ipsam prefatam Margaretam, sororem nostram, superuiuere contingat. In cuius rei testimonium presenti carte nostre sigillum nostrum precepimus apponi; testibus, Roberto Senescallo, nepote nostro, Joanne Ranulphi, comite Moraue, domino Wallis Anandie et Mannie, consanguineo nostro, Patricio de Dunbar, comite Marchie, Mauricio,

comite de Stratharne, et Thoma de Carnoto, cancellario nostro, militibus ; apud Dunbritane anno regni nostri septimo decimo.

Haec est vera copia principalis carte suprascripte contente in rotulis cartarum donationum et confirmationum dicti Daudis Secundi Regis Scotorum, extracta per me, Magistrum Joannem Skene, Clericum rotulorum Registri ac Consilii supremi domini nostri regis, sub meis signo et subscriptione manualibus.

JOANNES SKENE,  
Cls. Regri., etc.

13. CHARTER by KING DAVID THE SECOND to WILLIAM, EARL OF SUTHERLAND, and MARGARET BRUCE, his Countess, erecting the earldom of Sutherland into a free regality. 10th October 1345.<sup>1</sup>

DAVID, Dei gratia rex Scotorum, omnibus probis hominibus totius terre sue, salutem. Sciatis nos concessisse et hac presenti carta nostra confirmasse dilecto genero nostro Wilielmo, Comiti Sutherlandie, et Margarete, sponse sue, sorori nostre charissime, quod ipsi, et heredes inter ipsos legitime procreandi habeant, teneant et possideant, de nobis et heredibus nostris, totum comitatum Sutherlandie in adeo liberam regalitatem in perpetuum, cum omnibus et singulis libertatibus, commoditatibus, asiamentis, justis pertinentiis et liberis consuetudinibus, que ad liberam regalitatem spectare noscuntur, in omnibus et per omnia, sicut aliqua regalitas per totum regnum nostrum liberius possidetur ab aliquo, seu tenetur. In cujus rei testimonium presenti carte nostre sigillum nostrum precepimus apponi ; testibus, Roberto, senescallo Scotie, Joanne Rannolph, comite Moravie, domino Vallis Annandie et Mannie, consanguineo [nostro], Patricio de Dunbar, comite de Marchia, Mauricio, comite de Stratherne, et Thoma de Carnocho, cancellario nostro, militibus ; apud Lanerk, decimo die Octobris, anno regni nostri decimo septimo.

14. CHARTER by KING DAVID THE SECOND to WILLIAM, EARL OF SUTHERLAND, and MARGARET BRUCE, his Spouse, of the Barony of Cluny in Aberdeenshire, in free marriage. Dated 4th November 1345.<sup>2</sup>

DAVID, Dei gratia rex Scotorum, omnibus probis hominibus totius terre sue clericis et laicis, salutem. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse

<sup>1</sup> From Reprint in 1766 of the Precedency Case in 1706 between Sutherland and Crawford, p. (3).

<sup>2</sup> Extract from the Register.



Willelmo, Comiti Sutherlandie, dilecto fratri nostro, et Margarete, sponse sue, sorori nostre carissime, in liberum maritagium, totam baroniam de Cluny cum pertinentiis infra vicecomitatum de Abirdene, vna cum aduocatione ecclesiarum, si que pertineant ad baroniam predictam : Tenendam et habeendam eidem Willelmo, comiti, et Margarete, et eorum diutius viuenti ac eorundem heredibus de ipsorum corporibus legitime procreandis, de nobis et heredibus nostris, in feodo et hereditate, et in vnam liberam baroniam, per omnes rectas metas et diuisas suas, libere, quiete, plenarie, integre et honorifice, vna cum aduocatione ecclesiarum, si que ad dictam baroniam, vt premittitur, pertineant, et cum multuris, molendiis et eorum sequelis, bondis, bondagiis, piscationibus, aucupationibus et veuationibus, et cum seruitiis libere teneutium, et cum omnimodis aliis libertatibus, commoditatibus, aisiamentis et iustis pertinentiis ad liberam baroniam spectantibus seu iuste spectare valentibus in futurum. In cuius rei testimonium presenti carte nostre nostrum precepimus apponi sigillum ; testibus, Roberto, senescallo Scotie, nepote nostro, Joanne Ranulphi, comite Morauię, domino Wallis Anandie et Mannie, consanguineo nostro, Patricio de Dunbar, comite Marchie, Mauricio, comite de Stratherue, et Thoma de Carnoto, cancellario nostro, militibus ; apud Abirdene, quarto die Nouembris, anno regni nostri septimo decimo.

Haec est vera copia principalis carte suprascripte contente in rotulis cartarum, donationum et confirmationum dicti Daudis Secundi regis Scottorum, extracta per me, Magistrum Joannem Skene, Clericum rotulorum Registri ac Consilii supremi domini nostri regis, sub meis siguo et subscriptione manualibus.

JOANNES SKENE,

Cls. Regri., etc.

15. CHARTER by KING DAVID THE SECOND to WILLIAM, EARL OF SUTHERLAND, and his Spouse, MARGARET BRUCE, of the Crag of Dunnottar, with licence to fortify the same. 30th March 1346.<sup>1</sup>

DAUID, Dei gratia rex Scottorum, omnibus probis hominibus totius terre sue clericis et laicis, salutem. Sciatis nos dedisse et concessisse et hac presenti carta nostra confirmasse dilecto et fideli nostro Willelmo, comiti Sutherlandie, et Margarete, sponse sue, sorori nostre carissime, et eorum diutius viuenti, integram rupem nostram de Dunotir, infra vicecomitatum de Kincardyn : Tenendam et habendam predictis

<sup>1</sup> Extract from the Register.

Willelmo et Margarete et eorum diutius viuenti ac heredibus inter ipsos legitime procreandis, in feodo et hereditate, libere, quiete, plenarie, integre et honorifice, cum libero introitu et exitu, et cum libera potestate et licentia dictam rupem edificandi et fortalicium construendi in eadem, modis omnibus quibus sibi melius videret expedire, et cum omnibus aliis libertatibus, commoditatibus, aisiamenis et iustis pertinentiis ad dictam rupem spectantibus seu iuste spectare valentibus in futurum quoquomodo: Reddendo inde annuatim nobis et heredibus nostris predicti Willelmus et Margarceta et heredes sui predicti vnum par chirotecarum albarum ad festum Penthecostes, tantummodo si petatur, pro alio seruitio suo, exactione seu demanda. In cuius rei testimonium presenti carte nostre nostrum precepimus apponi sigillum; testibus, Roberto, senescallo Scotie, nepote nostro, Joanne Ranulphi, comite Moraue, domino Wallis Anandie et Mannie, consanguineo nostro, Patricio de Dunbar, comite Marchie, Mauricio, comite de Stratherne, et Thoma de Carnoto, cancellario nostro, militibus; apud Edinburgh, penultimo die Martij, anno regni septimo decimo.

Haec est vera copia principalis carte suprascripte contente in rotulis cartarum donationum et confirmationum dicti Daudis Secundi regis Scottorum, extracta per me, Magistrum Joannem Skeue, Clericum rotulorum Registri ac Consilii Supremi domini nostri regis, sub meis signo et subscriptione manualibus.

JOANNES SKENE,  
Cls. Regri., etc.

16. DISPOSITION by JOHN OF MENTEITH, Sheriff of Clackmannan, to JOHN MERCER, Burgess of Perth, of the ward and relief of the lands of the deceased Sir William Murray of Tullibardine. 31st May 1352.<sup>1</sup>

PATEAT vniuersis per presentes nos, Johannem de Meneteth, vicecomitem de Clacmanane, prorsus et libere vendidisse Johanni Mercer, burgensi de Perth, totum ius et clameum quod habuimus vel habere poterimus in wardis seu releuiis terrarum quondam domini Willelmi de Moraue, domini de Tolibardy, datis et concessis nobis per dominum Willelmum, Comitem de Sotheyrland, et dominam Johannam, Comitissam, sponsam suam, Comitissam, videlicet, de Stratheryn, vna cum iure quod habuimus in annuo reddito de Pytwer et Aldy per Cristianam More, sponsam quondam Reginaldi More, pro quadam summa pecunie nobis integraliter persoluta pre manibus. In cuius rei securitate obligamus

<sup>1</sup> Original in the Athole charter-chest.

nos et heredes nostros ad warrantandum predicto Johanni Mercer et heredibus suis aut assignatis predictam wardam seu releuium contra prefatum Comitem de Sotheyrland et Comitissam de Stratheryn, sponsam suam legitimam. In cuius rei testimonium presentibus sigillum nostrum est appensum, vna cum sigillo Walteri Olifant, in euidencius testimonium ; datum apud Perth, die Jouis proximo post festum Pentecostes, anno Domini m. ccc. quinquagesimo secundo.

17. CHARTER by KING DAVID THE SECOND to WILLIAM, EARL OF SUTHERLAND, and to his son, JOHN, nephew of the king, of the barony of Urquhart, with the Castle of the same, within the sheriffdom of Inverness, in excambion for all the lands in Kincardine which the said Earl William got with the king's sister, now deceased. Dated at Scône, 28th February, twenty-ninth year of the king's reign (1357-8).

[THIS charter is referred to by Sir Robert Gordon in his "Genealogy of the Earls of Sutherland," p. 428, as existing in his day ; and it is also noted in Robertson's Index of Missing Charters, p. 49.]

18. CHARTER by KING DAVID THE SECOND confirming to WILLIAM, EARL OF SUTHERLAND, a former grant of the baronies of Douny, Kincardine, Aberluthnot, Formartine and Kintore. 24th July 1359.<sup>1</sup>

DAVID, Dei gratia rex Scotorum, omnibus probis hominibus totius terre sue clericis et laicis, salutem. Sciatis nos approbasse, ratificasse, et hac presenti carta nostra confirmasse donationem illam et concessionem quem alias fecimus Willelmo, comiti de Sutherland, et quondam Margarete de Bruys, sorori nostre carissime, de baronia de Douny infra vicecomitatum de Foirfar, de baroniis de Kincardin et de Abirluthnot ac de Fethircarne infra vicecomitatum de Kincardin, de medietate terrarum de Fermartyne et de medietate thaynagii de Kintore cum pertinentiis infra vicecomitatum de Abirdene : Tenendas et habendas eidem comiti adeo libere et quiete in omnibus sicut carta nostra sibi exinde alias confecta plenius proportat et testatur. In cuius rei testimonium presenti carte nostre precepimus apponi sigillum ; testibus, venerabilibus in Christo patribus, Willelmo, episcopo Sancti Andreae, Patricio, episcopo Brechynensi, cancellario, Roberto, senescallo Scotie, comite de Stratherne, nepote nostro, Patricio, comite Marchie et Morauie, Willelmo, comite de Douglas, Roberto de Erskyne

<sup>1</sup> Extract from the Register.

et Joanne de Prestoun, militibus; apud Perth, vicesimo quarto Julii, anno regni regie tricesimo primo.

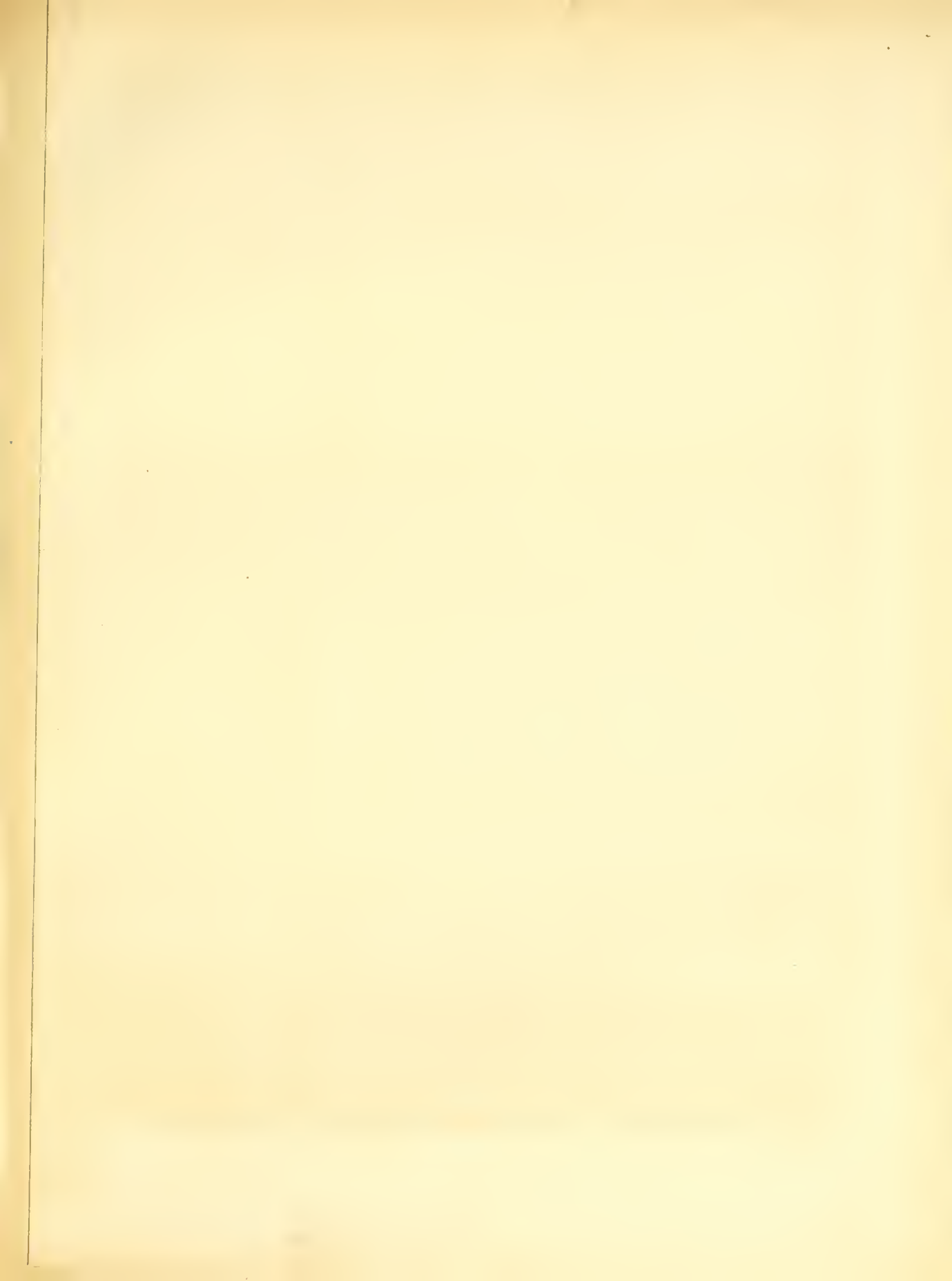
Haec est vera copia principalis carte suprascripte contente in rotulis cartarum et donationum et confirmationum dicti Daudis Secundi regis Scotorum, extracta per me, Magistrum Joannem Skene, Clericum rotulorum Registri et Consilii supremi domini nostri regis, sub meis signo et subscriptione manualibus.

JOANNES SKENE.

Cls. Regri., etc.

19. CHARTER by WILLIAM, FIFTH EARL OF SUTHERLAND, to NICOLAS SUTHERLAND, his brother, of the barony of Torboll. 13th September 1360.

VNIUERSIS hanc cartam visuris uel audituris, Willelmus, comes de Sothyrland, eternam in Domino salutem. Vestra nouerit vniuersitas nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto fratri nostro, Nicolao de Sothyrland, pro suo fideli homagio et seruicio nobis impenso et impendendo, sexdecim dauatas terre iacentes infra comitatum de Sothyrland in libera baronia que dicitur Thorbol, videlicet, tres dauatas de Thorbol, vnam dauatam de Rouearkar, vnam dauatam de Assastel, vnam dauatam de Proncey superiori, et vnam dauatum de Proncey inferiori, ac vnam dauatam de Proncecroey, duas dauatas de Euelek, vnam dauatam de Grodybrorak, vnam dauatam de Sibyrso, duas dauatas de Kylpedre maiori et minori, cum quarterio de Meyng ferri, vnam dauatam de Caden iacentem ex orientali parte aque de Strathulli, et vnam dauatam de Kylpedre iacentem ex orientali parte eiusdem aque: Tenendas et habendas predicto Nicolao et heredibus suis de corpore suo legitime procreatis et procreandis, de nobis et heredibus nostris, pure et imperpetuum, in libera baronia, in moris, marasiis, boscis, planis, pascuis, pratis, semitis, viis, piscariis, venacionibus, aucupacionibus, in stangnis, aquis, turbariis et petariis, molendinis, fabricis et brasinis, cum sok et sak, tol et them, furca et fossa, infangandthe[if], cum omnibus aliis comoditatibus, curiis, placitis et querelis, et cum natiuis eiusdem terre, ac cum omnibus libertatibus, comoditatibus et aysiammentis ad dictam baroniam de Thorbol spectantibus seu spectare valentibus, tam non nominatis quam nominatis, tam sub terra quam sursum, quomodo libet in futurum: Reddendo inde nobis et heredibus nostris predictus Nicolaus et heredes sui seruicium vnus militis per annum, pro omni seruicio, exaccione seu demanda qualicumque. Nos vero predictus Willelmus et heredes nostri predictam baroniam de Thorbol, cum pertinenciis, libertatibus et aysiammentis, predicto Nicolao et heredibus suis



Unifis hanc cartam visuris ul' audituris  
uerficas nos dedisse concessisse r' hac p'nta carta nra  
gio r' fuaao nobis impenso r' impendendo Sexdecim da  
que dicitur Phorbol videlicet tres dauatas de Phorbol  
de prouocij supioru r' dnam dauatam de prouocij infra  
dauatam de grodbiorali dnam dauatam de Sibiru  
ferij dnam dauatam de Eaden iacentem ex oriente  
ex orientali pte eiusdem aque. Tenend' r' hnd' p'nta  
creandis de nobis r' heredibz nris pure r' impetam  
semitis dyo pistarys venacoibz auapacoibz In f'  
fimo cum sok r' Sak Tol r' them furta r' fossa nra  
reho r' any natiuis eiusdem terre do any omibz libe  
spectantibz seu spectare valentibz tam non noiat  
do inde nob r' heredibz nris p'dus nicolaus r' heredes su  
seu demanda qualiamqz. Nos d' p'dus Wille r' h  
ajpandis p'do nicolaus r' heredibz suis contra omes  
defendemus. In cuius testimoniu p'nta carte sig  
Septembz. Anno d'ni milio trecentez Sexag  
men r' Thoma Carhney dei gra que r' r' de ay

Willus comes de Gochyrland etiam in dno Sate ora nomine dno  
infirmasse dilecto fratri nro Nicolao de Gochyrland pro suo fidelis Roma  
atas terre iacentes infra comitatum de Gochyrland in liba baronia  
am dauatam de Boucarliar / una dauatam de Assastel / una dauatam  
de dnam dauatam de pronocroey / duas dauatas de Eueleh / unam  
et duas dauatas de hylpedre maioris et minoris cum quicquid de quodam  
pore aque de Scarthully / una dauatam de hylpedre iacentem  
in dno Nicolao et heredibus suis de corpore suo legitime paratis et p  
in liba baronia in moris quasque bosas / plains / pastus / pratis  
stanguis / aquas turbarys / petarys / molendinis / fabuac / et bra  
langudeths cum omnibus alijs comoditatibus / curijs / placitis et que  
atibus / comoditatibus / et assiamencis ad dnam baroniam de Thorbol  
quod nominatis tam sub terra quam sursum quolibet in futuro. Redden  
in suam dnmis militis per annum pro omni servicio exactione  
redes nri pntam baronia de Thorbol cum pertinentijs libentibus et  
homines et feminas dauantizabuntur / acquieantibus / et ippecu  
illum nri est appensum. Dat apud Abden decima die mensis  
imo. Hys testibus / veridicibus in xpo pntibus / dno Johne de gra. mora  
pauetario / Socce / et quibus alijs.





contra omnes homines et feminas varantizabimus, acquietabimus et imperpetuum defendemus. In cuius rei testimonium presenti carte sigillum nostrum est appensum ; datum apud Aberden, tertia decima die mensis Septembris, anno Domini millesimo trecentesimo sexagesimo ; hiis testibus, venerabilibus in Christo patribus, dominis Johanne, Morauensi, et Thoma, Cathenensi, Dei gratia episcopis, Thoma de Morauia, panetario Scocie, et multis aliis.

20. CHARTER by KING DAVID THE SECOND confirming a grant, dated 28th May 1344, by MALISE, EARL OF STRATHERN, to WILLIAM, EARL OF ROSS, of the marriage of his daughter Isabella, whom he constitutes his heir and successor in the earldom of Caithness. 12th May 1361.<sup>1</sup>

DAVID, Dei gratia rex Scotorum, omnibus probis hominibus totius terre sue, salutem. Sciatis nos inspexisse quandam cartam Malisii, comitis de Cathanense, in hec verba— Vniuersis sancte matris ecclesie filiis presentes literas inspecturis, Malisius, comes comitatum de Stratherne, Cathanense et Orcadense, salutem in Domino sempiternam. Nouerit vniuersitas vestra nos, non vi non metu non dolo inductum, sed mera et libera voluntate mea, dedisse et concessisse maritagium Isabelle, filie nostre, inter nos et Marjoriam, sponsam nostram, progenite, magnifico viro, Gulielmo, comiti de Ros, ad maritandam eam, cum et quando sibi visum fuerit expediens cum bono consilio nostro : Quamquidem Isabellam facimus et constituimus ac ordinamus heredem ac successorem nostram totius comitatu[s] nostri Cathanie cum suis pertinentiis justis si cum dicta Marjoria, sponsa nostra, masculum superstitem nos [non] habuimus ; dictus vero Gulielmus, comes de Ros, promisit et fideliter manucepit dictum comitatum Cathanensem pariter et comitatum eiusdem pro posse suo defendere et manutenere. In cuius rei testimonium presentibus sigillum nostrum apposuimus in domo fratrum predicatorum de Inuernes, vigesimo octauo die mensis Maij, anno Domini millesimo tricentesimo quadragesimo quarto. Quamquidem cartam in omnibus suis punctis, artic[u]lis, conditionibus, etc., approbamus, etc. Apud Sconam xij die mensis Maij, anno regni nostri tricesimo secundo.

Haec est vera copia principalis carte suprascripte contente in rotulis cartarum, donationum ac confirmationum dicti Dauidis Secundi regis Scotorum, extracta per me Magistrum Joannem Skene, Clericum rotulorum Registri ac Consilii supremi domini nostri regis, sub meis signo et subscriptione manualibus.

JOANNES SKENE,

Cls. Regri., etc.

<sup>1</sup> Extract from the Register.

21. CHARTER by KING DAVID THE SECOND confirming the Charter (No. 19 *supra*)  
to NICOLAS SUTHERLAND. 17th October 1362.

DAVID, Dei gratia rex Scottorum, omniibus probis hominibus tocius terre sue clericis et laicis, salutem. Sciatis nos inspexisse ac veraciter intellexisse quamdam cartam Willelmi, comitis de Sothirland, non rasam, non abolitam, non cancellatam, nec in aliqua sui parte viciatam aut suspectam, tenorem qui sequitur in omnibus continentem: Vniuersis hanc cartam visuris vel auditoris, Willelmus, etc. (as in Charter No. 19 *supra*): Quam quidem cartam, donacionemque et concessionem in eadem contentas, in omnibus suis punctis, articulis, condicionibus, modis ac circumstanciis suis quibuscunque, forma pariter et effectu, in omnibus et per omnia, approbamus, ratificamus et pro nobis et heredibus nostris in perpetuum confirmamus; saluo seruicio nostro. In cuius rei testimonium presenti carte confirmacionis nostre sigillum nostrum precepimus apponi; testibus, venerabilibus in Christo patribus, Willelmo, episcopo Sancti Audree, et Patricio, episcopo Brechinensi, cancellario nostro, Roberto, senescallo Scotie, comite de Stratherne, nepote nostro, Roberto de Erskyne, camerario nostro, et Johanne del Yle, militibus. Apud Edinburgh xvij<sup>mo</sup> die mensis Octobris, anno regni nostri tricesimo quarto.<sup>1</sup>

22. CHARTER by KING DAVID THE SECOND, confirming a Charter by WILLIAM,  
EARL OF SUTHERLAND, to JOHN OF TARALE, of six davachs of the lands of  
Rovie in Strathfleet. 28th June 1363.

DAVID, Dei gratia rex Scotorum, omnibus probis hominibus tocius terre sue clericis et laicis, salutem. Sciatis nos approbasse, ratificasse, et hac presenti carta nostra confirmasse donacionem illam et concessiouem quas dilectus et fidelis noster Willelmus, comes Suthirlandie, fecit et concessit fideli nostro Johanni de Tarale, de sex dauatis terre de Ruchy, cum pertinenciis, iu Straflete infra vicecomitatum de Inuernyss<sup>2</sup>: Tenendis et habendis dicto Johanni et heredibus suis, in feodo et hereditate, per omnes rectas metas

<sup>1</sup> An extract of the above charter from the Roll of Charters of King David the Secoud, under the hand of Mr. John Skene, Clerk-Register, was registered in the Books of Council and Session on 30th April 1712, and an extract of that registration is at Tarbat House. A transumpt of the above charters, Nos. 19 and 21, with other charters, was

made by John Leslie, prebendary of Ryne, commissary of Moray, in the Cathedral thereof, on 16th Dec. 1549.

<sup>2</sup> Sir Robert Gordon states these lands to have been Rowie-Craigtoun, Rowie-Kirktoun, Kintrayed, Inchchep, Davegh-beg, Acheywely, Rossoll and Pittentrayl. [Genealogy of the Earls of Sutherland, p. 428.]



**N**o[n]d[um] d[omi]n[u]s n[ost]r[us] Rex Scot[or]u[m]. O[mn]ib[us] probis hominib[us] vocat[is]  
separatim intellegisse. quidam capitam. D[omi]ni comitis de Scoth[ia]  
pro uicinatam. aut suspiram. tenorem. qui se[ci]t[ur] in omib[us] c[on]tra  
comes de Scothland. edictam in d[omi]no salutem. V[er]o n[ost]r[us]  
dilecti s[un]t n[ost]r[us]. nicholas de scothland p[ro] suo fidei homagio  
comites. n[ost]r[us] comitatu de scothland. in lib[er]a bayona. que de  
aythay. V[er]o dauatam de assastell. V[er]o dauatam de prou  
de prouocoy. duas dauatas de Euelek. V[er]o dauata de  
pedro. maior et minor. cu[m] guaydo de regneray. V[er]o dauatam  
V[er]o dauatam de syllopedys. iacento. ex orienti p[ro] ag  
corpore suo legitime p[ro]p[ri]etatis. et p[ro]p[ri]etatis. de nob[is]. et h[er]e  
datis. planis pastens p[ro]p[ri]etatis. seminis h[er]e p[ro]p[ri]etatis bonacomb[us].  
fabris et byacnis. cu[m] sob[is]. et oak[is]. tholl. et theam.  
placatis. et guerehis et cu[m] natoms eiusdem t[em]p[or]e. ac cu[m] o[mn]i  
thorholt s[er]uicib[us]. sen. s[er]uicib[us] Valonib[us]. tam ad n[ost]r[us]  
de inde nob[is] et h[er]edit[is] n[ost]r[us]. p[ro]p[ri]etatis nicholas et h[er]edes  
de gualleay. Nos 3. p[ro]p[ri]etatis Willms. et h[er]edes eius. p[ro]p[ri]etatis  
holas et h[er]edit[is] suos. cont[ra] omnes homines et feminas.  
Et testiom. p[ro]p[ri]etatis capto n[ost]r[us] sigilla n[ost]r[us] est appon[is]  
du[m] Willms. <sup>mo</sup> h[er]e. h[er]e testib[us] ven[er]e in xpo p[ro]p[ri]etatis  
thay Ep[iscopu]s. Thoma de mozama. p[ro]p[ri]etatis Saver[us] et  
in eadem content[is]. in omib[us] suis p[ro]p[ri]etatis. aythas. et  
effectu. in omib[us]. et p[ro] omnia. approbans. ratificans.  
fuitas n[ost]r[us]. In cui[us] testiom. p[ro]p[ri]etatis capto adf[ir]m[is]  
fuit. Willms Ep[iscopu]s cu[m] And[re] et p[ro]p[ri]etatis Ep[iscopu]s Broch[us]  
nepote n[ost]r[us]. Rob[ert]o de Oystine. Cambray n[ost]r[us]. et  
Octobr[is] Anno Regni n[ost]r[us] G[regor]io. Ep[iscopu]s.

tepe suo. clero et laico. Saltem Scitis nos misse et  
laud no casam no ablitam no cancellatam. et in aliq pu  
mentis. Vnus hanc cartam. Visus vel auditus. Quibus  
misitas. nos dedisse concessisse et hac pnti carta ma confirmasse.  
et fincio nob impens et impendito. Seydom dautas de 13  
thorlett. V qes dautas de thorlett. Vna dautam de (Bbe  
y onpou. et vna dautam de proucy mfyrou. Ac vna dautam  
yodybrayk. Vnam dautam de Sabysat. duas dautas de sylle  
nata de cabon. vacante bey orienti pro aguo de Syathully et  
eysdom. G vna et hnd. pda nicholas. et hndly fuis de  
bz mpo pmo et m ppetum in liba bayona in moris mayfys  
incupaculy. in fagus aguo tynbayys et petayys. maldens  
ya et fossa mfangandheff. cu omly alijs comoditatibz eys  
bz libtatibz comoditatibz et assistencijs ad decan vniuersam de  
noitas. tam sub gra q ssum. quolibet in fiamy. Eodem  
finciu vni militis p vni p omi fincio. excoono seu dnta  
pouam de thorbelt. cu pmeuys libtatibz et assistencijs. pda m  
yantzabunq. regnerabunq. et m ppetum defendentq. In cuius  
Dato apud Abydon. tridecima die mjs Septembz Anno  
no Johne dei gra morantey Eps et thoma dei gra Ca  
tus alijs. Q in idem cartam donacionis et concessione  
neculy modis. ac constancijs suis quibzcuqz forma pre et  
p oibus et hndly mpo. in ppetum confirmant. Saluo  
no mpo Sigilli nym pcpm. appor. Septibz Vey in xpo  
cancell mpo. Robto senqr Scot Comite de Syathuo  
mo. vel ylo militibz. Apud Oumbz. xvij. die mens





**D**avid dei gratia Rex Scottorum. Omnibus probis hominibus totius  
et hac gratia carta nostra confirmasse. donationem illam et concessionem  
nostro Johanni de Farale de Sex dauatis terre de Puchy cum pertinentiis  
et hereditatibus suis in feodo et hereditate. quod omnes rectas metas et  
pertinentias quibuscumque ad dictas Sex dauatas terre spectantibus. se  
integre et honorifice in omnibus et pro omnibus. Sicut carta sua  
continent et portat. Saluo finibus nostris. In cuius rei testium  
in christo patribus. Willmo Episcopo Sa. Andree et parisiensis Episcopo. Thome  
Comite de Douglas. Robto de Estyne Camerario nostro. et aliis  
Anno Regni nostri. Principis. Quinto. — — —



de sine clavis a laicis Saltm. Sacras Dns approbasse ratificasse  
as dicitur et fidelis in Willms comes Sutherlandie fecit. et concessit. fidelis  
in Scrafflete infra diocesan de Junniss. Reuend. et hnd. dco Johi  
infas tuas et omibz et singlis libranibz. comoditatibz. instrumentis et iustis  
quoq' modis iuste sperare valentibz in futurum. Ad eo libe et quiete plenarie  
bre pda comitis. pfato Johi de dco Regi danois t're face. in se plenarie iuste  
pna darte confirmacois me. Sigillu nrm pceptum apponi. Testibz. Henr  
Cancell. mo. Robto Senesc. Dco comite de Strathne nepoce mo. Willelmo  
Gehaldo de Douglas. militibz. Apud Perth. die primo octavo die Junij



et diuisas suas, cum omnibus et singulis libertatibus, commoditatibus, aysiamentis et iustis pertinentiis quibuscunque ad dictas sex dauatas terre spectantibus, seu quoquomodo iuste spectare valentibus in futurum, adeo libere et quiete, plenarie, integre et honorifice, in omnibus et per omnia, sicut carta siue litere predicti comitis prefato Johanni de dictis sex dauatis terre facte in se plenius iuste continent et proportant; saluo seruicio nostro. In cuius rei testimonium presenti carte confirmacionis nostre sigillum nostrum precepimus apponi; testibus, venerabilibus in Christo patribus, Willelmo, episcopo Sancti Andree, et Patricio, episcopo Brechynensi, cancellario nostro, Roberto, senescallo Scoocie, comite de Stratherne, nepote nostro, Willelmo, comite de Douglas, Roberto de Erskyne, camerario nostro, et Archebaldo de Douglas, militibus; apud Perth, vicesimo octauo die Junii, anno regni nostri tricesimo quinto.

23. CHARTER by KING DAVID THE SECOND to WILLIAM, EARL OF SUTHERLAND, of half of the Thanage of Formartine in Aberdeenshire, in free barony. 30th July 1365.<sup>1</sup>

DAUID, Dei gracia rex Scottorum, omnibus probis hominibus totius terre sue clericis et laicis, salutem. Sciatis nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto et fideli nostro Willelmo, comiti Sutherlandie, pro homagio et seruicio suo, totam illam medietatem thaynagii nostri de Fermartyne, cum pertinentiis, infra vicecomitatum de Abirdene, quam nunc habet et quam eidem alias concessimus pro tempore vite sue: Tenendam et habendam eidem Willelmo et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, de nobis et heredibus nostris, in feodo et hereditate, in liberam baroniam, libere, quiete, plenarie, integre, honorifice, etc., per omnes rectas metas et diuisas suas, in boscis et planis, pratis et pascuis, moris, marresiis, viis et semitis, aquis, stagnis, molendinis et eorum sequelis, fabrilibus et brasinis, aucupationibus, venationibus et piscationibus, cum tenendriis et seruiciis libere tenentium, cum bondis, bondagiis, natiuis et eorum sequelis, cum furca et fossa, cum socca et sacco, thol et thame et infangandtheif, et cum omnibus aliis et singulis libertatibus, commoditatibus, aysiamentis et iustis pertinentiis suis quibuscunque, tam non nominatis quam nominatis, ad dictam medietatem thanagii de Fermartyne, tanquam ad liberam baroniam, spectantibus seu quoquomodo spectare valentibus infuturum: Faciendo inde nobis et heredibus nostris predictus comes et heredes sui predicti quatuor sectas ad curiam vicecomitatus de Abirden ad quatuor placita nostra capitalia

<sup>1</sup> Extract from the Register.

infra dictum vicecomitatum annuatim tenenda. Et volumus expresse quod heredes dicti comitis supradicti nobis et heredibus nostris ad wardam et releuium inperpetuum teneantur. In cuius rei testimonium presenti carte nostre sigillum nostrum precipimus apponi; testibus, venerabilibus in Christo patribus, Willelmo, episcopo Sancti Andree, et Patricio, episcopo Brechynensi, cancellario, Roberto, senescallo Scotie, comite de Stratherne, nepote nostro, Patricio, comite Marchie et Moraue, Willelmo, comite de Douglas, Roberto de Erskin et Joanne Prestoun, militibus; apud Dundie, penultimo die Julij, anno regni nostri tricesimo septimo.

Haec est vera copia principalis carte suprascripte contente in rotulis cartarum donationum et confirmationum dicti Dauidis Secundi regis Scottorum, extracta per me, Magistrum Joannem Skeue, Clericum rotulorum Registri ac Consilii supremi domini nostri regis, sub meis signo et subscriptione manualibus.

JOANNES SKENE,  
Cls. Regi., etc.

24. CHARTER by ROBERT, SIXTH EARL OF SUTHERLAND, to his brother, KENNETH SUTHERLAND, and his heirs-male, of the lands of Drummoy, Backies and Torrish in Sutherland, to be held of the Earls of Sutherland, ward and relief. Dated 1400.

25. CHARTER by ROBERT, DUKE OF ALBANY, Governor of Scotland, confirming the foregoing Charter; dated 1408.

[THIS and the immediately preceding charter are referred to by Sir Robert Gordon in his "Genealogy of the Earls of Sutherland," p. 428, as existing in his time, and producible as proofs of the precedence of the title of the Earl of Sutherland over that of the Earl of Caithness.]

26. RATIFICATION by JOHN SUTHERLAND, son and heir of Nicholas Sutherland, lord of the Castle of Duffus, of a resignation of lands made by his father, and of the regrant thereof to his brother Henry. 30th November 1408.

VNIUERSIS ad quorum notitiam presentes litere peruenerint, Johannes de Suthirland, filius et heres Nicholai de Suthirland, domini castri de Duffous, salutem in Domino sempiternam. Nouerit vniuersitas uestra me, habito maturo consilio amicorum, ratificasse, approbasse et affirmasse illam resignationem siue sursum redditionem quam dudum

fecit dictus Nicholaus, pater meus, domino comiti Suthirlande, tanquam domino suo superiori, de quadraginta libratis terre cum pertinentiis infra comitatum Suthirlandie quas de ipso comite tenuit in capite; ac etiam ratificasse, approbasse, necnon pleno et integro consensu meo et assensu affirmasse illas concessionem, dationem et infeodationem, quas concessit, dedit et fecit idem comes Suthirlandie predictus charissimo fratri meo, Henrico de Suthirland, super dictis quadraginta libratis terre cum pertinentiis: Tenendis et habendis predicto Henrico de Suthirland, fratri meo, et heredibus suis masculis de corpore suo legitime procreatis seu procreandis, de dicto domino comite Suthirlandie imperpetuum, sine medio; ita tamen quod, dictis heredibus masculis de dicto Henrico fratri meo legitime procreatis seu procreandis, quod absit, deficientibus, dicte quadraginta librate terre cum pertinentiis ad me et heredes meos quoscunque libere et integre reuertantur. Promitto insuper et per presentes me obligo et heredes meos nunquam contra hanc meam voluntariam et spontaneam concessionem et ratificationem siue assensus et consensus prohibitionem in aliquo deuenire, neque contrarium dictorum punctorum vel articulorum pro toto vel pro parte, propter aliquod quod euenire poterit clamare in futurum. In cuius rei testimonium sigillum meum presentibus est appositum, apud castrum de Duffous, ultimo die mensis Nouembris, anno Domini millesimo quadringentesimo octauo.<sup>1</sup>

27. CHARTER by ROBERT, DUKE OF ALBANY, Governor of Scotland, to his brother, WALTER STEWART, EARL OF ATHOLE AND CAITHNESS, of the barony of Cortachie, resigned by Archibald, Earl of Douglas, dated 22d September 1409.<sup>2</sup>

ROBERTUS, DUX ALBANIE, comes de Fyif et de Menteith ac regni Scotie gubernator, omnibus probis hominibus totius regni predicti clericis et laicis, salutem. Sciatis nos dedisse, concessisse, et hac presenti carta nostra confirmasse carissimo fratri nostro, Waltero Senescallo, comiti Atholie et de Caithnes, militi, omnes et singulas terras baronie de Cortachie cum pertinentiis, vna cum aduocatione ecclesie parochialis eiusdem, jacentes infra vicecomitatum de Forfar; quequidem terre cum pertinentiis et aduocatione dicte ecclesie fuerunt charissimi consanguinei nostri, Archibaldi, comitis de Douglas, et quas idem Archibaldus, non vi aut metu ductus nec errore lapsus, sed mera et spontanea voluntate sua, in presentia plurium nobilium regni, procerum et baronum ac testium subscriptorum nobis per fustem et baculum ac per literas suas patentes apud

<sup>1</sup> Copied from transumpt of this and other charters made by the Commissary of Moray, 16th December 1549.

<sup>2</sup> Extract from the Register.

Perth sursum reddidit, pureque et simpliciter resignavit, ac totum jus et clameum que in dictis terris et aduocatione ecclesie de Cortoquhy cum pertinentiis habuit vel habere potuit, pro se et heredibus suis omnino quietum clamavit inperpetuum : Tenendas et habendas dictas terras et aduocatione donatione [*sic*, l. ecclesie] de Cortaquhy cum pertinentiis prefato Waltero, heredibus suis et assignatis, de domino uostro rege et heredibus suis, in feodo et hereditate imperpetuum, per omnes rectas metas et diuisas antiquas, in vnam integram et liberam baroniam, cum furca, fossa, soc, sac, thole, thame, infangtheif et outfangtheif, cum tenandriis et libere tenentium seruitiis, cum curiis, eschaetis et curiarum exitibus, bondis, bondagiis, natiuis et eorum sequelis, in boscis, planis, moris, maresiis, viis, semitis, aquis, stagnis, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, aucupationibus, venationibus et piscationibus, cum brasinis, pasturis et fabrinis, cum lapide et calce, ac cum omnibus aliis et singulis libertatibus, commoditatibus, aisiamentis ac iustis pertinentiis quibuscunque, tam sub terra quam supra terram, tam non nominatis quam nominatis, procul et prope, ad dictas terras et aduocationem ecclesie spectantibus seu quouismodo spectare valentibus iu futurum ; adeo libere et quiete, plenarie, integre, honorifice, bene et in pace, in ouuibz et per omnia, sicut dictus Archibaldus, comes de Douglas, aut predicesores sui, dictas terras et aduocationem ecclesie cum pertinentiis de domino nostro rege ante dictam resignationem nobis inde factam, liberius, quietius, plenius, et honorificentius tenuit aut possedit, tenuerunt seu possederunt : Faciendo domino nostro regi et heredibus suis, dictus Walterus, heredes sui et assignati, de dictis terris, aduocatione, cum pertinentiis, seruitia debita et consueti ; testibus, reuerendo in Christo patre Gilberto, episcopo Abirdonensi, cancellario Scotie, carissimo filio nostro Joanne Senescallo, domino de Buchane, Patricio, comite de Stratherne, Joanne Senescallo de Inuermeth, Waltero Senescallo de Raylistoun, militibus, Roberto de Ross, Thome Birsbaue, Thoma Charterhous, Joanne de Spens. In cuius rei testimonium presenti carte nostre sigillum officii nostri apponi precepimus, apud Perth, vicesimo secundo die mensis Septembris, anno Domini millesimo quadringentesimo nono, et gubernationis nostre anno quarto.

Haec est vera copia principalis carte suprascripte contente in rotulis cartarum donationum et confirmationum dicti Roberti, Ducis Albanie, gubernatoris Scotie, extracta per me Magistrum Joanem Skene, Clericum rotulorum Registri ac consilii supremi domini nostri regis, sub meis siguo et subscriptione manualibus.

JOANNES SKENE,

Cls. Regri., etc.

28. CHARTER of CONFIRMATION by JOHN, SEVENTH EARL OF SUTHERLAND, to ALEXANDER SUTHERLAND, lord of Torboll, of the lands of Torboll. Poutefract, 12th July 1444.

OMNIBUS Christi fidelibus ad quos presentes litere peruenierint, Johaunes, comes de Suthirland, salutem in Domino sempiternam. Sciatis nos, predictum Johannem, comitem de Suthirland, vidisse et legi fecisse coram nobis apud Pontemfractum in Auglia, quandam resignacionem quam Nicholaus de Suthirland, dominus de castello de Duffhus, apud capellam Sancti Andree, cum bono consilio amicorum fecit, et sursum reddidit et resignauit a se et heredibus suis inuiperpetuum omnia et singula et iutegra terras et tenementa de Thurboll cum pertinenciis, videlicet, terras ad valorem quadraginta librarum, iacentes iupra comitatum de Suthirland et infra vicecomitatum de Innerness, in manus honorabilis et potentis domini, Roberti, comitis de Suthirland, tanquam domino suo superiori, de quo omnes predictae terre cum pertinenciis tenentur; et in predicta capella Sancti Andree predictus Robertus, comes de Suthirland, cum consilio bono et beue auisatus, coucessit et libere dedit omnes predictas terras de Thorboll cum pertinenciis, videlicet, terras ad valorem quadraginta librarum iacentes infra comitatum de Suthirland, cuidam honorabili viro, Henrico de Suthirland, filio predicti Nicholai, in feodo et hereditate, sibi et heredibus masculis legitime procreatis et procreandis, a predicto comite de Suthirland et heredibus suis; et quod predictus Henricus et heredes sui habereut et gauderent omnes predictas terras cum pertineuciis adeo libere, pacifice et proficue, sicut habuit predictus Nicholaus easdem terras ante dictam resignacionem predictarum terrarum: Et predictus comes dedit et concessit predictas terras cum pertinenciis a se et totis heredibus suis ita libere sicut predictus Nicholaus resignauit predictas terras cum pertinenciis in manus predicti comitis, predicto Henrico et heredibus suis masculis de corpore suo legitime procreatis et procreandis, faciendibus et faciendis predicto comiti et heredibus suis wardam et releuium et tres sectas annuatim ad curiam ipsius comitis in Suthirland, cum omnibus aliis seruiciis forencicis pertinentibus warde et releuio facieudis, prout in dicta litera et scripto resignacionis plenius continetur et specificatur; de quibus terris ad valorem quadraginta librarum idem Heuricus obiit vestitus et sasitus et habuit exitum masculum, dilectum consanguineum nostrum, Alexandrum de Suthirland, dominum de Thorboll: Et modo saltem die confectionis presencium apud Pontemfractum, uos, predictus Johannes, comes de Suthirland, concessimus et confirmamus a nobis et heredibus uostris, predicto Alexandro Suthirland de Thurboll, resignacionem predictam et terras prenominatas de Thurboll cum perti-

nenciis, videlicet, Thurboll, Straghaghcharn, Litol Thurboll, Ilik, Prounsecroie, Nethirprouse, Ouirpronnc, Aghaghasshe, Dale, Royaghier, Grodebrorer, Karonmenzhe, Sipnsale, Kilpedder more, Kilpedder beg, aera terre iacente ex parte australi de Helmesdale, Kabeyn et Kilpedder, iacentes in Strethulzhe, cum pertinenciis suis pertinentibus prenominateis terris tenure de Thurboll ad valorem quadraginta libratarum terre. Et nos predictus Johannes, comes de Suthirland, a nobis et heredibus nostris ratificamus et confirmamus predicto Alexandro Suthirland, domino de Thurboll, et heredibus masculis de corpore suo legitime procreatis et procreandis, omnes prenominateas terras cum pertinenciis, libertatibus et proficuis dictis terris quonismodo pertinentibus seu in posterum de iure pertinere valentibus, tam in ista confirmacione non specificatis et nominatis quam specificatis et nominatis, tam subter terram quam supra terram, et cum libertatibus, proficuis et aisiamentis et pertinenciis dictis terris ad valorem quadraginta librarum pertinentibus. In cuius rei testimonium hinc presenti confirmacioni nostre sigillum nostrum apposimus, apud Pontemfractum, duodecimo die mensis Iulii anno Domini millesimo cccc<sup>mo</sup> quadragesimo quarto annis; coram hiis testibus, domino Willelmo Bailze, milite, domino de Hepryke, Alexandro de Stratoun, domino de Laurenstoun, Alexandro Erskyne, domino de Done, Michaele Scot, domino de Balwery, et multis aliis ad testimonium premissorum requisitis.

29. PRESENTATION by JOHN, EARL OF SUTHERLAND, OF ALEXANDER OF RATTER, to the CHAPLAINRY OF ST. ANDREW of Golspie, with the town of Drummoy and others. 10th May 1448.

REUERENDO in Christo patri ac domino, domino Dei et apostolice sedis gracia episcopo Cathanensi, vel eius vicario generali, Johannes, comes Suthirlandie, reuerencias debitas et salutem. Ad capellaniam perpetuam Sancti Andree apostoli de Golspi, ab omni prorsus possessore et capellano viduatam, ad nostram presentacionem vestramque collacionem pleno iure spectantem, discretum virum dominum Alexandrum de Ratur, vestre dyocesis presbiterum, tenore presentamus presencium, vestram reuerendam paternitatem humiliter exorantes, quatinus dictum dominum Alexandrum, nostrum presentatum, ad dictam capellaniam, videlicet, specialiter ad villam de Drummoy cumcroftis et terris circa capellam, et crofta[m] supra montem inter torrentes, cum omnibus et singulis suis justis pertinenciis, redditibus et connexis dicte ville de Drummoy, cumcroftis et terris, ut supra dictum est, per antecessores nostros datas, mortificatas et per nos confirmatas dicte capellanie,



admittere dignemini, auctoritate vestre ordinarie potestatis, ceteraque dicto domino Alexandro in premissis facientes que ad vestrum pastorale officium circa premissa dinoscuntur pertinere. In cuius rei testimonium sigillum nostrum presentibus est appensum, apud Dunroben, decimo die mensis Maij, anno Domini millesimo quadringentesimo et quadragésimo octavo, coram hiis testibus, videlicet, Alexandro de Suthirlande de Thuroboll, Nicholaio de Suthirlande, filio nostro, Alexandro Willelmi et Thoma Roberti, cum diuersis aliis.

30. GIFT by RICHARD SUTHERLAND, son and heir to John Sutherland of Forse, of 40s. yearly to the CHAPLAIN OF ST. ANDREWS of Golspie. 24th October 1451.

BE IT MADE KUOWN to all men be this present leteris, me Richard off Suthirland, sone and ayr to Johne off Suthirland off Fors, to haff giffyn and grantyt, and be thir present leteris giffis and granttis fourty schillingis off silver of vsuale mone off Scotland yherly, in anvell rent of the malis of the tone off Drommy in Suthirland, fra me and myne ayris for euirmare, to the perpetwall chaplane of Sant Androwis Chapell of Golspy, als frely, quietly, peceably and honorably, as ony anvel rent is giffyn to ouy kyrk or chapell within the kynryk off Scotland, for to pray for me and the sawlys off my forbearis and successouris foroutyn ony agane callyng, or revocatioun off me or off myn ayris. And thar attoure, giff it hapnys me or myn ayris to cum in the contrare off the forsayde gyfft, as God forbeyde ws do, I charge the Bischap off Cathines, as he wyl ansuer befor Almychty God to . . . to interdyt me and myn ayris, to we cum to full satisfacioun and amending to Sant Androw and to the chaplane perpetuall of Golspy. In wytnes off the quhilk thyngis, becauss I had na sele propr of myn awyn, I haff procuryt wyth instans the sele of ane [ho]norabill man, Wylliam of Suthirland of Berydall, son and apperand ayr to Alexander off Suthirland, lorde of Duffhouss, to be set and appendit to thir <sup>1</sup> day of October, the yher of oure Lord a thousand befor thir wytnes  
 Johne erll off Suthirland, Mar Donald son, Robert Henryson of  
 boll, Thomas Robertson John Makgillaspy off din  
 John Andrewsoun mare of fe off Sutirland, with dyuerss otheris.

<sup>1</sup> The words left blank are defaced and illegible in the original.

31. INSTRUMENT OF RESIGNATION in favour of JOHN OF SUTHERLAND, son and heir apparent of John, seventh Earl of Sutherland, of the Earldom of Sutherland. 22d February 1455-6.

IN DEI nomine amen: Per hoc presens publicum instrumentum cunctis pateat manifeste, quod anno ab Incarnacione eiusdem millesimo quadringentesimo quinquagesimo quinto, indictione quarta, ac mensis Februarii die vicesima secunda, pontificatus sauetissimi in Christo patris ac domini nostri, domini Calisti diuina prouidentia pape tertii anno primo, in excellentissimi principis ac domini nostri metuendissimi, domini Jacobi, Scotorum Regis illustrissimi, et dominorum subscriptorum presencia, ac coram me et testibus infrascriptis personaliter constitutus nobilis et probus dominus Johannes, comes de Sutherlande, flexis genibus, non vi aut metu ductus nec errore lapsus, sed sua mera et spontanea voluntate, vt asseruit, totum et integrum comitatum de Suthirlande cum pertinentiis, iacentem infra vicecomitatum de Inuernis, in manibus serenissimi principis supremi domini nostri Regis, per fustem et baculum personaliter sursum reddidit, pureque simpliciter resignauit, ac totum ius et clameum, que in dicto comitatu habuit seu habere potuit, pro se et heredibus suis, omnino quitumclamauit iuperpetuum: Qua resignacione pure et simpliciter, vt premittitur, facta, prefatus supremus dominus noster Rex, totum et integrum predictum comitatum de Suthirlande cum pertiuentiis Johanni de Suthirlande, filio et heredi appareuti predicti Johannis, per terre et lapidis tradicionem, vt moris et, Willelmo de Suthirland, procuratori et actornato predicti Johannis filii, tanquam sibi Johanni, secundum tenorem carte domini nostri Regis desuper conficiende, dedit, transtulit et deliberauit: Super quibus omnibus et singulis prefatus Willelmus de Suthirland, actornatus predicti Johannis filii, nomine et ex parte eiusdem Johannis, a me, notario publico infrascripto, sibi fieri petiit presens publicum instrumentum. Acta erant hec apud burgum de Inuirnis, in orto capelle beate Marie Virginis eiusdem burgi de Inuirnis, hora quasi quarta post meridiem, anno, die, mense, indicione et pontificatu superius annotatis; testibus, reuerendo in Cristo patre, Georgeo, episcopo Brechinensi, nobilibus et potentibus dominis, Willelmo, comite de Errole, connestabulario regni Scotie, Willelmo, domino Keth, marescallo Scotie, Thoma, domino Erskin, Alexandro, domino Montgomerre, Alexandro de Dunbar, Johanne de Morauia, Adam Hamyltoun, Hugone Liddale, cum multis aliis testibus ad premissa vocatis specialiter et rogatis.

Et ego Thomas Broun, clericus Sancti Andree diocesis, publicus auctoritate apostolica uotarius, premissis [*etc*, *in forma communi*].

32. PRECEPT by KING JAMES THE SECOND, under the Privy Seal, for a Charter in favour of JOHN OF SUTHERLAND, of the Earldom of Sutherland. 23d February 1455-6.

JACOBUS, Dei gracia rex Scotorum, custodi magni sigilli nostri, salutem. Quia dedimus et concessimus dilecto nostro Johanni de Suthirland, filio dilecti consanguinei nostri, Johannis, comitis de Suthirland, totum et integrum comitatum de Suthirland cum pertinentiis, jacentem infra vicecomitatum nostrum de Inuirnes; quiquidem comitatus cum pertinentiis fuit dicti Johannis patris hereditarie, et quem idem Johannes, non vi aut metu ductus nec errore lapsus, set sua mera et spontanea voluntate, in manus nostras apud burgum nostrum de Inuirnes, in orto capelle beate Marie dicti burgi, personaliter sursum reddidit, pureque simpliciter resignavit, ac totum ius et clameum, etc. Tenendum et habendum totum et integrum predictum comitatum cum pertinentiis dicto Johanni Suthirland, filio, et heredibus suis, de nobis, heredibus et successoribus nostris, in feodo et hereditate imperpetuum, per omnes rectas metas, etc., cum tenandiis, tenandriis, et libere tenentium seruiciis, sok, sak, thol, theme, infangandtheif, outfangandtheif, ac cum boscis, planis, moris, marresiis, etc., cum curiis et earum exitibus, herezeldis, bludewitis, et merchetis mulierum, ac cum omnibus aliis et singulis libertatibus, etc., et adeo libere, etc., in omnibus et per omnia, sicut dictus Johannes, comes de Suthirland, aut sui predecessores predictum comitatum cum pertinentiis de nobis aut predecessoribus nostris ante dictam resignationem nobis inde factam liberius tenuit seu possedit, tenuerunt seu possederunt: Faciendo inde annuatim dictus Johannes, filius, et heredes sui, nobis, heredibus et successoribus nostris, seruicia de dictis terris debita et consueta: Reseruato tamen libero tenemento tocuis dicti comitatus cum pertinentiis predicto Johanni, patri, pro toto tempore vite sue; ac etiam reseruatis Margarete, sponse dicti Johannis, patris, coniuncta infeodatione sua duarum villarum nuncupatarum Lothis, terrarum de Cracok, Culnagoure, et de le Vuirglen, et rationabili tertia parte sua tocuis dicti comitatus pro toto tempore vite sue, cum contigerit. Volumus tamen quod non obstantibus nostris donacione et concessione antedictis quod si contingat dictum Johannem, patrem, ante dictum suum filium decedere quod dicta donacio nostra non cedat nobis aut nostris successoribus in preiudicium siue dampnum in futurum, quantum ad wardam et releuium terrarum dicti comitatus, quin wardam et releuium ipsarum terrarum, cum contigerit, libere recipere et leuare valeamus, et successores nostri valeant, in futurum. Vobis precipimus et mandamus, quatinus literas nostras sub magno sigillo nostro in

forma capelle nostre debita dicto Johanui, filio, fieri faciatis super nostris donacione et concessione antedictis. Datum sub nostro priuato sigillo apud Inuirnes uicesimo tercio die meisis Februarii anno regni nostri uicesimo.

[On the tag]. Preceptum Johannis Suthirland.

33. CHARTER under the great Seal to JOHN OF SUTHERLAND, of the Earldom of Sutherland, in terms of foregoing precept. 24th February 1455-6.

JACOBUS, Dei gracia rex Scotorum, omnibus probis hominibus totius terre sue clericis et laicis, salutem. Sciatis nos dedisse, concessisse, et hac presenti carta nostra confirmasse dilecto nostro Johauui de Suthirlande, filio dilecti consanguinei nostri Johannis, comitis de Suthirlande, totum et integrum comitatum de Suthirlande cum pertinentiis, iacentem iufra vicecomitatum uostrum de Inuirnis; quiquidem comitatus cum pertinentiis fuit dicti Johannis, patris, hereditarie, et quem idem Johannes, non vi aut metu ductus, nec errore lapsus, sed sua mera et spontanea voluntate, iu manus nostras apud burgum nostrum de Inuirnis, iu orto capelle beate Marie dicti burgi, personaliter sursum reddidit, pureque simpliciter resignauit, ac totum ius et clameum que in dicto comitatu cum pertinentiis habuit seu habere potuit, pro se et heredibus suis omnino quitumclamauit imperpetuum: Tenendum et habendum totum et iutegrum predictum comitatum cum pertinentiis, dicto Johanui Suthirlande, filio, et heredibus suis, de nobis, heredibus et successoribus nostris, iu feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, prout iacet iu longitudine et latitudiue, cum tenandiis, tenandriis et libere tenentium seruiciis, furca et fossa, sok, sak, thol, theme, iufangandtheif, outfangandtheif; ac cum boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, riuolis, pratis, pascuis et pasturis, molendiis, multuris et eoruu sequelis, aucupacionibus, venacionibus, piscaciouibus, petariis, turbariis, carbonariis, 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 pertienciis suis quibuscunque, tam non nominatis quam nominatis, ad dictum comitatum cum pertinentiis spectantibus seu iuste spectare ualentibus quomodolibet in futurum; et adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, iu omnibus et per omnia, sicut dictus Johannes, comes de Suthirlande, aut sui predecessores, predictum comitatum cum pertinentiis de uobis aut predecessoribus nostris aute dictam resignationem uobis inde factam,

liberius tenuit seu possedit, tenuerunt seu possiderunt: Faciendo inde annuatim dictus Johannes, filius, et heredes sui nobis, heredibus et successoribus nostris, seruicia de dictis terris debita et consueta; reseruato tamen libero tenemento tocus dicti comitatus cum pertinentiis, predicto Johanni, patri, pro toto tempore vite sue; ac eciam reseruatis Margarete sponse dicti Johannis patris coniuncta infeodacione sua duarum villarum nuncupatarum Lothis, terrarum de Cracok, Culnagoure, et de le Vfirlen, et racionabili tercia parte sua tocus dicti comitatus pro toto tempore vite sue, cum contigerit. Volumus tamen, quod non obstantibus nostris donacione et concessione antedictis, quod si coutingat dictum Johannem, patrem, ante dictum suum filium decedere, quod dicta donacio nostra non cedat nobis aut nostris successoribus in preiudicium siue dampnum in futurum, quantum ad wardam et reliuium terrarum dicti comitatus, qui wardam et releuium ipsarum terrarum, cum contigerit, libere percipere et leuare valeamus et successores nostri valeant in futurum. In cuius rei testimonium presenti carte nostre magnum sigillum nostrum apponi precepimus; testibus, reuerendo in Cristo patre, Georgeo, episcopo Brechinensi, dilectis consanguineis nostris, Willelmo, comite de Erolle, regni nostri connestabulario, Willelmo, domino Keth, regni nostri marescallo, Thoma, domino Erskin, Alexandro, domino Montegommerre, Patricio, domino Glamis, et Patricio de Hepburn de Wachtoune, milite; apud burgum nostrum de Inuirnis, vicesimo quarto die mensis Februarii, anno domini millesimo quadringentesimo quinquagesimo quinto, et regni nostri vicesimo.

34. PRECEPT by KING JAMES THE SECOND, for infefting JOHN OF SUTHERLAND, in the Earldom thereof, in terms of the foregoing Charter. 25th February 1455-6.

JACOBUS, Dei gracia rex Scotorum, dilectis nostris Alexandro Suthirlande de Dufhous, Willelmo de Suthirlande, filio suo, Angsio de Suthirlande de Thurboll, et Willelmo de Clyne de eodem, et eorum cuilibet, couiunctim et diuisim, vicecomitibus nostris de Inuirnis in hac parte specialiter constitutis, salutem. Quia dedimus et concessimus hereditarie dilecto nostro Johanni de Suthirland, filio et heredi apparenti dilecti consanguinei nostri, Johannis, comitis de Suthirland, totum et integrum comitatum de Suthirlande cum pertinentiis; quiquidem comitatus cum pertinentiis fuit dicti Johannis, patris, hereditarie, et quem idem Johannes, pater, noui aut metu ductus nec errore lapsus, sed sua mera et spontanea voluntate, in manus nostras apud burgum nostrum de Inuirnis per fustem et baculum personaliter sursum reddidit, pureque simpliciter resig-

nauit, prout in carta nostra sibi desuper confecta plenius continetur : Vobis precipimus et mandamus quatenus dicto Johanni, filio, vel suo certo actornato, latori presentium, sasinam dicti comitatus cum pertinenciis, secundum tenorem dicte carte nostre quam inde habet, iuste habere faciatis, et sine dilatione : Ad quod faciendum vobis et vestrum cuilibet in hac parte, coniuuctim et diuisim, nostram plenariam tenore presentium committimus potestatem ; et hoc nullo modo omittatis. Datum sub testimonio magni sigilli nostri apud Inuernis, vicesimo quinto die mensis Februarii, anno regni nostri vicesimo.

[On tag] Sasina pro Johanne de Sutherlande.

35. QUITCLAIM by the COMMUNITY OF DINGWALL, to THOMAS OF DINGWALL,  
for twenty-four merks. 5th October 1460.

PATEAT vniuersis per presentes, nos, communitates de Dyngvale, vnanimi concensu, assensu et matura deliberacione recepisse, per manus domini Thome de Dyngvale, subdecani Rossensis ac burgensis priucipalis eiusdem wille, viginti quatuor marcas vsualis monete regni Scocie, pro calumpniis et iuribus nostris omnimodis de le Brakkane, Orde et de insulis que wlgariter nuncupantur le Ellanis ; et etiam pro calumpniis et iuribus nostris de communi pastura uersus Vssy ; de qua vero summa vigeuti quatuor marcarum tenemur nos cordialiter contenti, fideliter soluti, et integraliter satisfacti, et vnanimi concensu et assensu quitumclamamus dictum dominum Thomam et Thomam iuniorem de Dyngvale, heredes suos omnes et singulos et assignatos, de dicta summa viginti quatuor marcarum de nobis omnibus et singulis, communitatibus de Dyngvale, heredibus nostris et successoribus, communitatibus, nunc et imperpetuum, sine contradiccione aliquali, omnibus dolo et fraude postpositis pariter et remotis. In cuius rei testimonium sigillum nostrum commune, vnacum sigillis nostrorum balliuorum, viz. Johannis Nicholai et Donaldi Valteri, huic quitumclameo nostro duximus appendi, apud dictum burgum nostrum de Dyngvale quinto die mensis Octobris, anno Domini millesimo quadringentesimo sexagesimo.

36. INSTRUMENT OF SASINE in favour of JOHN, EARL OF SUTHERLAND, in the lands of Pulrossie and Spainzidell. Dated 1467.

37. PRECEPT OF CLARE CONSTAT, by JOHN, EARL OF SUTHERLAND, in favour of JOHN SUTHERLAND of Forse, as heir to his father, Richard Sutherland, in the lands of Backies, Torrish and Drummoy. Dated 28th May 1471.

[THE originals of this precept and the immediately preceding Instrument of Sasine are now wanting, but they are referred to by Sir Robert Gordon in his "Genealogy of the Earls of Sutherland," pp. 429, 430, as producible to prove the precedency of the title of Earl of Sutherland over that of Earl of Caithness.]

38. CHARTER by JOHN, EARL OF SUTHERLAND, in favour of NICOLAS SUTHERLAND, son and apparent heir of Angus Sutherlaud of Torboll, of the lands of Great and Little Torboll. 16th April 1472.

OMNIBUS hanc cartam visuris vel auditurus, Johannes, comes Sutherlandie, eternam in Domino salutem. Sciatis nos dedisse, concessisse et hac presenti carta nostra confirmasse dilecto consanguineo nostro, Nicolaio Suthirlandie, filio et apparenti heredi dilecti consanguinei nostri, Angusii Suthirlandie de Thureboll, omnes et singulas terras infra-scriptas, videlicet, terras de Thureboll Miele et Thureboll Litle, terras de Strathacharne, Ruryachare, Askadaile, terras de Vfir Prounsy, Nethir Prounsy, Prounsy Croy et Evillik, terras de Miele Gillpedir et Litle Gillpedir, Grudebrora et Scheberskek in Strathbrora, necnon terras de Caven et Gillpedir in Strathulze cum vniuersis pertinenciis suis, iacentes in comitatu nostro Suthirlandie infra vicecomitatum de Inuirmes; quequidem terre cum pertinenciis fuerunt quondam dicti Angusii, patris dicti Nicolai, et quasquidem terras cum pertinenciis, idem Angusius, non vi aut metu ductus nec errore lapsus, sed sua mera et spontanea voluntate, in manus nostras, apud Dornach, in ecclesia cathedrali Cathanensi, personaliter sursum reddidit pureque simpliciter resignauit, ac totum ius et clameum que in dictis terris cum pertinenciis habuit seu habere potuit omnino quietumclamauit imperpetuum: Tenendas et habendas totas et integras terras predictas cum pertinenciis dicto Nicolaio et heredibus suis, de nobis, heredibus et successoribus nostris, comitibus Suthirlandie, in feodo et hereditate imper-

petuum, per omnes rectas metas suas antiquas et diuisas, prout iacent in longitudine et latitudine, in boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, riuolis, pratis, pasenis et pasturis, molendinis, multuris et eorum sequelis, auenpationibus, venationibus, piseationibus, petariis, turbariis, carbonariis, lapide et calce, fabrilibus, brasinis, brueriis et genestis, cum curiis et earn exitibus, herczeldis, bludewetis, et mulierum merehaetis, ac cum omnibus aliis et singulis commoditatibus, libertatibus et aisiamentis, ac iustis pertinenciis suis quibuscunque, tam non nominatis quam nominatis, ad dictas terras cum pertinenciis spectantibus sen iuste spectare valentibus quomodolibet in futurum ; et adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, sicut dictus Angnsius ant sni predicessores prefatas terras cum pertinenciis de nobis aut predicessoribus nostris ante dictam resignacionem nobis inde factam liberius tenuit seu possedit, tenuerunt seu possederunt : Faciendo inde annuatim dictus Nicolaus et heredes sui nobis, heredibus et snccessoribus nostris, seruicia de dictis terris debita et consueta : Quo vero Nicolaio et heredibus suis, quod absit, omnino deficientibus, volumus et concedimus, quod omnes et singule terre predictae cum pertinenciis dicto Angusio et heredibus snis legitimis absque aliquali obstaculo reuertentur : Reseruato tamen libero tenemento omnium et singularum terrarum predictarum cum pertinenciis predicto Angusio, patri dicti Nicolai, pro toto tempore vite sue ; ac etiam reseruata Cristine, sponse dicti Angusii, rationabili tercia parte sna omnium et singularum terrarum predictarum pro toto tempore vite sne, cum contigerit : Insuper tamen volumus quod non obstaute nostris donacione et concessione antedictis, quod si contingat dictum Angusium, patrem, ante dictum filium suum deeedere, quod dicta donatio nostra non cedat nobis aut nostris successoribus in preiudicium siue dampnum in futurum quantum ad wardam et releuium terrarum predictarum, quin wardam et releuium ipsarum terrarum cum contigerit, libere percipere et leuare valeamus et successores nostri temporibus pro futuris totiens quotiens contigerit, lenare et percipere valeant. In cuius rei testimonium presenti carte nostre nostrum sigillum dnximus appendendum, apnd ecclesiam cathedralem Cathanensem predictam, decimo sexto die mensis Aprilis, anno Domini millesimo quadringentesimo septuagesimo secundo, coram hiis testibus, videlicet, discretis et prouidis viris, dominis Donaldo Cormokesone, capellano et secretario prefati domini comitis, Alexandro Rager, capellano, Roberto Suthirlandie, Willelmo Suthirlandie, Alexandro Moranie, Johanne Suthirlandie, Dauid Carnegy, Johanne Thome, Galfrido Nigelli, Hugone Pauli, dominis Donaldo Eldare, Farchardo, penitentiario dicte ecclesie cathedralis, et Henrico Wormot, sacrista ecclesie antedicte, cum diuersis aliis testibus ad premissa vocatis.



39. CHARTER by GEORGE, EARL OF HUNTLY, with consent of ALEXANDER, LORD GORDON, to ADAM GORDON, his son, of the lauds of Tullouchquhody and others in the barony of Aboyne. 16th September 1490.

OMNIBUS hanc cartam visuris uel audituris Georgeus, comes de Huntlie et dominus de Badezenauch, salutem in Domino sempiternam. Noueritis nos, cum consensu et assensu carissimi nostri, Alexandri, domini de Gordone, filii et apparentis nostri heredis, dedisse, concessisse, necnon dare, concedere et hac presenti carta nostra pro perpetuo confirmare dilecto filio nostro, Ade Gordone, ex affectione filiali quam erga ipsum gerimus, omnes et singulas terras nostras villarum de Tullouchquhody, cum molendiuo de Das, Drumgask, Baluicide, dimedietatis ville de Torquhenlauchchye, Fermastoune cum molendino, Casteltone, Wratone, Ferrare et Dulquhyng, cum pertinentiis et iuribus uniuersis earundem, nobis iure hereditario pertinentes, infra baroniam nostram de Obyne et vicecomitatum de Aberdene iacentes in longitudine et latitudine debitis, in exchange terrarum baronie de Schewes infra vicecomitatum de Aberdene predictum iacentium, quequidem terre fuerunt Ade Gordone filii nostri predicti hereditarie : Tenendas et habendas totas et integras terras prenominatas cum pertinentiis et iuribus uniuersis earundem prefato Ade Gordone, filio nostro predicto, heredibusque suis masculis de corpore suo procreatis seu procreandis ; quibus forte deficientibus, Jacobo Gordone, fratri suo germano, heredibusque suis masculis de corpore suo procreatis seu procreandis ; quibus forte omnibus deficientibus, dictis terris nobis et heredibus nostris et nostris successoribus masculis reuertentibus ; de nobis, heredibus nostris et nostris successoribus masculis in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, in domibus, edificiis, boscis, planis, moris, marresiis, viis, semitis, aquis, riuolis, stagnis, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, nemoribus, aucupationibus, venacionibus, piscariis, turbariis, cum lapide et calce, fabrilibus, brasinis, virgultis, cum curiis et curiarum exitibus et eschaetis earundem, cum bluduetis, herezeldis, mulierum marchetis, cum aueragiis et cariagiis, cum genestis et bruariis, columbariis, cuniculariis et cuniculis, cum communi pastura et libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proprietatibus, aisiamentis ac iustis suis pertinentiis quibuscunque, tam subter terra quam supra terram, tam prope quam procul, tam non nominatis quam nominatis, ad totas et integras terras prelibatas cum earundem pertinentiis et iuribus spectantibus seu iuste spectare valentibus quomodolibet in futurum ; adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, sicut nos et predecessores nostri dictas terras titulo infrascripto possederunt seu posse-

dimus sine aliquo retinemento, obstaculo aut reuocatione quibuscunque infuturum : Reddendo inde annuatim prenotatus Adam Gordone, filius noster predictus, heredesque sui masculi de corpore suo legitime procreati seu procreandi, quibus forte deficientibus, dictus Jacobus Gordone, heredesque sui masculi de corpore suo legitime procreati seu procreandi, nobis, heredibus nostris et nostris successoribus masculis tres sectas curie ad nostras curias capitales apud dictam nostram baroniam de Obyne tenendas, cum seruicio debito et consueto, tantum pro omni alio seruicio, exactione, onere, consuetudine, custuma seu demanda seculari, que de dictis terris cum pertinentiis exigi poterint quouismodo uel requiri. Et nos Georgeus comes de Huntlie prefatus et dominus de Badzenach, heredes nostri et nostri successores masculi, prenotatas terras cum iuribus et pertinentiis earundem dicto Ade Gordone, filio nostro predicto, heredibusque suis masculis de corpore suo legitime procreatis seu procreandis, quibus forte deficientibus, Jacobo Gordone, fratri suo germano predicto, heredibusque suis masculis de corpore suo legitime procreatis seu procreandis, ac nostras donacionem, concessionem et confirmacionem in omnibus et per omnia, sicut superius expressatum est, contra omnes mortales warantizabimus, acquietabimus et imperpetuum defendemus. In cuius rei testimonium sigillum nostrum presenti carte nostre est appensum, apud Kyncardyne, xvi die mensis Septembris, anno Domini millesimo quadringentesimo nonagesimo ; presentibus ibidem, Alexandro Dunbare de Vestfeilde, milite, Daud Ogilby de Tolmade, magistro Ricardo Strathaquhyn, rectore de Esse, Johanne Andree, vicario de Botary, notario publico, Richardo Andree, capellano, Johanne Forbes et Jacobo Abernethy armigeris, testibus, &c.<sup>1</sup>

GEORG, EARL OF HOWNTLE.

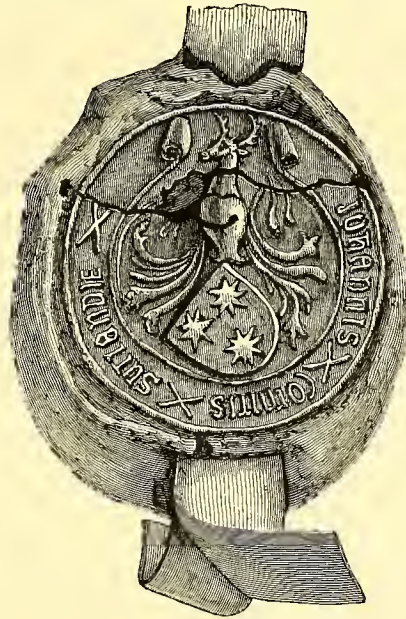
40. PRECEPT OF SASINE by JOHN EARL OF SUTHERLAND, in favour of HUGH, son of Angus Sutherland of Torboll, of all his lands in the Earldom of Sutherland. 29th March 1492.<sup>2</sup>

JOHANNES, Comes Sutherlandie, dilectis nostris Angusio M'Culloch de Pladdis, Nigello et Alexandro Moravie, Johanni Thome, Patricio Balze seu Alexandro Matheson, balliuis nostris in hac parte specialiter deputatis, conjunctim seu divisim, salutem, etc. ; quia

<sup>1</sup> The Sutherland Charter-chest also contains Precept and Instrument of Sasine following on this charter, dated respectively 17th and 20th September 1490.

<sup>2</sup> From a transcript by the late Mr. Cosmo Innes of the original then in H.M. General Register House, Edinburgh.

dedimus et concessimus hereditarie consanguineo nostro Hugoni Angusii Sutherland, domino de Thurboll, omnes et singulas terras suas que de nobis tenentur in capite, secundum tenorem carte quondam Angusii, patris sui, aut secundum tenorem carte quondam Nicholaij et Donaldi, fratrum defunctorum ipsius Hugonis, ultimi possessoris ejusdem, jacentes in comitatu nostro Sutherlandie et infra vicecomitatum de Inuernes : Vobis igitur . . . et in signum hujusmodi sasine et status hereditarii per vos . . . sibi Hugoni aut suo actornato . . . sigillum vestrum proximo post nostrum in secunda cauda appendatis. Datum sub sigillo nostro apud castrum nostrum de Dwnrobbyn, vicesimo nono die mensis Marcii anno Domini millesimo quadringentesimo nonagesimo secundo.



41. PRECEPT OF CLARE CONSTAT by JOHN, EARL OF SUTHERLAND, in favour of JEAN TERREL, in the Terrel's lands in Strathfleet. 25th October 1494.

[ORIGINAL not found, but referred to by Sir Robert Gordon in "Genealogy of the Earls of Sutherland," p. 430, as producible to prove the Sutherland precedency.]

42. INSTRUMENT OF RESIGNATION by ADAM GORDON of Aboyne, in the hands of  
GEORGE, EARL OF HUNTLY, of his lauds of Tulloquhody, etc. 1496.

IN DEI nomine amen. Per hoc preseus publicum instrumentum cunctis pateat euidenter, quod anno ab Incarnacione [Dominica mille]simo quadringentesimo nonagesimo sexto, mensis vero . . . imo sexto, indictione decima quarta, pontificatus sanctissimi in Christo patris [ac domini nostri, domini] Alexandri, divina providencia pape sexti, anno quinto ; in mei notarii publici et testium subscriptorum presencia personaliter constitutus nobilis vir, Adam Gordone de Oboyne, omnes et singulas terras suas villarum de [Tu]lloquhody, cum molendino de Desk, Drumgask, Baluedy, dimedietatis ville de Torquhenlauquhy, Fermastoune cum molendino, Casteloune, Vratoun, Ferar et Dulquhinge, cum pertinentiis et iuribus vniuersis earundem, in manibus nobilis et prepotentis domini, domini Georgii, comitis de Huntlie, domini de Badanach ac domini superioris earundem, sursum reddidit, pureque et simpliciter per fustim et baculum resignauit, ac omne ius et elameum iuris que ipse Adam in et ad dictas terras cum pertinentiis habet, aut aliquibus retroactis temporibus habuit ; sic quod dictus dominus de eisdem terris cum pertinentiis, pro libito sue voluntatis, libere et sine contradictione dicti Adam, heredum suorum aut assignatorum, aliorumve quorumcunque nomine suo in posterum fienda, disponere valuit ; seruatis in huiusmodi sursum redditione puraque et simplici resignatione solempnitatibus iuris solitis et consuetis : Qua resignatione sic facta, medio interuallo temporis, dictus dominus easdem terras cum pertinentiis et iuribus vniuersis eidem Adam, heredibus suis et assignatis iuxta tenorem carte sue sibi desuper confecte, per eiusdem carte tradicionem, in feodo et hereditate imperpetuum, dedit, concessit, assignauit et confirmauit, sicuti tenore predicte carte presentisque instrumenti publici dat, concedit, assignat et confirmat : De et super quibus omnibus et singulis prefatus Adam a me, notario publico subscripto, sibi fieri peccit vnum seu plura publicum seu publica instrumentum seu instrumenta : Acta erant hec in castro de Strabogy, hora quasi decima post meridiem, sub anno, mense, die, indictione et pontificatu, quibus supra ; presentibus ibidem honorabilibus et discretis viris, Johanne Kenedy, filio domini de Kencdy, Patricio Gordone, et domino Duncan Redfurd, capellano, cum diuersis aliis testibus ad premissa vocatis pariter et rogatis.

Et ego Alexander Masse, presbiter Abirdonensis diocesis, publicus auctoritatibus imperiali et regali notarius, quia premissis [*etc., in forma communi*].

43. CHARTER OF RESIGNATION by GEORGE, EARL OF HUNTLY, to ADAM GORDON, his son, of the lands of Tulloquhody, etc., in the barony of Aboyne. 6th April 1496.

OMNIBUS hanc cartam visuris vel audituris, Georgius, comes de Huntly et dominus de Badenach, salutem in Domino sempiternam. Noueritis nos dedisse, concessisse et hac presenti carta nostra confirmasse, necnon dare, concedere et hac presenti carta nostra confirmare dilecto filio nostro, Adam Gordone, propter affectionem filialem quam erga ipsum gerimus, omnes et singulas terras nostras villarum de Tulloquhody, cum molendiuo de Dasse, Drumgask, Baluedy, dimedietatis ville de Torquhenlauchye, Fermastoune cum molendino, Casteltoune, Vratoune, Ferrare et Dulquhyng, cum pertinentiis et iuribus vniuersis earundem, iacentes infra baroniam nostram de Oboyne et vicecomitatum de Abirdene; quequidem terre cum pertinentiis fuerunt dicti Adam, et quas ipse, apud Newark prope aquam de Spey, personaliter constitutus, non vi aut metu ductus nec errore lapsus, nec fraude aut dolo circumuentus, sed sua mera et spontanea voluntate et certa scientia, in manibus nostris, tanquam in manibus domini superioris earundem, per fustem et baculum sursum reddidit, pureque et simpliciter resignauit: Tenendas et habendas totas et integras terras predictas cum pertinentiis prefato Adam Gordone, filio nostro, et heredibus suis masculis de suo corpore legitime procreatis seu procreandis, quibus forte deficientibus, Jacobo Gordone, fratri suo germano, et heredibus suis masculis de suo corpore legitime procreatis seu procreandis, quibus omnibus forte deficientibus, nobis, heredibus nostris et successoribus masculis reuertendas, de nobis, heredibus nostris et assignatis, in feodo et hereditate in perpetuum; per omnes rectas metas suas antiquas et diuisas, prout iacent in longitudine et latitudine, in edificiis, boscis, planis, moris, maresiis, viis, semitis, aquis, riuolis, stagnis, pratis, pascuis et pasturis, siluis, nemoribus, genestis et virgultis, aucupationibus, venationibus, piscationibus, petariis, turbariis, carbonariis, cuniculis et cuniculariis, columbis, columbariis, brewariis, fabrilibus, et brasinis, lapide et calce, moleudinis, multuris et eorum sequelis, cum curiis et earum exitibus, amerciamentis, bludwetis, herezeldis, cum omni eschaeta furti et sanguinis qua contiuget inhabitantes dictas terras in nostra curia amerciari; cum communi pastura, libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, asiamentis ac iustis suis pertineutiis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, tam prope quam procul, ad dictas terras cum pertinentiis spectantibus seu iuste spectare valentibus quomodolibet in futurum, libere, plenarie, iutegre, honorifice, bene et in

pace, sine aliquo retinemento, reuocatione aut obstaculo aliquali: Reddendo inde annuatim dictus Adam, filius noster, et heredes sui masculi de suo corpore legitime procreati seu procreandi, nobis, heredibus nostris et successoribus masculis vnum denarium monete Scotie pro tempore currentis, super solo dictarum terrarum in festo Pentecostes, nomine albe firme, si petatur tantum, pro omni alio seruicio, onere, exactione, questione seu demanda seculari, que de dictis terris cum pertinentiis exigi poterunt quomodolibet vel requiri: Et nos vero Georgius, comes et dominus prefatus, heredes nostri et assignati, omnes et singulas terras predictas cum pertinentiis prefato Adam et heredibus suis masculis de suo corpore legitime procreatis seu procreandis, quibus forte deficientibus, dicto Jacobo et heredibus suis masculis de suo corpore legitime procreatis seu procreandis, nostrasque donacionem, concessionem et confirmacionem, in omnibus et per omnia, forma pariter et effectum, ut premissum est, contra omnes mortales varantizabimus, acquietabimus et in perpetuum defendemus. In cuius rei testimonium sigillum nostrum huic presenti carte nostre est appensum, apud maneriem nostram de Newark antedictam, sexto die mensis Aprilis, anno Domini millesimo quadringentesimo nonagesimo sexto, coram hiis testibus, Johanne Kennedy, armigero, Duncano Redfurde et Alexandro Masse, presbyteris, cum diuersis aliis. GEORG, ERL OF HOWNTLIE.

44. BRIEF for the Special Service of ELIZABETH SUTHERLAND as heir to her father, JOHN, EARL OF SUTHERLAND. Edinburgh, 4th May [1509].

JACOBUS, Dei gratia rex Scotorum, vicecomiti et balliis suis de Inuirnes, salutem. Mandamus vobis et precipimus, quatenus per probos et fideles homines patrie, per quos rei veritas melius sciri poterit, magno sacramento interueniente, diligentem et fidelem inquisitionem fieri faciatis de quibus terris et annuis redditibus cum pertinentiis quondam dilectus consanguineus noster, Johannes, comes de Suthirland, pater Elizabeth Suthirland, latricis presencium, obiit vltimo vestitus et sasitus ut de feodo, ad pacem et fidem nostram infra balliam vestram; et si dicta Elizabeth sit legitima et propinquior heres eiusdem quondam Johannis, patris sui, de dictis terris et annuis redditibus cum pertinentiis; et si sit legitime etatis; et quantum valent dicte terre et annui redditus cum pertinentiis nunc per annum; et quantum valuerunt tempore pacis; de quo tenentur, per quod seruicium tenentur, in cuius manibus nunc existunt, qualiter, per quem, ob quam causam, et a quo tempore. Et quid per dictam inquisitionem diligenter et fideliter factam esse inueneritis, sub sigillo vestro vicecomitatus et

sigillis eorum qui dicte inquisitioni intererunt faciende, ad capellam nostram mittatis, et hoc breue ; teste meipso, apud Edinburgh, quarto die mensis Maii, anno regni nostri vicesimo primo.

Dorso : Hoc breue legitime proclamatum fuit apud crucem fori burgi de Inuirnes, xxij<sup>o</sup> die mensis Maii, anno domini millesimo quingentesimo nono, per me, Alexandrum Blak, maurum dicti vicecomitatus de Inuirnes, de mandato Johannis Ogilby, vicecomitis deputati Alexandri, comitis de Huntlie ac vicecomitis principalis, deseruiendum fore coram dicto vicecomite aut suis deputatis pluribus aut vno in pretorio dicti burgi, viij<sup>o</sup> die mensis Junii, proximo futuro, hora causarum, cum intimacione debita. In cuius rei testimonium huic indorsationi est affixum signetum dicti Alexandri Blak, coram his testibus, Johanne Cuthberti, Thoma Patricii, balliuis dicti burgi, Alexandro Cuthberti, Alexandro Hay, ac domino Johanne Dingwale, vicario de Pettyn, notario publico, cum diuersis aliis.

45. RETOUR of JOHN, EARL of SUTHERLAND, as heir to his father, John, Earl of Sutherland, in the Earldom of Sutherland. Dated 24th July 1509.

[ORIGINAL not found, but referred to by Sir Robert Gordon in "Genealogy of the Earls of Sutherland," p. 430, as producible to prove the Sutherland precedency.]

46. NOTARIAL INSTRUMENT on the Resignation by ALEXANDER SUTHERLAND, son of the late John, Earl of Sutherland, in favour of JOHN, his brother, and ELIZABETH, his sister, of all claims to the earldom of Sutherland. 25th July 1509.

IN DEI nomine amen : Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno Incarnationis Dominice millesimo quingentesimo nono, mensis vero Julii die vicesima quinta, indictione duodecima, pontificatus sanctissimi in Christo patris ac domini nostri, domini Julii diuina disponente clementia pape secundi, anno sexto ; in curia vicecomitatus de Inuernys tenta in pretorio burgi eiusdem per prouidos viros, Thomam Paterson et Jacobum Donaldi, deputatos magnifici et potentis domini Alexandri, comitis de Huntlye ac domini Badzenach, vicecomitis principalis vicecomitatus eiusdem, nostrorumque notariorum et testium subscriptorum presenciis, personaliter comparuerunt magister Gilbertus Hay, actornatus et eo nomine Johannis Suther-

land, filii et heredis quondam Johannis, comitis de Sutherland, et Adam Gordoun de Obyn, cum Elizabeth Sutherland, sponsa sua, filia quondam memorati comitis, pro eorum interesse, et breue quoddam inquisitionis capelle regie prefatis vicecomitibus deputatis eodem die deseruendum presentarunt, ipsosque vicecomites deputatos ad eiusdem breuis debitam excutiouem faciendum requisierunt, prout antea proclamatione preuia ceterisque requisitis statuerunt: Petentes per idem asserentesque quod dictus quondam Johannes, comes de Sutherland, obiit vltimo vestitus et sasitus, ut de feodo, ad pacem et fidem domini nostri Regis, de comitatu de Sutherland cum castro de Dunrobin, tenentibus, teuendriis et libere tenentium seruitiis eiusdem comitatus, aduocacionibus et donacionibus capellaniarum de Golspy, Helmsdaill et Sancti Jacobi in ecclesia cathedrali Cathenensi; et quod dictus Johannes Sutherland, eius filius, erat legitimus et propinquior heres eiusdem quondam Johannis, comitis, patris sui, de dicto comitatu, cum castro, teuentibus, tenendriis et libere tenentium seruitiis, donacionibus et aduocacionibus capellaniarum predictarum; et preterea secundum formam breuis ad omnes articulos eiusdem. Et ex aduerso comparuit Alexander Sutherland, filius etiam dicti quondam comitis, contra ipsum breue petitionemque dicti Johannis iusticiam cupiens, asserens se in dicto comitatu ius hereditarium habere; petiitque a prefatis vicecomitibus deputatis, quia minor annis fuerat, octodecim scilicet annorum uel eocirca, sibi ad lites curatores dari; qui ad eius petitionem reuerendum in Christo patrem, Andream, miseratione diuina, Cathenensem episcopum commendatariumque de Ferne, Willelmum, Cathanie comitem, Johannem, magistrum Atholie, dominos Willelmum Spyne, prepositum de Thauae, et Thomam Roberti, rectorem de Assint, ipsi Alexandro curatores dederunt. Quibus curatoribus cum eodem Alexandro auisatis, et mutuo cum prescriptis Magistro Gilberto, actornato, Adam Gordoun et Elizabeth Sutherland, pro concordia colloqueutibus, tandem in vnum conuenerunt et appunctuarunt, quod ipse Alexander iuri suo in et ad dictum comitatum in fauorem dicti Johannis Sutherland et Elizabeth Sutherland, heredumque suorum, pro certa compositione renunciaret, saluo tamen sibi Alexandro iure successionis, si contigerit de successione heredum dictorum Johannis et Elizabeth penitus deficere. Et statim idem Alexander Sutherland de consilio, auisamento et conseusu dictorum suorum curatorum, in iudicio coram dictis vicecomitibus deputatis per uerba de presenti, omnibus melioribus modo, via, forma et iure, quibus potuit et debuit, omni iuri et iuris clameo petitorio seu possessorio, liti et cause, que habuit, habet seu in futurum habere poterit in seu ad dictum comitatum de Sutherland, seu quamcunque partem eiusdem, proprietatis seu tenendriarum, in fauorem dictorum Johannis Sutherland, sui fratris, et diete Elizabeth,



sui sororis, heredumque suorum, certioratusque per suos suprascriptos curatores, cum iuramento de nunquam contradicendo specialiter et expresse, necnon minoris etatis, et in integrum restitutionis beneficiis duntaxat pro perpetuo renunciauit, saluo sibi Alexandro iure successiois si de heredibus dictorum Johannis et Elizabeth penitus defecerit, pro quadam compositione et contentatione quadraginta mercatarum terrarum, eidem Alexandro per dictum Adam Gordoun per cartam et sasinam datarum; quas cartam et sasinam ipse Adam eidem Alexandro manibus suis in iudicio deliberauit: Et sic ipsi vicecomites deputati ad dicti breuis deservitionem, antefato uagistro Gilberto, actornato dicti Johannis huiusmodi requirente, rite processerunt. Super quibus omnibus et singulis dicte partes, et ipsarum quelibet, a nobis, notariis subscriptis, sibi fieri petierunt vnum uel plura publicum uel publica instrumenta, vna cum appensione sigillorum dictorum vicecomitum deputatorum, et Alexandri Sutherland renunciantis. Acta erant hec in pretorio predicto de Inuernys, hora quasi vndecima ante meridiem uel eocirca, sub anno, die, mense, indictione et pontificatu quibus supra; presentibus ibidem magnifico et prepotente domino, Alexandro, comite de Huntlye, domino de Baidzenach, uobilibus uiris, Thoma Fresar, domino de Louet, Alexandro Setoun de Tulybody, milite, Willelmo Scot de Balwery, milite, Johanne Grant de Frevquhy, Alexandro Ogiluy, apparente herede Jacobi Ogiluy de Deskfurd, milite, Dauid Duglas de Pettindrech, et Hugone, baroue de Kilraok, cum diuersis aliis, testibus ad premissa vocatis et rogatis.

Et ego Johannes Dingwall, presbyter Morauiensis diocesis, auctoritatibus apostolica imperiali et regia notarius publicus, quia [*etc., in forma communi*].

Et ego Villelmus Nory, presbyter Aberdonensis diocesis, auctoritatibus apostolica et regia notarius publicus, quia [*etc., in forma communi*].

47. RETOUR OF SPECIAL SERVICE of Sir THOMAS MURRAY as heir to ALEXANDER MURRAY, his father, in certain crofts and tenements in Dornoch. 4th May 1512.

HEC INQUISITIO facta apud Dornoch in curia eiusdem, quarto die mensis Maii anno Domini millesimo quingentesimo duodecimo, coram prouido viro, Dauid Mudy, balliuo domini nostri et dicti burgi de Dornoch, per hos subscriptos burgeses et seniores de Dornoch in assisam electos, videlicet, Rodricum Murray, Johannem Murray, Doualdum Murray, Andream Cambell, Rodricum Jonstone, Alexandrum Wrycht, Andream Pantour, Donaldum Ganlour, Donaldum M'Gillemore, et Henricum Johnesou, Henricum Burges,

Wilelmum Johnesone, Johannem Ancram, Thomam Blair et Willelmum Mathoson : Qui solemniter iurati, vna voce dicunt quod quondam Alexander Murray, pater domini Thome Murrai, latoris presentium, obiit ultimo vestitus et sasitus ut de feodo ad pacem et fidem supremi domini nostri Regis de certis terrarumcroftis et tenementis infra villam de Dornach situatis, prout iu carta dicti Alexandri Murray pleuius habetur, necnon de duabuscroftis olim pertinentibus Paulo Burges, cum pertinentiis, iacentibus in comitatu Suthirlandie, in burgo de Dornoch, iufra vicecomitatum de Innirnes ; et quod dicte crofte et tenementa teuentur iu capite de domino nostro episcopo Cathanensi ; et quod dictus dominus Thomas Murray est legitimus et propinquior heres eiusdem quondam Alexandri Murray, patris sui, et legitimo thoro procreatus, et secundum formam iuris et assisam Scotie habet rationem illarumcroftarum cum tenementis et dictarum duarumcroftarum Pauli Burges ; et quod est legitime etatis. In cuius rei testimonium sigillum dicti Dauid Mudi, balliui in hac parte, presentibus est appensum, vnacum subscriptione domini notarii publici subscripti, apud Dornoch, vij<sup>mo</sup> die mensis Maii anno Domini millesimo quingentesimo duodecimo ; presentibus ibidem, prouidis et discretis viris, Rodrico Murray, Johanne Murray, Donaldo Murray, magistris et dominis Malcolm Rattar, Laurentio Smyth, Donaldo Swyithiu, et Andrea Ferue, capellanis chori ecclesie cathedralis, testibus ad premissa vocatis et rogatis.

Et ego Johannes Poolson, clericus Cathanensis diocesis, publicus sacris apostolica et imperiali auctoritatibus notarius, quia premissis [*etc., in forma communi*].

48. INSTRUMENT OF RESIGNATION by ADAM GORDON of Aboyne, of his lands of Farer, and others, in the hands of ALEXANDER, EARL OF HUNTLY, for new infeftment in favour of the said ADAM and ELIZABETH SUTHERLAND, his spouse. 18th November 1512.

IN DEI nomine amen : Per hoc presens publicum instrumentum eunctis pateat euidenter, quod anno Incarnacionis Dominice millesimo quingentesimo duodecimo, meusis vero Nouembris die xvij, indictione decimaquinta, pontificatus sauctissimi iu Cristo patris et domini, domini nostri Iulii diuina prouidencia pape secundi, anno nono ; in mei notarii publici et subscriptorum preseucia personaliter constitutus nobilis ac illustris vir, Adam Gordon de Obin, totas et integras terras suas de Farer, Vratone, Tuloquhody, Drumgask, Balwid, cum moleudino de Des, in maibus illustris ac potentis domini,

domini Alexandri, comitis de Huntlie ac domini de Badanach, tanquam in manibus domini superioris earundem, per fustim et baculum sursum reddidit, pureque et simpliciter resignavit, ac totum ius, clameum, possessionem et proprietatem que in dictis terris habet, habuit aut habere potuit, pro perpetuo resignavit, quitclamavit et eisdem renunciavit: Quasquidem terras, sicut premittitur, in manibus dicti illustris ac potentis domini resignatas, easdem terras dictis Adam et Elizabetht Suderland, sponse sue, et eorum diucius viventi et heredibus masculis inter eosdem procreatis seu procreandis, quibus forte deficientibus, heredibus dicti Adam quibuscunque, in coniuncta infeodacione contulit, dedit et donavit, carta et possessione secutis. Super quibus omnibus et singulis dicti Adam et Elizabetht, sponsa sua, a me, notario publico, sibi fieri pecierunt instrumentum et instrumenta: Acta erant hec apud Brodland de Gleutanner, hora quasi nona post meridiem vel eacirca, sub anno, mense, indictione, die, pontificatu, quibus supra; presentibus ibidem, honorabilibus viris, videlicet, Georgeo Gordone de Megmer, Willelmo Gordoue, eius fratre, Willelmo Gordone, filio et herede apparenti Patricii Gordone de Jhonisleis, Patricio Gordone de Sauchayn, Willelmo Mediltone, Thoma Piper et Alexandro Coultis, cum aliis testibus ad premissa vocatis pariterque rogatis.

Et ego Jacobus Strathachin, presbiter Abirdonensis diocesis, publicus auctoritate imperiali notarius quia premissorum, omium et singulorum resignacioni [*etc*, *in forma communi*].

49. CHARTER by ALEXANDER, EARL OF HUNTLY, to his brother, ADAM GORDON, and ELIZABETH SUTHERLAND, his spouse, of the lands of Farer and others, following on the preceding resignation. 19th November 1512.

OMNIBUS hanc cartam visuris vel auditoris, Alexander, comes de Huutlie ac dominus de Badanoch, eternam in domiio salutem. Noueritis nos dedisse, concessisse et hac presenti carta mea confirmasse dilectis meis Adam Gordone, fratri carissimo, et Elizabetht Sudderlaud, sponse [sue], et eorum diucius viventi, et heredibus masculis inter ipsos procreatis seu procreandis, quibus forte deficientibus, heredibus dicti Adam quibuscunque, totas et integras terras de Ferare, Vratone, Tuliquody, Drumga-k, Baluid, cum molendino de Des, cum pertineuciis, iaceutes in baronia de Obin infra vicecomitatum de Abirden; quequidem terre cum molendiuo et pertinenciis fuerunt prius hereditarie dicti Adam, et quas idem, non vi ucc metu ductus nec errore lapsus,

sed sua mera et spontanea voluntate, in manibus nostris tanquam (in manibus) domini superioris earundem, apud Glentanar, personaliter per fustem et baculum sursum reddidit, pureque et simpliciter resignavit, ac totum ins et clameum quod in dictis terris cum molendino habuit, habet seu habere potuit, pro perpetuo resignavit ac renunciavit : Teuendas et habendas totas et integras terras predictas, cum molendino et pertienciis, dictis Adam et Elizabeth, sponse sue, et eorum diucius vineuti in coniuncta infeodacione, et heredibus masculis inter ipsos procreatis et procreandis, de nobis, heredibus nostris et assignatis hereditarie imperpetuum ; per omnes rectas suas metas antiquas et diuisas, prout iacent in longitudine et latitudine, in viis, semitis, boscis, planis, moris, marasiis, aquis, stangnis, rinolis, siluis, virgultis, nemoribus, aucupacionibus, venacionibus, piscacionibus, fabrilibus, brasinis, molendinis, multuris et eorum sequelis ; cum curiis, earundem exitibus et eschaetis, berezeldis, ac etiam cum mulierum marchetis, cariagiis, arriagiis, bondagiis, cum communi pastura, libero exitu et introitu, ac etiam cum omnibus aliis et singulis libertatibus, comoditatibus et asiamentis ac iustis suis pertinciis quibuscunque, tam non nominatis quam nomiatis, tam procul quam prope, ad dictas terras cum pertinciis spectantibus seu iuste spectare valentibus quomodolibet in futurum, adco libere, quiete, honorifice, integre, bene et in pace, sicut aliqua terra infra regnum Scocie in coniuncta infeodacione tenetur aut possidetur, sine aliqua reuocacione : Faciendo inde annuatim dicti Adam et Elizabeth, sua sponsa, et eorum diucius viuens et heredes inter ipsos procreati et procreandi, quibus forte deficientibus, heredes dicti Adam quicunque, nobis, heredibus nostris et assignatis, seruicium debitum et consuetum fieri per suam antiquam infeodacionem tantum, pro omni alio seruicio seculari, exactione seu demanda que de dictis terris exigi poterit seu requiri. Et nos vero dictus Alexander, heredes uostri et assignati, predictas terras de Ferar, Vratone, Tuliquody, Drumgask, Baluid, cum moleudino de Des, cum pertinciis, predictis Adam et Elizabeth, sue sponse, et eorum diucius vineuti et heredibus masculis inter ipsos procreatis seu procreandis, quibus deficientibus, heredibus dicti Adam quibuscunque, varantizabimus, acquietabimus contra omnes mortales et defendemus. In cuius rei testimonium sigillum nostrum huic presenti carte nostre appoui fecimus, apud Glentanner, decimonono die mensis Nouembris, auuo Domini millesimo quingentesimo duodecimo, coram hiis testibus, Georgb Gordone of Megner, Patricio Gordon de Sauchin, Willelmo Gordoue de Jhonisleis, Thoma Cowpland of Vdy et Willelmo Mydiltone, cum aliis.

50. INSTRUMENT OF SASINE in favour of JOHN SUTHERLAND, son and heir of the late John, Earl of Sutherland, in the Earldom of Sutherland. 14th December 1512.

IN DEI nomine amen: Per hoc presens publicum instrumentum euuetis pateat euidenter, quod anno Incarnationis Dominice millesimo quingentesimo duodecimo, mensis vero Decembris die decima quarta, indictione vltima, pontificatus sanctissimi in Christo patris et domini nostri, domini Julii diuina prouidentia pape secundi, anno decimo; in mei notarii publici et testium subscriptorum presencia personaliter constitutus, coram prouido viro, Duncano Riche, signifero domiui nostri Regis, vicecomite in hac parte de Inuernis ad iuferscripta spccialiter constituto, comparuit Patricius Balze, actornatus et eo nomine nobilis viri, Johannis Suderland, filii et heredis quondam Johannis, comitis de Suderland, de cuius mandata per literas actornatorias supreni domini nostri Regis euidenter constabat, et vnum breve sine preceptum sasine capelle regie dicto signifero, vicecomiti in hac parte predicto, directum exhibuit et presentauit: Quod quidem breve siue preceptum idem Duncanus, signifer et vicecomes in hac parte predictus, reuerentia qua decuit recepit, aperuit et michi, notario publico subscripto, tradidit perlegendum, de data, teste meipso, apud Edinburgh sexto die mensis Augusti, anno regni nostri vicesimo quinto, cuius tenor ad plenum in se continetur. Post cuinsquidem brevis regii siue precepti sasine ostensionem et lecturam dictus actornatus, nomine quo supra, signiferum, regium vicecomitem de Inuernis iu hac parte suprascriptum, humilliter requisinit quatenus ipse sibi sasinam hereditariam statumque et possessionem terrarum et comitatus de Suderland, cum castro de Dunrabyne et suis pertinentiis, tenentibus, tenendriis et libere tenentium serniciis, donacionibus et aduocacionibus capelliarum de Golspy, Helmysdale et Sancti Jacobi in ecclesia cathedrali Cathanensi, iuxta maudatum regium sibi commissum, conferre vellet et deliberare: Vnde idem signifer, vicecomes in hac parte predictus, attendens huiusmodi requisitionem iustam fore et rationi consonam, accessit ad dictum castrum de Dunrabyne, et ibidem dicto Patricio Balze, actornato, et actornatorio nomine quo supra, sasinam hereditariam statumque et possessionem suprascriptarum terrarum et comitatus de Suderland cum castro de Dunrabin et suis pertinentiis, cum tenentibus, tenendriis et libere tenentium seruiciis, aduocacionibus et donacionibus capelliarum suprascriptarum, per terre et lapidis donacionem, ut moris est, secundum vim, formam, tenorem et effectum mandati regii desuper directi,

saluo iure cuiuslibet, tradidit et deliberavit. De et super quibus omnibus et singulis prefatus Patricius, actornatorio nomine quo supra, a me, notario publico subscripto, sibi vnum uel plura, publicum uel publica, fieri peccit instrumentum seu instrumenta: Acta erant hec apud castrum de Dunraby, hora nona ante meridiem uel eocirca, sub anno, mense, die, indictione et pontificatu, quibus supra; presentibus ibidem pronidis viris, Daud Stewart, constabulario de Drumraby, magistro Malcolmo Rathar, vicario de Culmaly, domino Angusio Murray, vicario de Clyne, Willelmo Clyne de eodem, Alexandro Cruschank, Roberto Cruschank, Malcolmo Lesly, et domino Karolo Langlandis, seruitore et capellano magistri Cuthberti Balze, rectoris de Sanquhar, eum diuersis aliis, testibus ad premissa vocatis pariter et rogatis.

Et ego, Andreas de Sancto Claro, presbyter Aberdonensis diocesis, publicus apostolica et regali auctoritatibus notarius, quia [*etc., in forma communi*].

51. COMMISSION by KING JAMES THE FIFTH to WILLIAM, LORD RUTHVEN, and others, for executing a Brieve of Idiocy on John, Earl of Sutherland. 3d May 1514.

JACOBUS, Dei gratia rex Scotorum, omnibus probis hominibus suis ad quos presentes litere peruenerint, salutem. Sciatis quod fecimus, eonstituimus et ordinauimus, ac tenore presentium facimus, constituimus et ordinamus dilectos consanguineos nostros, Willelmum, dominum Ruthven, Johannem, dominum Drummond, et dilectos nostros Daud Lyndesay, magistrum Crawfordie, Willelmum Scott de Balwery, David Lyndesay de Edzell, milites, Willelmum Gray de Loure, Alexandrum Rede de Straloch, Johannem Ross et Walterum Ross, et eorum quemlibet, coniunctim et diuisim, vicecomites nostros de Inuernes in hac parte et ad infrascripta dumtaxat, viz., ad exequendum breue seu breuia ydeotrie capelle nostre impetrata seu impetranda, super Johanne, comite de Suthirland: Dantes et concedentes dictis vicecomitibus nostris in hac parte et eorum cuilibet coniunctim et diuisim, nostram plenariam potestatem et mandatum speciale, curiam seu curias vicecomitis nostri de Inuernes pro executione dictorum breuis seu breuium in pretorio burgi nostri de Perth statuendi, inchoandi, affirmandi et tenendi, dicta breuia recipiendi, aperiendi, apud crucem fori burgi nostri de Inuernes proclamandi, in prefato pretorio burgi nostri de Perth debite deseruiri feudi; ac probos et fideles homines vicecomitatum nostrorum de Inuernes et Perth et aliorum quatuor eisdem proxime adiacentium, ad sufficientem numerum personarum, ad comparandum in

dicto pretorio burgi nostri de Perth pro deseruicione dictorum breuium, summoniendi et premuniendi, sub pena decem librarum per ipsarum quamlibet summonitam et non comparentem persoluendarum, vsui nostro applicandarum; dictosque probos et fideles iurari faciendi et per huiusmodi probos et fideles super punctis et articulis in dictis breui seu breuibz contentis determinari et deliberari faciendi, et deliberationem eorundem, vt moris est, capelle nostre retornandi; necnon officarios et ministros curie necessarios substituendi, deputandi, ordinandi, et iurari faciendi, ac omnia alia et singula faciendi, gerendi, et exercendi, que in premissis et circa ea necessaria fuerunt seu quomodolibet opportuna: Ratum et gratum habentes et habituri totum et quicquid dicti vicecomites nostri in hac parte, aut eorum aliquis, coniunctim et diuisim, aut sui officarii vel ministri, in premissis rite duxerint aut duxerit faciendum; predictumque pretorium burgi nostri de Perth adeo legitimum et validum sicut apud pretorium burgi nostri de Inuerues pro executione dicti breuis seu breuium decernentes et admittentes. Quare vniuersis et singulis quorum iuterest vel interesse poterit, stricte precipimus et mandamus, quatenus dictis vicecomitibus nostris in hac parte, et 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 Striueling, tercio die mensis Maii, anno regni nostri primo.

Per signaturam domine nostre Regiue et dominorum consilii subscriptam.

52. NOTARIAL INSTRUMENT on the Proclamation of a Brieve of Idiorty for cognoscing JOHN, EARL OF SUTHERLAND. 9th May 1514.

IN DEI nomine amen: Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno Incarnacionis Dominice millesimo quingentesimo decimoquarto, die vero mensis Maii nona, indictione secunda, pontificatus sanctissimi in Christo patris et domini nostri, domini Leonis diuina prouidencia pape decimi, anno secundo; in meique notarii publici et testium iufascriptorum presentia, coram honorabilibus viris, Alexandro Blair, preposito et vicecomite burgi de Perth, Johaune Donyng et Roberto Bonkill, balliuis eiusdem, pro tribunali sedentibus, personaliter comparuit honorabilis etiam vir, Johannes Gordoun de Halheid, et literas supremi domini nostri Regis sue celsitudinis signeto roboratas et per dominos sui consilii, pro receptione iuramentorum nonnullorum dominorum et nobilium virorum, vicecomitum de Inuernes in ea parte, in literis commissionis domini nostri Regis, testimonio sui magni sigilli munitis, creatorum,

et nominatim contentorum, ad breue seu breuia ydeotrie capelle regie impetratum seu impetranda, super nobili domino, Johanne, comite de Sutherland, debite exequeuda, prout in huiusmodi commissione magis late cauetur, fulminatas, suprascriptisque proposito et balliis propter effectum prelibatum directas, et executioni demandandas, requisicione iuridica interueniente in iudicio palam produxit. Quas dicti prepositus et balliui receperunt, et perlegi iusserunt, quarum tenor sequitur in wlgari :—

JAMES, be the grace of God, king of Scottis, to the provest and baillies of oure burgh of Perth, greting. Forsamekill as it is humilie menit and schewin to ws be ane venerable fader in God, Androv, bischop of Caitnes, that quhair thair is ane commissioun gevin be the deliuerance of the lordis of our counsale direct to certane oure schereffis in that parte for the serving of certane brevis of ydiotry apouu oure cousing, Johnue, Erle of Sutherland, and the said schereffis contenit in the samin commissioun ar nocht present to gif thair aithtis befor the saidis lordis apoun the faithfull administratioun of thair office tueching the serving of the saidis brevis, as is allegit ; Oure will is herefor, and we charge yow straitlie and commandis that incontinent thir our letteris sene, ye tak the aithtis of our said schereffis contenit in our said commissioun, to do iustice in thair office, couceruyng the seruyng of the saidis brevis, as thay will ansuer to ws apoun the execution of thair office ; the quhilk to do we committ to yow our full power be thir our letteris, deliuering thame be yow deulie execut and indorsat agane to the berar. Geviu vnder our siguet, at Edinburgh, the fift day of Maii, and of our regne the first yeire.

Et post lecturam dictarum literarum regiarum, supranotati prepositus et balliui, scriptis regiis parere volentes, ex earundem teuore, nobilem et potentem dominum Johannem, domium Drummond, inibi presentem, vnum vicecomitum prescriptorum de Inuernes per suprascriptam regiam commissionem creatum ad fidelem administracionem iusticie, iuxta contenta in eadem, iurare fecerunt, et iuramentum corporale prestare causarunt, solemnitate iuris in similibus consueta mediante : Quo iuramento sic prestito, et suprascriptorum curia prepositi et balliuorum leuata et dissoluta, dictus nobilis domius Johannes, dominus Drummond, suprascriptas literas commissionis sibi directas, vnacum breue regio ydeotrie clauso, vt moris est, volens idem exequi a manibus antedicti Johaunis Gordoun recepit, et per me, notarium publicum, ut series eiusdem suo intellectui innotesceretur, perlegi fecit ; et statim curiam vicecomitis de Inuernes, honorabilibus viris, Hugone Ros de Kilrawac, Johanne Cambell de Cavydar, Dauid Ros de Ballagovn, militibus, et Dauid Duubar de



Durris, pro suis sectis et presenciis, primitus vocatis, per os Johannis Matthesoun, mari vicecomitatus de Perth, affirmari fecit, et inchoari: In quaquidem curia, Johannem Peblis, et me, notarium publicum, eiusdem curie scribas, Thomam Cuk, eiusdem iudicatore, Johannem Mattheson, Andream Cuk, Jacobum Wisman, et Jacobum Fydlare, coniunctim et diuisim maros in hac parte vicecomitatus de Inuernes creauit, nominauit, et ordinauit, et ad debitam executionem suorum officiorum vnumquemque eorum et me iurare ac iuramentum prestare fecit, vt moris est. Et de post sua curia leuata, dictus dominus vicecomes ad crucem foralem burgi de Perth personaliter accessit, et suprascriptum breue ydeotrie per os Johannis Matthesoun, marorum vnus prescriptorum, in sua presentia, necnon in presentia Johannis Merschell, vnus balliuorum burgi de Perth, proclamari fecit: et idem statuit deseruiri in curia vicecomitis de Inuernes, in pretorio dicti burgi de Perth tenenda, iuxta tenorem dicte commissionis, per se aut suos collegas, plures seu vnum, decimo tercio die mensis Junii proxime futuro; cum intimatione omnibus et singulis interesse habentibus, vt moris est: Necnon omnes et singulos barones, liberetenentes vicecomitatum de Inuernes, Perth, et aliorum quatuor vicecomitatum proxime adiacencium, per publicam proclamacionem summoneri fecit ad comparandum dictis die et loco super deseruitione dicti breuis processuros, sub pena decem librarum de qualibet persona absente et summonita leuandarum, et precepta sua desuper exequenda, decreuit. Super quibus omnibus et singulis a me, notario publico subscripto, dictus Johannes Gordoun sibi fieri et exhiberi peciit, vnum seu plura, publicum seu publica, instrumentum seu instrumenta: Acta erant hec in pretorio et ad crucem, prout prescribitur, singillatim, hora decima ante meridiem, vel eocirca, sub anno, die, mense, indictione et pontificatu suprascriptis; presentibus ibidem, venerabilibus et honorabilibus viris, magistro Willelmo Irland, canonico Dunkeldensi, domino Willelmo Drummond, rectore de Fortyveot, Georgio Merser, Alexandro Chalmer, magistro Alexandro Makbrek, et Recardo Ramsay, testibus, cum multis aliis ad premissa vocatis et requisitis.

Et ego vero Robertus Thome, Brechinensis diocesis presbyter, sacra apostolica et imperiali auctoritatibus notarius publicus, quia premissis [*etc., in forma communi*].

53. INSTRUMENT of COGNITION whereby JOHN, EARL OF SUTHERLAND, declared his sister, Elizabeth Sutherland, wife of Adam Gordon, and her issue, to be his heirs. 13th June 1514.

IN DEI nomine amen : Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno Incarnaciouis Dominice millesimo quingentesimo decimo quarto, die vero mensis Junii decima tertia, indictione secunda, pontificatus sanctissimi in Christo patris et domini nostri, domini Leonis diuina prouidentia pape decimi, anno secundo ; in meique notarii publici et testium subscriptorum presentia personaliter constituti honorabiles viri, Willelmus Scott de Balwery, miles, et Alexander Reid de Stralouch, vicecomites de Inuernes ad exequendum breue seu breuia ydiotrie capelle supremi domini nostri Regis, impetratum seu impetranda, super Johanue, couite de Sutherland, per literas commissionis serenissimi et excellentissimi domini nostri Regis specialiter creati, constituti et nominati, suprascriptum officium vicecomitum de Inuernes, in se et super se receperunt, ac coniunctim acceptarunt ; necnou huiusmodi officio fuugi, in eodemque debite miustrare, iuxta contenta in dicta commissione in curia vicecomitis de Perth ex mandato et autoritate honorabilis viri, Roberti Bonkill, vnus balliuorum burgi de Perth, per literas pateutes supremi domini nostri Regis suo signeto ex deliberatione dominorum consilii roboratas et fulminatas, ad hec facultatem habentis, et in sua presentia iurarunt, ac corporalia prestiterunt iuramenta, prout quilibet eorum ad suprascriptum officium singillatim iurat, et corporale iuramentum prestat. Et, exactis premissis, suprascripti vicecomites curiam vicecomitis de Inuernes, per Johanuem Matthesoun, protunc vnum marorum eiusdem, affirmari, et inchoari fecerunt, et solenniter ordinarunt. In qua suprascriptam commissionem et breue desuper directum, et apud crucem foralem burgi de Inuernes de prius per Jacobum Fydlare, etiam vnum officiariorum et marorum suprascripti vicecomitatus de Inuernes in hac parte palam proclamatum, et debite indorsatum perlegi, et per publicam proclamacionem ad fenestram pretorii burgi de Perth omnibus et singulis interesse habentibus desuper fieri causarunt, mandarunt, et iudicialiter proclamarunt : Quocirca nullis contra suprascriptum breue protunc deseruiturum dicto die obiecturis comparentibus, suprascripti vicecomites processerunt, et eoudignam inquisitionem super contentis in dicto breui cognoscendis et determinandis, in presencia suprascripti comitis de Sutherland elegerunt, et iurare compulserunt, solennitatibus iuris interim mediantibus : Et statim antedicti vicecomites, ante egressum siue exitum dominorum dicte inquisitionis extra curiam, prescriptum dominum comitem de Sutherland, qui sibi et sue hereditati, deficientibus

heredibus de corpore suo legitime procreandis, succedere, et iure hereditario terris et possessionibus suis hereditarie gaudere tenentur, examinarunt, postularunt et viua voce accusarunt: Qui dominus comes palam et iudicialiter declarauit, quod Elizabeth Sutherland, sua soror germana, et sponsa Ade Gordoun, et sue proles ydonie procreate et procreande, deficientibus heredibus de corpore suo legitime procreandis, sibi et sue hereditati sunt proxime et immediate successure, et post suum decessum eisdem gauisire, et ad hec suum plenarium consensum prebuit et assensum, prout per tenorem huius instrumenti animo non variando prebet: Et quia dictus dominus comes naturalis intellectus debilis existit et est, ob idem summe effectabat ne sua hereditas, in toto vel in parte, alienaretur seu dissiparetur, licencia supremi domini nostri Regis obtinenda, elegit et nominauit suprascriptum Adam Gordoun, sponsum suprascripte Elizabeth, sororis sue, et Johannem Sutherland, burgensem de Elgin, rerum suarum potentes et prouidos eius curatores, et ad regendum ac gubernandum se, ac terras et possessiones suas quascunque, bonaque sua mobilia et immobilia, presenciam et futura, ita quod dicti curatores eum honorifice sustentent in victu et vestitu, prout iura cauent. Super quibus omnibus et singulis a me, notario publico subscripto, Magister Daud Setton, canonicus Abirdonensis, prelocutor dicti Ade Gordoun, sibi fieri et exhiberi peccit vnum seu plura publicum seu publica instrumentum seu instrumenta. Acta erant hec in pretorio burgi de Perth virtute dispensationis regie, hora decima ante meridiem vel eocirca, sub anno, die, mense, indictione et pontificatu suprascriptis; presentibus ibidem nobilibus et prepotentibus dominis, Willelmo, comite de Errole, Johanne, comite de Athole, venerabili patre, Gawino, postolato de Arbroth, nobilibus dominis, Willelmo, domino Rothwen, Johanne, domino Glammes, Gilberto Gray de Buttergask, et Thoma Characteris de Kinfavnis, cum multis aliis, testibus ad premissa omnia et singula vocatis et requisitis.

Et ego vero Robertus Thome, Brechinensis diocesis presbyter, sacra apostolica et imperiali auctoritatibus notarius publicus, quia premissis [*etc., in forma communi*].

54. NOTARIAL INSTRUMENT on the Proclamation for serving the Brieves from Chancery obtained by ELIZABETH SUTHERLAND, daughter of the Earl of Sutherland. 17th September 1514.

IN DEI nomine amen: Per hoc presens publicum instrumentum cunctis pateat euidenter quod anno ab Incarnacione Domini millesimo quingentesimo decimo quarto, die vero

Septembris decima septima, indictione secunda, pontificatus sanctissimi in Christo patris et domini nostri, domini Leonis diuina prouidencia pape decimi, anno secundo ; in mei notarii publici et testium subscriptorum presencia, personaliter constitutus discretus vir, Jacobus Fiddlar, lator literarum regiarum et earundem in hac parte vicecomes, ad crucem foralem burgi de Inuernis personaliter accessit, horam circa decimam ante meridiem, illasque prouido viro, Johanni Dunnyn, vni seriandorum dicte ville [de] Inuernis, exhibuit et presentauit, quas publice per me, notarium publicum infrascriptum, perlegi fecit ; quibus per me lectis, dictus Johannes, seriandus, dictam crucem foralem ascendebat, et trina voce, ut moris est, dictas literas regias proclamauit, penes deseruicionem breuium supremi domini nostri Regis concernencium iura et recta comitatus Sutherlandie borientalis partis Scochie leuatorum et impetratorum per nobilem et generosam dominam, Elezabet Sutherland, filiam et heredem olim comitis de Sutherland, qui cum effectu, realiter et voce altra, omnes et singulas personas vtriusque sexus summoniuit, premuniuit, requisiiuit, nominauit, vocauit et citauit ad comparendum in pretorio burgi de Inuernis, tercia die mensis Octobris datam presencium immediate sequente, ad videndum huiusmodi breuia regia dictam Elizabet concernencia, penes dictum comitatum Sutherlandie, iustificanda et deseruienda cum iuris ordine ; necnon omnes et singulos interesse habentes, cuiuscunque status, gradus, ordinis existent, voce intelligibili requisiiuit ad in dicto termino et loco comparendum, ad obiiciendum, opponendum, contradicendum, allegandum, defendendum coutra huiusmodi breuia regia, iudices et membra curie, locum, tempus et diem, quare dicta breuia non essent de iure iustificanda, copiasque earum omuibz et singulis interesse habentibus, volentibus et valentibus obtulit, sic quod nulla foret excusatio per partes aduersas quin dicta proclamacio est in se iuridica et non occulta ; quia die forali dicte litere regie proclamate fuerunt, ut moris est : De et super quibus omnibus et singulis dictus Jacobus, vicecomes, a me, notario publico, sibi fieri peciit hoc preseus publicum instrumentum. Acta erant hec apud dictam crucem foralem de Inuernis, circa decimam horam ante meridiem, sub anno, mense, die, indictione et pontificatu, quibus supra ; presentibus ibidem Laurencio Roberti, Andrea Auchlek, Alexandro Anderson, Thoma Donaldson, testibus ad premissa vocatis pariter et rogatis.

Et ego Willelmus Roberti, presbyter Morauiensis diocesis, sancta apostolica auctoritate notarius publicus, quia premissis [*etc., in forma communi*].

55. SPECIAL SERVICE of ELIZABETH SUTHERLAND as lawful and nearest heir to the late John, Earl of Sutherland, her brother, in the earldom of Sutherland. 3d October 1514.

HEC INQUISICIO facta apud burgum de Inuernes in pretorio eiusdem, coram honorabili viro, Andrea Achlek, vicecomite deputato vicecomitatus de Inuernes, tercio die mensis Octobris, anno Domini millesimo quingentesimo decimo quarto, per hos infrascriptos, viz.:—Thomam Fraser, dominum de Lowet, Johannem Grant de Fruchy, Georgium Haliburton de Gask, Jacobum Fenton de Ogyll, Jacobum Dunber de Cumnok, Alexandrum Cuming de Altir, Johannem Cumiug de Ernesyde, Alexandrum Wrquhard de Burrezardis, Daudid Dunbar de Durris, Alexandrum Brody de eodem, Daudid Dowglas de Pettindrech, Hugonem Ros de Kylaok, Henricum Doles de Cantro, Willelmum Doles de Bodwynt, Alexandrum Strathachin de Cullodin, Johannem Corbet de Estirarde, Johannem Waus de Lochslyne, Willelmum McCullocht de Plaidis, Robertum Murref de Fochabris, Robertum Wrwell de Schanchar, et Thomam Patrikson, burgensem de Inuernes; qui iurati dicunt quod quondam Johannes Suderland, comes Suderlandie, frater germanus Elezabetht Suderland, latricis presentium, obiit vltimo vestitus et sasitus vt de feodo, ad pacem et fidem supremi domini nostri Regis, de toto et integro comitatu Suderlandie, cum tenentibus, tenendriis et libere tenentium seruiciis eiusdem, cum aduocatione et donatione capellaniarum Sancti Johannis de Helmsdaill et beati Jacobi in ecclesia cathedrali Cathenensi fundatarum, cum aduocatione et donatione aliarum ecclesiarum et hospitalium in dicto comitatu cum pertinentiis, iacente infra vicecomitatum de Inuernes; et quod dicta Elezabeth est legitima et propinquior heres dicti quondam Johannis, comitis Suderlandie, fratris sui germani, de toto et integro comitatu Suderlandie antedictae, cum tenentibus, tenendriis et libere tenentium seruiciis eiusdem, cum aduocatione et donatione dictarum capellaniarum, ecclesiarum et hospitalium, cum pertinentiis; et quod est legitime etatis; et dictus comitatus, cum tenentibus, tenendriis et libere tenentium seruiciis eiusdem, valent nunc per annum mille mercis monete Scocie, et tempore pacis valuit quingentis mercis dicte monete; et quod dictus comitatus Suderlandie cum tenentibus, tenendriis et libere tenentium seruiciis, cum aduocatione et donatione capellaniarum, ecclesiarum et hospitalium antedictorum, cum pertinentiis, tenetur in capite de supremo domino nostro Rege per seruicium varde et releuii; et quod dictus comitatus Suderlandie, cum tenentibus, tenendriis et libere tenentium seruiciis eiusdem, cum aduocatione et donatione capellaniarum, ecclesiarum et hospitalium predictorum, cum pertinentiis, nunc

existit in manibus dicti supremi domini nostri Regis, tanquam domini superioris eiusdem, per decessum dicti olim Johannis, comitis Suderlandie, qui obiit in mense Julii ultimo transacto, vel eocirca, in defectu dicte Elezabeth, vere heredis, ius suum hactenus minime prosequentis. Datum et clausum sub sigillo dicti vicecomitis deputati, anno, die et mense quibus supra.

56. INSTRUMENT narrating that MR. ROBERT MUNRO, procurator for Alexander Sutherland, appeared to oppose the service of the said ELIZABETH. 3d October 1514.

IN DEI nomine amen : Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno Incarnacionis Dominice millesimo quingentesimo decimo quarto, mensis vero Octobris die tertia, indictione secunda, pontificatus sauctissimi in Christo patris et domini nostri, domini Leonis divina prouideutia pape dccimi, anno secundo ; in mei notarii publici et testium subscriptorum presencia personaliter constitutus, in curia vicecomitis de Inuernis die date presentis publici instrumenti in pretorio de Inuernis per prouidum virum, Andream Auchlek, burgensem de Inuernis et vicecomitem deputatum pro deseruicione vnus brevis inquisitionis capelle regie impetrati per Elezabeth Suderland, sororem quondam Johannis, comitis de Suderland, de et super terris et comitatu de Suderland, comparuit venerabilis vir, magister Johannes Caldor, precentor Rossensis, actornatus et eo nomine dicte Elezabeth, cum, mandato lecto et admissio, huiusmodi breue, legitime, ut aparuit, proclamatum, executum et indorsatum, produxit et executionem eiusdem probari fecit, et hoc in presencia cuiusdam magistri Roberti Munro, fratris, et procuratoris Alexandri Suderland, ad contra dictum breue excipiendum pretendentis et interesse habere allegantis. Et quia prefatus magister Robertus, procurator pro dicto Alexandro admissus, nichil tunc contra dictum breue, proclamationem et executionem eiusdem, aut contra membra curie opposuit, aut in specie allegauit, dictus vicecomes deputatus ad electionem assise pro deseruicione dicti brevis processit, et eandem assisam iurari fecit, tactis sacris Dei euangeliis. Et quia dictus procurator prefati Alexandri per quamdam cedula in scriptis porrectam allegabat, quod non patebat tutus accessus dicto Alexandro ad burgum de Inuernis ad defendendum contra dictum breue, propter seuciam Alexandri, comitis de Huntlie, et amicorum suorum dicte Elezabeth fauentium, idem dominus comes, et Adam Gordoun de Oboyn, eius frater, sponsusque dicte Elezabeth, pro se et suis complicitibus, obtulerunt dare cautionem dicto Alexandro legitimam et sub magnis penis ad eundem et redeundum ad burgum de Inuernis pro sua legitima defensione vtenda. Post hec, quia prefatus

procurator per huiusmodi cedula in scriptis porrectam allegavit terras et comitatum Suderlandie, per cartam domini regis talliatis seu talleatum esse, unde per assisam electam et iuratam, et vicecomitem deputatum, ad huiusmodi cartam tallie producendam postulatus fuit : qui procurator post huiusmodi caucionem oblatam nullam tunc tallie cartam produxit, et sic assisa ad retornacionem dicti brevis processit : De et super quibus omnibus et singulis prefatus magister Johannes, actornatus et eo nomine quo supra, a me, notario publico subscripto, sibi plura publica fieri peccit instrumenta. Acta erant hec in pretorio de Inuernes, hora vndecima ante meridiem uel eocirca, sub anno, mense, die, indictione et pontificatu quibus supra ; presentibus ibidem prouidis viris, Johanne Grant de Fruchuy, George Halyburton de Gask, Thoma Paterson, domino Nicholaio Brachane, Andrea Cuthbert et Andrea Duff, capellanis, ac Roberto Waus, notario publico, cum diuersis aliis testibus ad premissa vocatis pariter et rogatis.

Et ego Andreas de Sancto Claro, presbyter Aberdonensis diocesis, publicus apostolica et regia auctoritatibus notarius, quia premissis [*etc., in forma communi*].

57. PRECEPT FROM CHANCERY for infefting the said ELIZABETH SUTHERLAND as heir to John, Earl of Sutherland, her brother, in the said earldom. St. Andrews, 14th October [1514].

JACOBUS, DEI gratia rex Scotorum, vicecomiti et balliis suis de Inuernes, salutem. Quia per inquisitionem de mandato nostro per vos factam et ad capellam nostram retornatam compertum est quod quondam Johannes, comes Sutherlandie, frater germanus Elizabeth Sutherland, latricis presentium, obiit ultimo vestitus et sasitus, vt de feodo ad pacem et fidem uostram, de toto et integro comitatu Suthirlandie, cum tenentibus, tenandriis et libere tenencium seruiciis eiusdem, cum aduocatione et donatione capellaniarum Sancti Johannis de Helmsdaill et beati Jacobi in ecclesia cathedrali Cathanensi fundatarum, cum aduocatione et donatione aliarum ecclesiarum et hospitalium in dicto comitatu cum pertinentiis, jacente infra vicecomitatum nostrum de Inuernes ; et quod dicta Elizabeth est legitima et propinquior heres eiusdem quondam Johannis, comitis Sutherlandie, fratris sui, de dicto comitatu, cum tenentibus, tenandriis et libere tenentium seruiciis eiusdem, cum aduocatione et donatione dictarum capellaniarum, ecclesiarum et hospitalium, cum pertinentiis ; et quod est legitime etatis ; et quod de nobis tenetur in capite : Vobis precipimus et maudamus quatenus

dicte Elizabeth, vel suo certo actoruato, latori presentium, sasinam tocius dicti comitatus Sutherlandie, cum tenentibus, tenandriis et libere tenentium seruiciis eiusdem, cum aduocatione et donacione dictarum capellaniarum, ecclesiarum et hospitalium, cum pertinentiis, iuste haberi faciatis, et sine dilatione; saluo iure cuiuslibet; capiendo securitatem de mille mercis de releuo eiusdem nobis debitis: Et hoc nullo modo omittatis. Teste meipso apud Sanctum Andream, decimo quarto die mensis Octobris, anno regni nostri secuudo.

58. NOTARIAL INSTRUMENT certifying the annulling by ALEXANDER, EARL OF HUNTLY, of a Contract between him and his brother, Adam Gordon of Aboyne, about the earldom of Sutherland and lands of Aboyne. 30th January 1514-5.

IN DEI nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno Incarnacionis Domiuce millesimo quingentesimo decimo quarto, mensis vero Ianuarii die penultimo, iudictione tercia, pontificatus sanctissimi in Christo patris ac domini nostri, domini Leouis pape decimi anno secundo diuina clementia; in mei notarii publici et testium subscriptorum presencia personaliter constitutus potens dominus Alexander, comes de Huntlie, in monasterio fratrum ordiuis beati Dominici apud Inuernis, exposuit quod quidam contractus initus fuerat iuter ipsum dominum et suum fratrem, Adam Gordoue de Obyne, continens in se, quod quam cito dictus comes, mediis et laboribus suis, causaret Elezabet Suderland, vxorem prefati Ade, sui germani, habere legitimum introitum in terris comitatus Suderland et tenentibus et tenendriis eiusdem cum possessione, ipse prefatus Adam resignaret totas suas terras de Obyne in manibus prefati comitis, a se, heredibus suis et suis assignatis, imperpetuum, sicut latius continetur in eodem contractu; ipse tamen prefatus comes, ob et propter dilectionem fraternam, renunciauit omne ius et iurisclameum quod habuit, habet aut habere poterat ad easdem terras de Obyne, pro se, heredibus suis et suis assignatis, renunciauit et extradonauit imperpetuum; sic, scilicet, quod ipse prefatus comes, heredes sui et sui assignati aut executores nullum ins habeant ad sepcfatas terras de Obyne imperpetuum; et adnulauit eundem contractum in omnibus suis punctis, sicut nunquam fuisset in rerum natura. Super quibus omnibus et singulis dictus Adam Gordone a me, notario publico, sibi fieri peccit vnum uel plura publicum uel publica instrumentum seu instrumenta. Acta erant hec in prefato monasterio, ut premittitur, hora quasi quarta post meridiem uel eocirea, sub anno, die, mense, indictione et pontificatu, quibus supra; presentibus



ibidem, nobilibus viris, Thoma Fressell, domino de Lovet, Johanne Grant de Fruche, Hugonc Ross de Kilravak et magistro Johanne Caldor, precentore Rossensi, cum diuersis aliis testibus ad premissa vocatis pariter et rogatis.

Et ego dominus Donaldus Reid, presbyter Rossensis diocesis, publicus apostolica auctoritatibus notarius, quia premissis [*etc., in forma communi*].

59. INSTRUMENT OF SASINE OF ELIZABETH SUTHERLAND in the Earldom of Sutherland. 30th June 1515.

IN DEI nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno ab Incarnatione Domini milleno quingenteno quindeno, mensis vero Junii die vltimo, indictione tercia, pontificatus sanctissimi in Christo patris ac domini nostri, domini Leonis diuina fauente clemencia pape decimi, anno tercio ; in mei notarii publici et testium subscriptorum presenciam personaliter constitutus honorabilis vir, Jacobus Wyseman, actornatus nobilis domicile, Elizabeth Sutherland, sponse prouidi viri, Ade Gordoun de Avbyu, de cuius actornati mandato michi, notario publico subscripto, lucide per literas regias patentcs constabat documento, quasdam litteras a nobili et potenti domino Alexandro, comite de Huntly, ac vicecomite de Inuernes, emanatas, signeto sui officii roboratas vnacum sua subscriptione manuali, in medium produxit, et presentauit honorabili viro, Georgio Reidfurd, vicecomiti deputato in hac parte, quarum vigore ipsum Georgium, cum ea qua decuit instancia, requisiiuit, quatenus sibi, actornatorio nomine quo supra, saisinam, statum et possessionem hereditariam comitatus de Sutherlande, cum certis donationibus et aduocacionibus spiritualibus, secundum tenorem dictarum litterarum daret et deliberaret ; quasquidem litteras per dictum Georgium receptas, michique traditas, subsequenti uerborum forma perlegi :—BE IT kennit til al men be this present vrit, ws Alexander, erle of Huntly, scherref principall of Inuernes, to haf maid, constitut and ordanyt, and be the tenour of this vrit makis, constitutis and ordanys Andro Couk, George Reidfurd, and ilk ane of thaim, coniunctly and seuerali, ovr verray lauchful and vndoutit scherrefis deputis in that part, that is to say : Forsamekle as a precept of seisyne of al and hail the erldome off Sutherland, with thair pertinence, is direct to ws in dew form be our souerane lordis chapell, chargeand ws or our deputis to gyf heretabill stayt and possessioun of the said erldome and landis of Sutherland, wyth thair pertinence, to Elizabeth Sutherland, ayr to wmquhill Johne, erle of Sutherland, hyr brother, quhilk is full and hail retouryt of the said erldom and

landis, wyth thair pertuence, as in our souerane lordis precept direct to ws tharypone mair fullely is conteynit ; quharfor we charge yow, and ilk ane of yow, coniunctly and siuerali our deputis in that part, at ye pas to the sayd erldom and lordschip of Sutherland, and thair efter the tenour of our souerane lordis precept, at ye put the said Elizabeth, or hir attorney, in the heretabil stayt and possessione of the said erldom and lordschip of Sutherland, bayth propirte and tenendry, be the deliuering of erd and stane, as the maner is ; the quhilk to do we commit to you, and ilkane of you, coniunctly and seueraly, our ful pover be this our commission subscriwyt wyth our hand and wnder our signet, at Huutlye, the xxj dai of May in the yer of God ane thousand fyve huudreth and fyftene yeris, befor thir witnes, our sonne and apperand ayr, Johne, Lord Gordouu, James Gordoun of Cabrach, Maister Robert Monnorgownd, persoun of Esse, and Schir William Nory, subchantour of Murray, notar public, wyth otheris diuers. POST QUARUM quidem litterarum lecturam dictus Georgius in hac parte vicecomes deputatus, attendens dictam requisitionem iustam fore et rationi consonam, dictisque mandatis obedire affectans, ad dictas terras de Sutherland accessit, et super solum earundem, per terre et lapidis traditionem, ut moris est, statum, saisinam et possessionem hereditariam omnium et singularum terrarum comitatus de Sutherland, cum tenentibus et tenendriis libereque tenentium seruiis eiusdem, cum aduocatione et donatione capellaniarum Sancti Johannis de Helmysdaill et Sancti Jacobi in ecclesia Cathedrali Cathenensi fundatarum, cum aduocatione et donatione aliarum ecclesiarum et hospitalium in dicto comitatu cum pertinentiis, dicto Jacobo Wyseman, actornatorio nomine dicte Elizabet Sutherland, secundum tenorem breuis regii, et precepti infra-scripti, tradidit, exhibuit et deliberavit ; et ipsum Jacobum, nomine quo supra, in dictis terris et comitatu, cum aduocationibus et donationibus predictis, tenentibus et tenandriis et libere tenentium seruitiis, ut premissum est, realiter et corporaliter, induxit et inuestiuit. Super quibus omnibus et singulis, dictus Jacobus, nomine prefate Elizabeth, a me, notario publico subscripto, sibi fieri peccit instrumentum aut instrumenta. Acta erant hec super solum de Wuys infra dictum comitatum, hora quasi quarta ante meridiana, vel eocirca, sub anno, mense, die, iudictione et pontificatu, quibus supra ; presentibus ibidem honorabilibus et fidedignis viris, videlicet, Willelmo Hay, Daud Hay, Ricardo Stabil, Andrea Nory, Roberto Runseman, et Alexandro Alani, testibus ad premissa vocatis specialiter et rogatis.

Et ego Robertus Donaldi, presbyter Morauiensis diocesis, publicus imperiali et regali auctoritatibus notarius, quia dicte saisine, donationi et deliberationi

litterarumque regiarum prefatarum, vnacum precepto prelibato, presentationi, atque debite executioni earundem, demandationi citherisque omnibus et singulis, dum sic vt premittitur, agerentur, [etc.].

60. LETTER OF PRESENTATION by ADAM GORDON, EARL OF SUTHERLAND, of ROBERT M<sup>c</sup>RAITH to the CHAPLAINRY OF ST. ANDREW of Golspie. 31st August 1515.

REUERENDO in Christo patri et domino, Andree, Dei et Apostolice sedis gracia Cathanensi episcopo, ac commendatario monasteriorum de Calco et Ferne perpetuo, vester humilis et deuotus filius, Adam Gordoun, comes Suthirlandie, et ea ratione patronus indubitatus capellanie perpetue Sancti Andree de Golspy, infra parochiam de Culmaly vestre diocesis situate, reuerentias debitas et honores: Ad dictam capellaniam Sancti Andree de Golspy, nunc vacantem per puram et simplicem resignacionem siue dimissionem discreti viri, magistri Macolmi Rattir, vltimi capellani et possessoris eiusdem, ad meam presentacionem vestramque collacionem pleno iure spectantem, honorabilem virum, dominum Robertum M<sup>c</sup>Raith, capellanum, animo non variandi tenore presencium vestre paternitati presento; eandem humiliter exhortans quatenus dicto domino Roberto, meo presentato, huiusmodi capellaniam cum pertinenciis conferre, et de eadem sibi providere, eundemque instituere, et cetera que vobis ex officio vestro pastoralis incumbunt facere et exercere dignaremini. In cuius rei testimonium has presentes sigilli mei proprii appensione ac subscriptione manuali roborauit, apud manerium meum de Obyne, vltimo die mensis Augusti, anno Domini millesimo quingentesimo decimoquinto, etc., befor thir wetnas, Alexander Gordone, Maseter of Schoderland, Dawed Stewart of the Doll, James Wysman, Alexander Harper, wyth oderys dywcris.

*Adam Erzhof Sutherland*

*Indorsed*: Secunda die mensis Septembris, anno Domini millesimo quingentesimo decimo quinto, iudictione secunda, pontificatus sanctissimi in Cristo patris et domini, domini Leonis pape decimi anno secundo; in mei notarii publici et testium subscriptorum presencia personaliter constitutus comparuit nobilis ac

laudedignus dominus, Adam Gordoun, comes Sudirlandie, in castro apud Spe, New Werk appellato, et ibidem hanc patentem presentacionem capellanie de Golspy, suis propriis manibus subscriptam et testificatam, domino Roberto Mackraithe dedit ac presentavit: In cuius roboracionem, in ausencia sui proprii sigilli, sigillum nobilis domini Jacobi Murreff procuravit ac presentibus apposuit. Super quibus omnibus et singulis prefatus domini Robertus Mackraithe peccit a me sibi fieri iustrumentum. Acta erant hec anno, die, mense, loco, pontificatu quibus supra, presentibus ibidem, Alexandro Gordone, filio et herede apparenti dicti Adam, Dawed Stewart de Doll, Jacobo Wysman, Alexandero Harper, cum diuersis aliis ad premissa vocatis pariterque rogatis.

Wilhelmus Stewart, notarius publicus ad hoc, manu propria.

61. LETTER OF ADMISSION AND COLLATION by ANDREW STEWART, Bishop of Caithness, in favour of ROBERT M<sup>c</sup>RAITH, to the CHAPLAINRY OF ST. ANDREW of Golspie. 18th September 1515.

ANDREAS, miseracione diuina, Cathanensis episcopus commendatariusque monasteriorum de Calco et Ferne perpetuus, officiali nostro Cathanensi seu cuicumque alteri capellano super presencium executione debita requisito, salutem cum benedictione diuina. Quia capellaniam perpetuam Sancti Andree de Golspy infra parochiam de Culmaly nostre diocesis, de iure et de facto vacantem per puram et simplicem resignacionem siue dimissionem discreti viri, magistri Macolmi Ratter, vltimi capellani et possessoris eiusdem, ad presentacionem nobilis et prepotentis domini, Ade Gordoun, comitis Suthirlandie, patroni eiusdem, et nostram collationem pleno iure spectantem, Willelmo Strauchen, procuratori et eo nomine discreti viri, domini Roberti M<sup>c</sup>Raith, literatorie presentati per dictum comitem, diuine caritatis intuitu contulimus et de eadem sibi prouidimus, ipsumque Willelmum dicti domini Roberti procuratorem et eo nomine per annuli nostri digito suo impositionem inuestiuimus in eadem, curam, regimen et administracionem eiusdem eidem committentes: Vobis igitur et vestrum cuilibet in virtute sancte obediencie, et sub pena suspensionis a diuinis, stricte precipientes mandamus quatenus dictum Robertum, aut eius procuratorem ad hoc legitime constitutum, in realem, actuaalem et corporalem possessionem dicte capellanie et pertinenciarum eiusdem inducatis et instituatis, inductumque et institutum canonicè defendatis, ac sibi de fructibus, redditibus, prouentibus et emolumentis eiusdem,

integre responderi faciatis ; contradictores vero et rebelles, si qui forsan fuerint, per censuram ecclesiasticam arctius compescendo. Et vos quando presentes executi fueritis, in vestre executionis signum, sigillum vestrum in secunda cauda post nostrum penes prefatum dominum Robertum pro perpetuo remansuris presentibus appendatis, aut alias per notarium publicum notificari faciatis. In quorum omnium et singulorum fidem et testimonium premissorum, has nostre collacionis literas per notarium publicum subscriptum confici, et subscribi ac publicari mandauimus ; sigillique nostri rotundi iussimus et fecimus appensione communiri, apud nostrum hospicium in opido de Edinburgh, die decimo octauo mensis Septembris, hora eiusdem diei octaua vel eacirca ante meridiem, anno Domini millesimo quingentesimo decimo quinto, indictione tertia, pontificatus sanetissimi in Christo patris et domini nostri, domini Leonis diuina prouidencia pape decimi, anno tercio, et nostri consecracionis anno decimo tercio ; presentibus ibidem, prouidis et discretis viris, dominis et magistris Johanne Auchlek, vicario de Petty, Macolmo Rattir, vicario de Latheroun, et Thoma Seres, capellanis, cum diuersis aliis testibus ad premissa vocatis pariterque rogatis.

ANDREAS EPISCOPUS CATHANENSIS COMMENDATARIUS DE CALCO ET FARNE.

Et ego Willelmus Gybsoun, artium magister, presbiter Glasguensis diocesis, publicus sacra auctoritate apostolica notarius ; quia prescriptis collacioni, prouisioni et institutioni, ceterisque premissis, vna cum prenotatis testibus presens personaliter interfui, eaque omnia et singula sic vidi, sciui et audiui, ac in notam cepi, ex qua has presentes collacionis literas manu mea propria fideliter scriptas confeci, et in hanc publicam formam redegei, signoque et nomine meis solitis et consuetis, ac appensione sigilli rotundi dicti reuerendi patris roborauit, in fidem et testimonium omnium et singulorum premissorum rogatus et requisitus.

Willelmus Gybsoun, notarius publicus, subscribit.

62. AGREEMENT between JOHN, EARL OF CAITHNESS, and ADAM GORDON, EARL OF SUTHERLAND, and ELIZABETH, COUNTESS OF SUTHERLAND, his wife, for the recovery of the Castle of Dunrobin. 3d September 1516.

AT SPINE, the third dai of Septimber in the yer of God ane thowsand fyve hundreth and saxtene yeris, it is appointit and finaly agreit and accordit betuix noble and mythe lordis, Johne, erle of Catnes, one the ane part, and Adam, erle of Suthirland, and Elizabeth, contas of the samin, on the othir part, in maner, forme and effect as eftir

follois, that is to say, the said Johne, erle of Catnes, sall, God willand, recwuer and get the castell of Dunrabin perteninge to the said Adam, erle, and Elizabeth, hiis spous, out of Alexander Suthirlandis handis and vtheris quhatsumeir, wyththaldaris of the samyu, in possibill haist, eftir the making of this present writ, and sall deliuer the samyn to the said Adam, erile, and Elizabeth, hiis spous, or to thair factouris hafand thar power, wythin twenty dais eftir the samyn be recwuerit and gottyn as said is, he beand requirit be thaim or thair factouris thairto. Item, the said Adam, erill, and Elizabeth, comptas of Sutherland, hiis spous, sall gif ane power, and be thir presentis gifis power to the said Johne, erill of Catnes, to intromet wytht all firmys, mailis, custummis, and dewiteis of the said landis of erildom of Suthirland, ay and quhill, God willing, he recwuer and get the sayd castell as said is, and to mak compt and paiment of samekle as he intromettis wytht to the said Adam, erl, and Elizabeth, hiis spous; the remaneut he sall caus remayn and lie still in the tenentis and firmowris handis: And gywe the wyththaldaris of the hous be way of reaf or spolze takis ony profieit efforsaid, the said Johne, erill, to be dischargit thairto. Item, the said Johne, erill of Catnes, of hiis kindnes sall defend, suplie, fortife, and manteyin the said Adam, erill of Suthirland, Elizabeth, comptas of the samyn, thair landis of the erildome of Suthirland, seruandis and teneutis of the samyn, in peceable bruiking and joising of the said erildom, wytht the pertinence, in ony tym to cum, contrar Alexander Suthirland, hiis complices, and all otheris quhatsumewir, takand hiis part: And in likwys the said Adame, erill, and Elizabeth, hiis spous, sall gif thair band of kindnes to the said Johne, erill, for the fortifyng, defendiug, supleing, and manteyining of hym in hiis laudis of the erildome of Catnes, seruandis and teuentis, as said is, na man acceptit in ony of the bandis efforwritin of kiudnes bot the king and gouarnour. Item, gywe Wilyam of Clyne, Alexander Suthirland duellaud in Cavene, Johne Tarrell, or otheris wythtin Suthirland, hapynnis to helpe aud fortifye the said Johne, erill, in recouering of the castell of Dunrobyn effor said, the erill and comptas of Suthirland salbe plesaunt to thaim thairfor, aud wise the consell of the said Johne, erill, and hiis awys in sik thingis as is betuix the said Adam, erill, and Elizabeth, hiis spous, and the saydis personis: And gywe it sal happiu, as God forbeid, at the said castell be nocht haistely reconerit, or it be hurt, spilt or put fra defence in the recouering of the samyn, the erill and comptas of Suthirland aud thar seruandis sall haf refuge and reset in Catnes wythtin ony strentlit the said Johne, erill of the samyn, has or may get in Catnes wuto the tyme thair castell of Dunrabin ma be redye for thaim. Item, for the quhilkis causis effor writin to be trewly and deligently fulfillit and doyn be the said Johne, erill, as said

is, the saidis Adam, erill of Sutherland, and Elizabeth, comptas of the samyn, sall infett heretabily be chartir and possessioun the said Johne, erill of Catnes, in twenty pundis worth of land hail and togidder liand wythtin Strathwlze, accepand and reseruand the salmon fisching of the samyn; the said John, erill of Catnes, sall gif ane reuersioun to the said Adam, erill, Elizabeth, comptas, and thair airis, that quhat tyme the saydis Adam, erle, Elizabeth, hiis spous, or thair airis, infettis the said Johne, erle of Catnes, or hiis airis, in twenty pundis worth of land liand wythtin Cathenes, the said Johne, erill of Cathenes, and hiis airis sal resing and ourgyf the said twenty pundis worth of land wythtin Suthirland to the said Adam, erill, Elizabeth, comptas, and thair airis. Item, the said Adam, erill, and Elizabeth, comptas of Suthirland, sal mak the said charter and precept of seising to the said Johne, erill, in dewe forme, wythtin twenty dais nixt heireftir; and richt sua the said Johne, erill, sal mak the said reuersioun in dewe forme; quhilkis chartir, precept of seising, and reuersioun salbe deliuerit in keiping to ane noble man, James of Crichtoun of Frendracht, knycht, to be deliuerit to ilk party trewly eftir the deliuering of the said castell of Dunrabyne to the said Adam, erill, hiis spous, or thair factouris, be the said Johne, erill of Catnes. And for obseruing, fulfilling, and keiping of the premises baytht the saidis partys ar oblissit and sworne, the haly ewangelis tuicht; and for mair roboratioun this part of the contract remanand wytht the said Adam, erill, and Elizabeth, hiis spous, the said Johne, erle, has affixt hiis propir seil to the samyn, and has subscriuit the samyn wytht hiis hand, yer, dai, and place effor writin, befor thir witnes, ane noble man, James of Crechtoun of Frendracht, knycht, Robert Innes of Rotnakenze, Walter Innes of the Toucheis, and Schir William Nory, notar publik, wytht otheris diuers.

JHON, ERL OF CATHANES,  
wy<sup>t</sup> my hand on the pen.

Indorsed: The Contrack betuix my lord of Sudirland and my lord of Catnes, bindand to giff reuersioun.

63. BOND OF REVERSION by JOHN, EARL OF CAITHNESS, to ELIZABETH, COUNTESS OF SUTHERLAND, and ADAM, EARL OF SUTHERLAND, of the lands of Helmsdale and others, 5th September 1516. Copy.

BE IT kend till all men be thir present lettres me, Johnne, erle of Cathnes, to be bundin and oblisit, and be the tenour of thir present lettres and faytht in my body





that I, my airis hes, had or ma haiff in or to the saidis landis of Halmisdaill, Balnavale, Dowypoll, Kildonane, Sueisgill, Kynbrace, Knokfyn and Free, with thair pertinence, baytht propirtye and possessioun, and in that cais the saidis chartour, precept, instrument of seisyng and othir documentis maid vpoun the saidis landis to me, the said Johnne, erle, my airis and assignais, to be of nane auale, force, stranth nor affect, bot at the said Elizabet, contas of Suthirland, Adam, erle of the samyn, hir spous, thair airis, assignais, ma haff fre regras and interes in and to the said landis of Halmisdaill, Balnavale, Dowypoll, Kildonane, Frisgill, Kynbrace, Knokfyn and Free with thair pertinence, als frely, quietlye, as of befoir the alienatioun of the samyn. And for the obseruing, fulfilling, and kiping of the premisis, I, the said Johnne, erle of Cathnes, bindis and oblissis me, as said is. In the faytht and witnes heirof I haif appensit to thir presentis my propir saill, togidder witht my subscriptioun manuall, at Spyne, the feift day of September the yeir of God I<sup>m</sup><sup>v</sup><sup>c</sup> and xvj yeiris, befoir thir witnes, nobile and honorable men, Schir James Crychtoun of Frendrach, knyght, Walter Innes of Towchis, Robert Innes of Rothnakenze, Johnne Innes of Blakhill, Schir William Nory, vicar of Drumblet, Schir Andro Smytht, and Schir Robert Donaldsoun, chaplannis and notaris publict, witht vtheris diuers.

JOHNNE, ERLE OF CHAITHNES,  
wt my hand on pen.

64. CHARTER by ELIZABETH, COUNTESS OF SUTHERLAND, and heritable lady of the earldom of Sutherland, with consent and assent of Adam Gordon, Earl of Sutherland, her husband, in favour of JOHN, EARL OF CAITHNESS, of the lands of Helmsdale, etc. Dated 5th September 1516.

65. PRECEPT of SASINE following thereupon, by ELIZABETH, COUNTESS OF SUTHERLAND, with consent aforesaid, in favour of JOHN, EARL OF CAITHNESS, in the lands of Helmsdale, etc. Dated 7th September 1516.

[ORIGINALS of this precept and the immediately preceding charter not found, but they are included in a list of the Sutherland writs by Sir Robert Gordon in his "Genealogy of the Earls of Sutherland," p. 569.]

66. AGREEMENT between ADAM, EARL OF SUTHERLAND, and Y MACKAY,  
for mutual friendship. 31st July 1517.

THIR INDENTOURIS, maid at Inuernes the last day of Julii, the yeir off God ane thousand fyv hundreth and seyntene yeiris, be tuixke ane nobile and mychti lord, Adame, erle of Suderland, one the ane parte, and I. M<sup>c</sup>Kye, one the other part, in maner and forme as efter followis: that is to say, the said erle of Suderland sall witht his men, frendis, tenendis and seruandis, als weill off propertie as tenendry, mak and keip the said I. M<sup>c</sup>Kye, his tenendis, hys kyne, frendis, men and all otheris depeindis one hym, vnhurt, harmyt or skaitht, in one maner off way other than law will, be thame or one dependis on the said erle of Suderland fra this day forward; and als the said Y M<sup>c</sup>Kye sall keip the said erle of Suderland, his oure lord, and his tennendis, als weill of tennendry as propirte, vnhurt or skaithit be hym or ony depending one him be ony way other than law will, fra this day forward; and for the landis he had of the said erle of Suderland in properte the said I. M<sup>c</sup>Ky sall fra Witsunday furtht discharge hym thair of or appr[y]s the said erle thairfor, and thir indentouris to indure for all the dais of [thair] lyiffis: And failland, as God forbeid, that ather of the said partyis brek to other in ony poynt abone writin, iu that cais the party breikand byndis and oblis hym, his ayris, executouris and assignais to the party keipand, his ayris, executouris and assignais, in the sovme of ane thousande merkis, vsual [le m]onyye for [hu]rtis, skaythis, damnaghe and expencis maid [and] susten[it be the] party keipand; and thairfor byndis and oblis thaim, be all thair gudis movable and vnmovable, present and for to cum: In fatht and vitnes heirof [the] saidis partyis hes sworne the gret aith and interchangabile [su]bscriuit this writ witht thair handis, yeir, day and place forsaid, befor [thir] witnes, Wilyem Keytht of Inuervy, Alexander Ireving of Drum . . . [Ale]xander Ireving, Master Robert Monnorgyn, Schir Johnne Auchlek, w[itht other]is divers.

I. MACKY in Stra<sup>n</sup>navyr

wy<sup>t</sup> my hand on the pē.

67. GIFT by ADAM GORDON, EARL OF SUTHERLAND, and ELIZABETH, COUNTESS OF  
SUTHERLAND, to JOHN MURRAY, of the marriage of Jonet and Elizabeth  
Clyne. 10th May 1518.

BE IT kend till all men be thir presentis letteris ws, Adam Gordone, erll of Suthir-  
land, and Elesabeht Suthirland, cuntes and heretrice of the samyn, wytht ane consent

and assent till haue frelie giffin, and be the tenor of thir our presentis letteris frelie giffis and assingis the mariage of Jonett and Elesabeht Clyne, dochteris and haris to vmquhill Wilyeam Clyne of that ilk, till our weilbelowit seruand and freind, Jhonne of Murray, burges of Dornocht, for his seruice doin and for to be doin to ws, and failyeand of ws till our haris, wyth full power to the said Jhonne till mary the saidis Jonet and Elesabcht wytht his avin sonnys, Thomas and Hutchon, and failyeand of thame, to dispone apoun the said mariagis of Jonett and Elesabeht att his plesour, suay that thair be na dispariage: And gif it sall happin, as God forbeid it do, that the saidis Jonet and Elesabeht deceis the tane befor the tothir, in that cais we gif and trans-ferre the rycht of hir that deceisis to the tothir sistir that beis of lyve, and the disposi-ciou thairof to the said Jhonne inlykwys, and sall gif our preceppis to delyuer the saidis Jonet and Elesabeht to the said Johnne in keping ay and quhill thay be of heild to be mariit: And gif they will be inobeand till our preceptis and chargis, and will nocht obey our chargis, beand maid and execut in dew forme, in that cais we frelie giffis and assingis all maner of rycht and asseithis that thay may tyne att our handis as principaill superior to thame, to the said Johnne and his haris: And this gift and donatry giffin be ws to the said Jhonne tilbe in als greit fors, strynght and effect as ony siclyk is vsit wythtin the realme of Scotland, boitt fraud or gyle. In witnes hereof we affixt our selis to thir our presentis letteris of gift and donatry, at Dunrobin, de thent day of the moneht of May, the yere of God ane thousand fyve hundreht and achthein yeris, befor thir witnes, Andro Kynard of that ilk, Alexander Garrin, Alexander Bailze, Rorie Johnsoune, burges of Dornocht, Normont Leslie, and Schir Thomas Poilsone, notar publik, wytht vther diuers and mony, etc.

68. INDENTURE between ADAM GORDON, EARL OF SUTHERLAND, and JOHN MACKAY of Strathnaver. 16th August 1518. Copy.

THIR INDENTOURIS, maid at Abbirscro the xvj day of August, in the yere of God I<sup>m</sup> v<sup>c</sup> and xvij yeris, proportis and beris witnes in this said indentouris, that it is aggreit and fullye acordit betuix ane noble and mychty lord, Adam Gordone, erll of Sutherland, one the taync part, and ane honorabill man callit Johnne M<sup>c</sup>Ky of Strathnavir one the tother part, in forme and effect as eftir follois; that is to say, the said Johnne M<sup>c</sup>Ky is bundin and oblist, be the faith and trewith in his body, the gret aith sworne, the haly ewangelist tuitchit, to fulfill thir punctis that efter follois, that is to say:

I, the said Johne M<sup>c</sup>Ky, is cumyne mane and seruand, with my frendis, kynnismen, seruandis and allya, and all vtheris that will tak my part, to be leill and trew and afald to the said lord for all the dais of my lyf, the kyngis guid grace except, the gouernour and my lord of Huntlie, and salbe ryde with kynnismen and frendis and all vtheris that will tak my part to be ryde and mak seruice with all my powar, as said is, to help, defend and supple the said lord in all maner of thingis quhen euer I, the said Johne, is chargit or may get wit be the said lord or his seruandis ; and gif ony man cummis<sup>1</sup> to inwaid or do skath to the said lord, men, seruandis or landis, and alsua gif Alexander Sutherland cummis in ony part pertenant to the said Johne, or in ony partis neir the bundis of Sutherland, or in Sutherland, or ony vther man quhatsumeuer he be, that I, the said Johne, sall do my diligence and powar, and tak the said Alexander Sutherland or ony vther that takis his part, and sall byryng thair personis to the said lord, sua that the said lord sall defend me afor the kyng and the lordis, gif I, the said Johne, beis callit thairfor, as law will, and it salbe na tynsell nor forfaltung to the said Johne of the landis that the said Johne hais in his fee, that is to say, the vii dawchis in the hycht of Straithflet, that is to say, the landis of Larg, Schemeis, Moy, Ryne, and Cragy ; and alsua, gif the said Johne failzeis in ony punctis befor expremit, that the said Johne sall forfalt and tyne the said landis of Larg, Schemeis, Moy, Ryne, and Cragy. And alsua [I] the said lord byndis and oblis is me, be the faith and trewith in my body, the gret aith sworne, to be ane guid lord and maister to the said Johne M<sup>c</sup>Ky, kynnismen and frendis, for all the dais of my lyf, that I, the said Adam, erll of Sutherland, salbe leyll and trew, and all vtheris that will tak my part sall defend and mantene the said Johne M<sup>c</sup>Ky, kynnismen and frendis, aganis all men that will tak his contrare part, the kyng except, the gouernour and the erll of Cathnes, the quhilk hes my band. And I, the said lord, sall gif to the said Johne in his fee the vii dawchis befor wryttin for his guid seruice to be doyne to me, the said erll of Sutherland, for fulfilling of the punctis abone wryttin. And I, the said Adam, erll of Sutherland, sall nocht reset nor yeit agre with Johne Murray, na yet his kynnismen without consent and awys of the said Johne M<sup>c</sup>Ky ; and in lykwyse, the said Johne M<sup>c</sup>Ky sall nocht agre with the said Johne of Murray, na nane of his kynnismen, without the consent and awyse of the said lord. And gif sa happinnis that the said lord or the said Johne M<sup>c</sup>Ky failzeis, or brekis in thir punctis befor wryttin, that the parte failyeand or brakand sall pay to the parte keipand the sowme of ane thousand merkis vsuall money of Scotland ; that is to say, the ane third to the kyng, ane third to

<sup>1</sup> The words "in ony part pertenant" are deleted here, as stated in the notary's docquet.

the kirk, and ane third to the party.<sup>1</sup> And gif it beis that thir indentouris be nocht sufficient in thaim self, that it salbe lesum to the said Adam, erll of Sutherland, and to the said Johne M<sup>c</sup>Ky to reforme thir wrytinnis quhill thay be sufficient. And for the mair securite, I, the said Johne M<sup>c</sup>Ky, hes procurat the seill of ane honorabill man, the lard of Skelbo, and hes affixt to this present writ with my subscriptione manuall, day and place abone writtin, befor thir witnes, Willyam Bailze of Arднеle, Willyam Gordone, soun and apperand ayr to Jamis Gordone of the Cawbracht, Angus M<sup>c</sup>Ky, Donald Bane, Angus Kennochtsoune, Schir Laurence Smyth, Henry Suthirland, with vtheris diuers and syndry.

JOHNNE M<sup>c</sup>KY of Stra<sup>n</sup>navir.

Hec est vera copia principalium indenturarum copiata per me, Thomam Gray, notarium publicum, nill addendo vell rem[ou]endo quod rei substanciam mutet, non obstantibus tribus verbis et vno verbo in ix et xxvij lineis deletis, ex eo quod debito loco non scribantur, etc., teste manu propria. Ita est Thomas Gray, notarius publicus, ad premissa requisitus, manu propria. T. G.

69. ACT OF COURT by which JOHN MACKAY of Strathnaver becomes bound to do to ALEXANDER, MASTER OF SUTHERLAND, the service due to ADAM, EARL OF SUTHERLAND, 6th July 1522.

Curia tenta in ecclesia cathedrali Cathanensi per discretum virum, dominum Robertum M<sup>c</sup>Raith, vicarium de Kilmaly, commissarium substitutum eiusdem, etc., sexto Julii, anno Domini millesimo quingentesimo xxij<sup>o</sup>, etc.

EODEM DIE honestus vir, Johannes M<sup>c</sup>Ky de Straithnavir, ex sua propria confessione et spontanea voluntate, sacris Dei ewangeliis et almi Gilberti reliquiis per ipsum tactis, stricte se obligavit, magno interueniente iuramento, adhibere, prestare ac realiter et cum effectu facere tale homagium, seruicium et humilitatem honorabili viro, Alexandro Gordone, magistro Suthirlandie, in futurum quale et etiam simile id et totum ipse Johannes promisit et se obligavit facere nobili et potenti domino, Ade, comiti eiusdem, secundum tenorem, vim et effectum cuiusdam contractus inter dictos comitem ex vna et Johannem M<sup>c</sup>Ky ex altera initi et facti; et ad perimplendum huiusmodi contractum in omnibus suis punctis et articulis dicto magistro Suthirlandie secundum tenorem

<sup>1</sup> The word "keipand" is deleted here, as stated in the notary's docquet.

eiusdem ipse Johannes ex sua propria confessione sub pena excommunicationis monitus fuisset. Pariformiter dictus magister Suthirlandie fideliter promisit defendere, protegere et manutenere dictum Johannem M<sup>c</sup>Ky modo et forma quibus dictus comes obligatus fuit secundum tenorem et effectum dicti contractus, etc. ; presentibus ibidem, dominis Thoma Murray, cantore Cathanensi, et Edwardo Wormot, presbyteris, Johanne Murray de Cambussaue et Murchardo Murray, etc.

Hec est vera copia acti principalis per douinum Thomam Gray, notarium publicum ac curie consistorialis ecclesie cathedralis Cathanensis scribam, fideliter extracta, nill addendo aut remouendo quod rei substanciam mutare valeat, teste manu propria. Ita est Thomas Gray, notarius publicus ac scriba prenotatus, manu propria. T. G.

Indorsed : Ane act quhar M<sup>c</sup>Ky gaif his aitht to Alexander, erle of Suthirland, to do all thingis that he was oblist till do to Adam, erle of Suthirland.

70. CHARTER OF CONFIRMATION by ADAM, EARL OF SUTHERLAND, whereby he confirms to JOHN TERRELL of Doill, the lands of Kilcalmkil in Strathbrora, alienated to him by JAMES DUNBAR of Conzie, on 12th April 1524. The charter of confirmation is dated 30th April, the same year.

[ORIGINAL not found, but is referred to by Sir Robert Gordon as producible, to prove the precedence of the title of Earl of Sutherland over that of Caithness.]

71. OFFICIAL TRANSMUMPT made by BARALD LESLY, canon and commissary of Moray, of the Agreement in 1516 with the EARL OF CAITHNESS. 4th March 1524-5.

IN nomine Patris et Filii et Spiritus Sancti amen. Vniuersis et singulis presentes literas siue presens publicum transumpti et exemplaris instrumentum visuris, lecturis pariter et auditoris, Baraldus Lesly, canonicus ecclesie cathedralis Morauiensis ac eiusdem commissarius generalis, ad vniuersitatem causarum pro tempore specialiter deputatus, salutem in Domino sempiternam. Noueritis quod die quarto mensis Marcii anno Domini millesimo quingentesimo vicesimo quarto, indictione decimatercia, pontificatus sanetissimi in Christo patris et domini nostri, domini Clementis diuina prouidencia pape septimi, anno

secundo, coram nobis infra ecclesiam cathedralem predictam loco consistoriali solito, pro tribunali sedentibus, comparuit nobilis et prepotens dominus, Adam, comes de Suthirland, habens et tenens suis in manibus quamdam contractus seu concordie literam papiream inter ipsum Adam, comitem Suthirlandie, et Isabellam, suam sponsam, comitissam eiusdem, ex vna, et nobilem prepotentemque dominum, Johannem, comitem Cathanensem, ex altera, vtro sigillo dicti comitis Cathanensis in cera rubea suis intersigniis insculptis sigillatam et subscriptam; quamquidem contractus literam ad futuram rei memoriam exemplari, copiarum et in publicam transsumpti et exemplaris formam redigi cum ea qua decuit reuerencia instanter petiit et postulavit. Quaquidem contractus litera per nos in manibus recepta, visa, inspecta et considerata, comperimus eandem fuisse et esse sanam, integram, non viciatam, non cancellatam, nec in aliqua parte suspectam, sed omni prorsus vitio et suspicione carentem, vtro sigillo dicti comitis Cathanensis, vt apparuit, cera rubea, intersigniis eiusdem in figuris duorum leonum duarumque navium per quartas cum cruce insculptis, sigillatam et quadam subscriptione roboratam; quare eandem contractus literam transsumi, copiarum et in publicam transsumpti et exemplaris formam redigi, mandavimus et decrevimus, cuiusquidem contractus tenor seu forma de verbo ad verbum sequitur et est talis:—AT SPINE [etc., No. 62, supra]. Volentes et decernentes quod presenti transsumpto et exemplari in iudicio et extra tanta fides adhibeatur sicut literis originalibus, et presentibus in modum vidimus exemplatis per omnia et in omnibus firmiter stetur et credatur, ac si originales litere in medium producerentur, decretum nostrum et auctoritatem desuper interponentes, prout interponimus. In quorum omnium et singulorum fidem et testimonium premissorum has presentes literas siue hunc publicum transsumpti et exemplaris processum fieri fecimus, et per notarium publicum subscriptum curie nostre scribam et tabellionem subscribi et publicari mandavimus, sigillique officii dicte curie iussimus et fecimus appensione communiri. Acta erant hec in loco consistoriali solito infra ecclesiam cathedralem Moraviensem, sub anno, die, mense, indictione et pontificatu quibus supra, hora vndecima ante meridiem vel eocirca; presentibus ibidem, venerabilibus et nobilibus viris, Roberto Innes de Inuermarky, magistro Johanne Sauquhy, cancellario Rossensi, dominis Thoma Hay et Thoma Gaderer, notariis publicis, cum diuersis aliis testibus vocatis pariter et rogatis.

Et ego, Thomas Crag, artium professor, presbiter Aberdonensis diocesis, publicus sacra auctoritate apostolica notarius; quia dictarum litterarum exhibitioni, excopiandi, decreti iudicis interposicioni, ceterisque premissis, [etc.].

72. NOTARIAL COPY OF DECREE ARBITRAL by GAVIN, BISHOP OF ABERDEEN, between JOHN, EARL OF CAITHNESS, and ADAM, EARL OF SUTHERLAND, and ELIZABETH, COUNTESS OF SUTHERLAND, concerning the fishings of the water of Helmsdale, and others. 11th March 1524-5.

WE, GAWIN, be the mercie of God, bischop of Abirdene, arbitrar principall chosin betuix Johne, erll of Caithnes, one that ane part, and Adam, erll of Suthurland, and Elizabeth, countes of Suthirland, one that vther part, anent the claime and pley depending betuix thaim of the fisching of the watter of Helmysdaill and certane landis liand on the west syd of the sammyn, and annent all vther debaittis depending betuix thaim, lyk as is contenit in the compromiss maid thairupoun with the counsaill and auyse of ane venerable man, Alexander, commendatour of Scone and Inchaffray : The said Johne, erll of Caithnes, being personalie present, and the said Adam, erll, and Elizabeth, countes of Suthirland, comperand befor vs be Alexander, maister of Suthirland, and maister Robert Lesley, thair procuratouris, the rychtis, resonis and allegationis of baith the saidis parteis be vs hard and seyne, and we being thairwith ryplie avisit, hefand thairto the counsaill of vther wyse men, be way of amicable composition betnix the saidis parteis decretis and deliueris, that the saidis Adam, erll of Suthirland, and Elizabeth, countes of Suthirland, hes full rycht to the salmond fisching of the said watter of Helmysdaill, and sall jois and bruk the same peciabile without stop or impediment of the said Johne, erll of Caithnes, with fre ische and entre thairto, specialie in schutting of thair nettis and drawin to land of the sammyn with the fischis thairin, and landing of thair cobillis and fischeris, as salbe necessar for the vis of the said fisching ; becaus we find the sammyn salmond fisching reseruit to the saidis erll and countes of Suthirland in the principall contract made betuix thaim ; and the said erll of Caithness sall renunce all rycht and claime thairof for all tym tocnm ; and als decretis and deliueris that the said Johne, erll of Caithness, sall bruk all the landis of Helmysdaill contenit in his charter, alsweill one the west syd the watter of Helmysdaill as one the est syd : And for certane considerations moving vs alsua decretis and deliueris that the saidis Adam and Elizabeth, erll and countes of Suthirland, sall infest the said Johne, erll of Caithnes, in ten pundis worthe of land liand in competent place within the erldome of Suthirland, vnder ane letter of reversione to be gevin be the said erll of Caithnes, vpoun the sowme of thre hundreth merkis to be pait be the erll and countes of Suthirland, thair airis or assignais, for



redemptione of the said ten pundis wortbe of land, and thair euidentis to be maid in guid and sufficient forme ; to be haldin the land blancbe ferm of the erll of Suthirland ; prouiding that this deliuerance hurt nocht the auld renersione gevin of befor be the said erll of Caithnes, bot that it be ampliati with this conditione, that bowsone the said erll of Suthirland, countes of Suthirland, or thair airis, infestis the said Johne, erll of Caithnes, or his airis, or cause tbaim to be infest in xx lib. worthe of land within Caithnes, at than the said erll of Caithnes and his airis sall resigne, rennce and ourgif to the saidis erll and countes of Suthirland and thair airis all the landis contenit in the first charter, togidder with thair ten lib. worthe of land now to be gevin hym in wed of tbre bundreth merkis, gif it beis nocht qnyt out of befor the gevin of the said xx lib. land liand in Caitbues : And ordinis all the saidis partiis to stand in hertlie kyndnes to vtheris in all tym tocum. Pronncit, red, and subscritit be vs at Edinburgh the xj day of Marche, the yer of God 1<sup>m</sup>v<sup>e</sup> xxiiij yeris, befor thir witnes, ane reuerend fader in God, James, bisehop of Dnmblane, George, erll of Rotbes, William Scott of Balwery, knycht, and maister Adam Otterburne of Auld-hame, etc.

GAWIN, bisehop of Aberdeen.

ALEX<sup>r</sup>, commendatour of Scone.

Hec est vera et indubitata copia principalis decreti scripta et collationata per me, dominum David Settone, notarium publicum, in nullo ab originali discrepans quoad rei substantiam immutet aut sensum variet ; testantibus meis signeto et subscriptione quibus in similibus vtor, etc., subscripsit, etc.

Ita est, DAVID SETTOUN, notarius publicus, manu sua scripsit.

73. CHARTER by ADAM GORDON, EARL OF SUTHERLAND, and ELIZABETH, COUNTESS OF SUTHERLAND, his spouse, to WILLIAM SUTHERLAND OF DUFFUS, of the lands and lordship of Proncy. 26th March 1525.

OMNIBUS banc cartam visuris uel audituris Adam Gordon, comes de Snterland, et Elezabeth, sponsa mea, comitissa et domina bereditaria eiusdem, communi nostrum consensu et assensu, salutem in Domino sempiternam. Noneritis nos, motu proprio, vnanimi consensu et assensu, zelo iusticie ne terre dominio nostro subiecte in incertum percurrant seu incognitis et titulum non habentibus pertranseant, iure successionis nobilis viri, Wilbelmi Sutherland, domini de Duffous, in subscriptis terris et dominio de

Pronse cum pertiueuciis, per decessum quondam Hugouis Sutherland, domini olim de Pronse sine liberis masculis, ratione tallie et infeodationis antique desuper concessa, attento et auisato ac considerato, pro seruicio ipsius Wilhelmi Sutherland nobis per se et suos prestito et prestando, facto et faciendo, dedisse, concessisse et hac presenti carta nostra confirmasse, tenoreque presencium dare, concedere et hac presenti carta nostra confirmare dicto Willelmo Sutherland, heredibus suis et assignatis, totas et iutegras terras et dominium de Prouse, videlicet, terras duarum villarum de Turbois cum molendino earundem, terras de Dalmanayn, Vuir Prouse, Pronse Croy, Pronse Nayn, terras de Ewillic cum moleudiuo earundem, terras de Ruarchar, Austisdail, Grude Broray, Schebriskeig, Kilpeddir moir, Kilpeddir beg, Cawen et terras de Kilpeddir in Strathculze et molcudinum eiusdem, cum vniuersis et singulis dictarum terrarum annexis, connexis, pertinenciis et depeudenciis solitis et consuetis, sibi iure successionis ratione tallie per decessum dicti quondam Hugonis sine liberis masculis decedentis, vt prescribitur, pertiueute et incumbente, iaceutes in dominio seu comitatu nostro de Sutherland et infra uicecomitatum de Inuernis ; per omnes rectas metas suas antiquas et diuisas, prout iaceut in longitudine et latitudine, in boscis, planis, moris, marrisiis, viis, semitis, aquis, stagnis, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, aucupationibus, venationibus et piscariis, turbariis, carbonariis, cum curiis, curiarum exitibus et eschaetis earundem, cum ariagiis, cariagiis et bludwetis, herezeldis et mulierum marchetis, cum lapide et calce, bruariis et genctis, ac cum omnibus et singulis libertatibus, comoditatibus et asiamentis ac iustis suis pertinenciis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, prope et procul, ad singulas terras et dominium de Pronse predictas cum pertinenciis spectantibus seu iuste spectare valentibus quomodolibet in futurum ; adeo libere, quiete, plenarie, honorifice, bene et in pace, in omnibus et per omnia, sicut aliqua terra de nobis et successoribus nostris dari poterit seu possideri. Supleudo et suppleutes, prout suplemus omnes et singulos defectus, si qui sint, in huiusmodi tallie carta seu successione desuper habita, quos nos ratione domini et superioritatis suplere possimus ; daudo, concedendo et cedendo eidem Willelmo, heredibus suis et assignatis, omne ius, clameum, titulum, proprietatem et possessionem, nobis iu huiusmodi terris ratione superioritatis, quouismodo pertineutes et incumbentes : Reseruata nobis duntaxat earundem terrarum solita et consueta superioritate, vardaue releuio et maritagio, cum coutingerint : Reddendo inde annuatim idem Willelmus, heredes sui et assignati, nobis, heredibus nostris et assignatis, seruicium de huiusmodi terris solitum et consuetum, vardamque releuium et heredis maritagium, cum contingerint, neenon in uostris causis et gereudis existenciam, consilium et auxilium tautum,

pro omni alio ouere, seruicio, exactione seu demanda que de huiusmodi terris cum pertienciis exigi poterint quomodolibet vel requiri: Et nos vero predicti Adam et Elezabeth, comes et comitissa de Suderland, heredes et successores nostri, totas et integras terras et dominium de Pronse predictas, cum pertienciis, dicto Willelmo Sutherland de Duffous, heredibus suis et assignatis, in omnibus et per omnia, vt premissum est, contra omnes mortales varantizabimus, acquietabimus et imperpetuum defendemus. In cuius rei testimonium sigilla nostra propria huic preseuti carte nostre sunt appeusa, apud Elgin, vigesimo sexto die mensis Marcii, anuo Domini millesimo quingentesimo vigesimo quinto, coram hiis testibus, venerabilibus et egregiis viris, magistris Alexandro Dunbar, decano Morauiensi, Roberto Reid, subdecano Morauiensi, Roberto Innes de Inuermerke et magistris Willelmo Gordon et magistro Thoma Gaderar, uotariis, cum diuersis aliis.

ADAM GORDON, with my haud at the pen, led be Maister Thomas Gaderar, notar publik.

ELEZABETH SUTHIRLAND, COUNTAS OF SUTHIRLAND, with my hand at the pen, led be the forsaid maister Thomas, notar.

74. PRECEPT OF SASINE by ADAM, EARL OF SUTHERLAND, for infeftiug JOHN KINNAIRD, son of Andrew Kinnaird, of that ilk, in the lands of Skelbo and others. 13th July 1525.

ADAM GORDON, comes Sudirlandie ac dominus superior terrarum de Skelbo cum pertinentiis, cum consensu et assensu Elezebet Sudirland, sponse mee, ac domine eiusdem terrarum de Sudirland, et domine superioris prefatarum terrarum de Skelbo cum pertinentiis jacentium infra dominium de Sudirland et vicecomitatum de Iuernes, dilectis uostris Johanui Murra, Rore Murra de Spandaill, Valtero Kyunard de Culbyn, Murthuro Murra et Alexandro Murra, balliuis nostris in hac parte coniunctim et diuisim specialiter coustitutis, salutem. Sciatis quod Johannem Kynnard, filium, verum et indubitatum heredem quondam Andree Kynnard de eodem, vltime tenentis et possessoris eiusdem terrarum de Skelbo cum pertinentiis, nobis tanquam dominis superioribus indubitatis eiusdem recipimus in tenentem et eiusdem dudum Andree Kyunard de eodem heredem: Quare vobis et vestrum cuilibet precipimus et maudamus quatinus accedatis, et vestrum quilibet accedat, ad terras, castrum et manariam de Skelbo cum vniuersis suis pertinentiis, et super solo eiusdem saisinam hereditariam, statumque possessionem dicte terre de Skelbo, castri et manariei eiusdem, orieutis Skelbo, cum

brasiario et croftis eiusdem, Dawauchdow, Auchandro, Pait Mayne, Balnobraid, Cammeseffe, Estir Abbirchoir, Vestir Abbirchoir, Littill Roart, Knok Cartnall, Moir-Ench, Auchindowecht, Innirschyn cum piscationibus eiusdem, Petintraill, Assent, Atrikquilles, tocius dominacionis de Skelbo cum tenentis et tenendriis, ac cum vniuersis suis pertinentiis, dicto Johanni Kynnard, per terre et lapidis donacionem, ut moris est, tradatis et conferatis, seu alter vestrum tradat et conferat, sine delacione ; et hoc nullo modo omittatis : Ad quod faciendum vobis et vestrum cuilibet nostram plenariam et irreuocabilem committimus potestatem. In cuius rei testimonium sigilla nostra presentibus sunt appensa, apud Legetis Town, decimotertio die mensis Julii, anno Domini millesimo quingentesimo vicesimo quinto, coram hiis testibus, videlicet, Waltero Kynnard de Culbyn, Andrea Kynnard, Andrea Hob, Andrea Skad, Dauide Forest et domino Johanne Higis, cum diuersis aliis.

75. CONTRACT between ELIZABETH, COUNTESS OF SUTHERLAND, ADAM, EARL OF SUTHERLAND, her spouse, and ALEXANDER, MASTER OF SUTHERLAND, their son, as to resigning the Earldom of Sutherland. 9th November 1527.

At Elgin, the nyne day of the moneth of Nonember, the yeir of God ane thousand fyve hundereth twenty-sewin yeris, it is finallie appontit and aggreit betuix ane nobill lady, Elizabeth, Countas and heriture of Suthirland, and ane nobill lord, Adam, Erle of Sudirland, hyr spous, on that ane part, and Allexander Gordone, master of Sndirland, thair sone and apperand air, on that othir part, in maneir, forme and effect as eftir followis, that is to say : The said Elizabeth with consent of the said Adam, hyr spous, sall mak procuratory in dew forme ondyr thair seillis and subscriptionis to resing all and hail the said erledome of Suthirland, propirte, tenendry, annexis, con-nexis thairof, donatioun and aduocatioun of kirkis and cheplanreis and pertinentis of the samyn, in the handis of our souerane lord the kingis grace, in fauour of the said Allexander and his airis, reseruand the franktenement of the samyn to the said Elizabeth and Adam, the langast lewar of thame, for all the dayis of thair lifis : for the quhilkis the said Alexander sall cans ak in the officialis bukis of Mrray honorabill men, Robert Innes of Innirmarky, Robert Innes of Rothnokenze, Jhon Gordon of Lungare, Villame Gordone of Anchindoir, James Gordone of Colquhiddilstane, John Gordone of Bawchrome, G[e]orge Gordone of Coclaraghy, and Wilyam Gordone of Awochy, thair airis, executoris and assignais, coniunctlie and senirlye, renunciand the benefite of disision, to thankfullie content and pay yeirlye to the said Elizabeth and

Adam, the langast-lewar of thame, twenty-thre ehaldir of wittall, twenty-twa pundis of monye vsual Scottis, fowrtein xx of veddeis of irne, and twenty martis, or to thair factouris, at the portis of Helmsdall and Dunrobin or Broray in Sudirland, for all maneir of malis, fermis, custummis and odyr deweteis of the said erldome, as caucionaris, souerteis, fideiussoris and principal dettouris for the said Allexander, and that eftir the form of ane contract and indentur maid at Dunrobbin the xvi day of Junii, in the yeir of God ane thousand v<sup>c</sup> twenty yeiris, betuix the said Elizabeth, Adam, and vmquhill Jhone, Erle of Athol: And gif it happin the said Elizabeth and Adam de, as God forbeid, or thai marye the said Allexander schisteris, than the said Allexander, his airis, exccutouris and assignais sall thankfullie content and pay to enery ane of his schisteris than beand onmareit, swa thair be na oppin manifest falt knawin to thame in thair vomanheid, the sowm of thre hundreth merkis Scottis mony to thair mariagis; and the said Allexander sall caus my lord of Huntlie ressaue John Gordon, brudyr to the said Allexander, tenent to the landis of Obyne, commonit and nemmit betuix thame, and sall mak hym sickyr thairof as can be deuisit be men of ondirstanding. Fordir, gif the said Allexander, with help of his said fadyr and modyr, may happyn leynd ony proces of forfaltour or recognicion upon ony tenendry or tenendriis within the lordschip of Sudirland, that he sall mak composicion thairof be thair adwis, and dispone the profite thairof to the vtilite of the said Allexander brudyr, be the awyis of the said Elizabeth and Adam. And attour, nochtwithstanding thir premissis, gif it pleis the said Elizabeth and Adam, it salbe lesum to thame for all the dayis of thair lywe to intromet with the hail landis of the said erldome, malis, fermis, custummis and dewiteis thairof, thai fyndan the said Allexander and his spous honestlie as efferis in hous with thame in the meyntym. And finallie, the said Allexander sall caus the monye awand be the said vmquhill Erle John of Athol, quhilkis is the sowm of fyve hundreth merkis, to be thankfullie payit to the said Adam and Elizabeth betuix this and viij dayis eftir the feist of Sanct Andro day nixt, and sal with his fadir and modyr persew the exccutouris of the said Erle of Atholis for the restis and skathis at the said Adam and Elizabeth hes sustenit for non keping of the said contract: And thir premissis to be extendit in the best forme; and for obseruing and keping of the samyn, bayth the parteis ar bundin, oblist and snorn; and quhill the said caucion and souerteis be dewlie ackit and monist ondir the paneis of cursing, the forsaid procuratorie of resignacion to remane in the handis of ane noble man, Allexander Ogylwy of that ilk; and for the mair securite, this present contract be registrat in form of act in the officiallis bukis of Murray, and the parteis moneist to keip the samyn ondyr the pane of the grit cursing.

In witnes of the quhillk, bayth the said parteis has subseriuit this present contract, yeir, day and place forsaid, befor thir witnes, aue venerable, and honorabill men, Mastir Robert Reyd, official and subdene of Murray, Jamis Innes, Jhon Duff, Mastir William Gordone, Schir Jhon Gordon, Schir Daudid Fothringhame, notaris public, with vder diuers. Subscriptiones sequuntur et sunt tales. Adam, Erle of Suthirland; Elizabeth, Countas of Suderland, with my hand at the pen be the leding of Schir Daudid Fothringham, notar public; Allexander Gordoun, mastir of Sudirland. Tenores monitionum actorum sequuntur. Actum nono Nouembris anno Domini millesimo quingentesimo xxvij<sup>o</sup>; quo die, infrascripti, videlicet, nobiles dominus Adam Gordon, comes Sudirland, Elizabeth, comitissa Suthirland, et Allexander Gordon, filius et apparens heres dictorum Ade et Elizabeth, voluntarie ex eorum propriis confessionibus moniti sunt ad perimplendum et obseruandum omnes et singulos punctos et articulos expressatos et contentos in infrascripto contractu, secundum vim, formam, tenorem et effectum eiusdem, et ad hoc iurati sunt, tactis sacrosanctis Dei ewangeliis, nunquam contra premissa per se, suosque heredes, executores aut assignatos in aliquo contrauenire aut contradicere, sub pena excommunicationis maioris, periurii, infamie et inhabilitatis. Et dicta comitissa iudicialiter, iudice pro tribunali sedente, iurata est, tactis sacrosanctis Dei ewangeliis, quod non est compulsa nec coacta per dictum comitem Suderland, eius maritum, nec per quemcunque alium ad premissa facienda, sed sua libera mera et spontanea voluntate: Super quibus dicti comes, Elizabeth, comitissa, et Allexander Gordon suprascripti pecierunt hinc inde instrumenta; presentibus, Roberto Innes de Rothnakenze, Roberto Innes de Innermarky, Jacobo Innes, domino Johanne Gordon, magistro Willelmo Gordon, domino Daudid Fothringhame, notariis publicis. Decimo septimo die mensis Nouembris anno Domini millesimo quingentesimo vicesimo septimo; quo die moniti sunt honorabiles viri, Robertus Innes de Innermarky, Robertus Innes de Rothnokenze, Johannes Gordon de Lwngar, Wilhelmus Gordon de Crag, Jacobus Gordon de Tulymenoch, Willelmus Gordon de Awoquhy, Thomas Copland de Edocht, et Johannes Gordon in Bawquhrom, vt caucionarii et fideiussores ac principales debitores, coniunctim et diuisim, renunciando beneficio diuisionis quoad principale, salua tamen quoad collegas, nomine et ex parte honorabilis viri, Allexandri, magistri Suthirlaud, ex eorum propriis confessionibus, subiiciendo se iurisdictioni Morauisiensi, et prorogando in hac parte, prout opus est eandem, ad persoluendum et satisfaciendum gratanter et plenarie annuatim et quomodolibet nobili domino, Ade Gordon, comiti de Sudirland, et nobili domicelle, Elizabeth, comitisse eiusdem, et eorum alteri diucius uiuenti, summam viginti trium celdrarum victualium,

viginti duas libras monete Scocie, et ducentas xl le vidleis ferri, et viginti martas, apud portas de Helmsdaill, Dunrobin, vel Broray; incipiendo iu festo Sancti Martini vltime elapso, pro vniuersis fructibus, firmis, gressumis et aliis casualitatibus comitatus de Suthirland, secundum formam cuiusdam contractus, per modum indenture inite et confecte inter quondam nobilem dominum, Johannem, comitem Atholie, et dominum comitem et comitissam Suthirland, de\* data apud Dunrobin, xvj<sup>o</sup> Junii anno Domini millesimo quingentesimo vicesimo, et secundum formam alterius contractus inter dictum dominum comitem et comitissam Sudirland, et prefatum Allexandrum, magistrum eiusdem, suum filium, de data apud Elgin, ix<sup>o</sup> Nouembris anno instante millesimo quingentesimo xxvij<sup>o</sup>; obligando etiam ad hoc se, suos heredes, executores et assignatos, ovari exceptione, fraude, dolo, exemptione et literis supersedere seclusis, reuunciatis et remotis, sub pena excommunicationis maioris, cum fulminatione literarum. Insuper idem Alexander, magister Suderland, et Joneta Steuart, eius sponsa, ex eorum propriis confessionibus subiiciendo se iurisdictioni prefate Morauieusi, et prorogando eandem pro se, suis successoribus, heredibus, executoribus et assignatis, moniti sunt ad releuandum et indemnes seruandum prefatos suos fideiussores et eorum quemlibet, suos heredes, executores et assignatos, ad manus dicti domini comitis et comitisse, seu eorum alterius diucius viuentis, de premissis summis victualium, pecuniarum, ferri et martarum, annuatim et terminatim, vt supra, sub pena excommunicationis maioris cum eleuatione literarum. Befeir Allexander Ogylwy of Fynlattir, James Gordon, James Ogylwy, aud lard of Grantuly. Subscriptiones sequuntur et sunt tales:—ALEX<sup>r</sup>, Mastir of Suthirland. JONET STEUART with my hand at the pen. ROBERT INNES of Innermarky. ROBERT INNES of Rothnokenzie. JHON GORDON of Lungar, with my hand at the pen. VYLYAM GORDON of Alwachy. JAMES GORDON in Tulymenoch, with my hand at the pen. THOMAS COPLAND, with my hand at the pen. JOHN GORDON of the Brodland.

Hec est vera copia principalium contractus et actorum monitiones continencium collacionata per me, magistrum Wilhelmum Gordone, notarium publicum subscriptum, nichil addendo aut minuendo quoad facti substanciam mutet; teste, subscriptione mea manuali.

Ita est GUILLELMUS GORDONE, notarius publicus manu propria.

THOMAS HAY, presbyter Morauieusis diocesis [notarius] publicus ac scriba curie consistorialis M[orauieusis] pro tempore ad hec manualiter [testatur].

THOMAS HAY, notarius publicus manu propria.

76. PROCURATORY by ELIZABETH, COUNTESS OF SUTHERLAND, with consent of EARL ADAM, her spouse, for resigning the earldom in favour of ALEXANDER GORDON, their eldest sou. 10th November 1527.

VNIUERSIS pateat per presentes me, Elizabeth Suthirland, comitissam de Suthirland ac dominam hereditariam eiusdem, cum consensu et assensu nobilis domini, Ade Gordoun, comitis dicti comitatus de Suthirlande, sponsi mei, non vi aut metu ductam, seductam, compulsam aut coactam, set mea mera spontanea voluntate et libertate, propter filialem dilectionem quam gero erga dilectum filium meum primogenitum, Alexandrum Gordoun, magistrum de Suthirlande, et alias causas racionabiles, occasione eciam matrimonii cum nobili domicella, Joneta Stewart, filia prepotentis quondam domini, Johannis, comitis Atholie, (proficuis et gratitudinibus michi et sponso meo multipliciter impensis,) contracti, fecisse, constituisse et ordinasse, necnon per presentes facere, constituere et ordinare dilectos meos, magistrum Willelmum Gordoun,

absentes tanquam presentes, et eorum quemlibet, coniunctim et diuisim, meos veros legitimos et indubitatos procuratores, actores, factores et negociorum meorum gestores et nuncios speciales: Dantem et concedentem dictis meis procuratoribus, et eorum cuilibet, insolidum, meam veram, expressam, liberam et irreuocabilem potestatem et mandatum speciale, pro me et nomine meo, ad comparandum coram serenissimo principe, Jacobo, Scotorum Rege illustrissimo, suisve successoribus, et ibidem prefatum comitatum de Suthirlande, cum vniuersis et singulis suis annexis, connexis, tenenciis, tenendriis et libere tenencium seruiciis, aduocationibusque et donationibus ecclesiarum et cappellaniarum, ceterisque suis pertinenciis quibuscunque, in manibus dicti serenissimi domini nostri Regis aut suorum successorum, per fustem et baculum, sursum reddendum pureque et simpliciter resignandum in fauorem prefati filii mei, Alexandri, magistri Suthirlande; reseruando michi et dicto domino Ade, sponso meo, et nostrum diucius viuenti, libero tenemento prefati comitatus, et vniuersorum et singulorum annexorum, connexorum, tenenciarum, tenendriarum, libere tenencium seruiciorum, ecclesiarum et capellaniarum donationum et aduocationum aliarumque pertinenciarum quarumcunque, pro toto tempore vite nostre, ut prefertur; tenendum et habendum dicto Alexandro, meo filio, et suis heredibus, de supremo domino nostro Rege et suis successoribus; et generaliter omnia alia et singula faciendum, gerendum et exereendum, que in premissis necessaria fuerint, seu quomodolibet oportuna. Ratum et gratum, firmum et stabile habentem



et habituram totum et quicquid dicti mei procuratores aut eorum aliquis in premissis, aut circa ea, duxerint seu duxerit faciendum, gerendum et exercendum, sub ypotheca et obligacione omnium bonorum meorum, mobilium et immobilium, presencium et futurorum. In cuius rei testimonium sigillum meum proprium, vna cum sigillo dicti Ade, sponsi mei, in signum sui consensus, presentibus, manualibus nostris subscriptionibus suffultis, sunt appensa; apud Elgyne, die decimo mensis Nouembris, anno Domini millesimo quingentesimo vigesimo septimo; coram hiis testibus, honorabilibus venerabilibusque viris, Alexandro Ogylwy de eodem, Roberto Innes de Innermarkye, Roberto Innes de Roithuakenze, magistro Roberto Reyde, subdecano ac officiali Morauiensi, Johanni Ogilwey in Kempearne, Jacobo Ogyllwey, Johanne Duffe, et domino Dauid Fothringame, vicario de Rothymay, cum diuersis aliis.

ELIZABETH, COUNTAS OF SUTHIRLAND, with my hand at the pen  
be the leding of Schir Dauid Fothriugame, noter public.

ADAM, ERL OF SWDERLAND.

77. CHARTER by KING JAMES THE FIFTH in favour of ALEXANDER GORDON, MASTER OF SUTHERLAND, of the earldom of Sutherland. 1st December 1527.

JACOBUS, Dei gracia rex Scotorum, omnibus probis hominibus tocius terre sue, clericis et laicis, salutem. Sciatis nos, cum auisamento thesaurarii nostri, dedisse, concessisse hereditarie, et hac presenti carta nostra confirmasse dilecto consanguineo nostro, Alexandro Gordoun, filio et heredi apparenti consanguinei nostri, Ade, comitis de Sutherland, et Elizabeth Sutherland, comitisse de Sutherland, sponse sue, totum et integrum comitatum de Sutherland, ac omnes et siugulas terras eiusdem comitatus, cum castro de Duurobin, et cum annexis, depeudentiis, tenentibus, tenandriis, libere tenencium seruiciis, outsetis, molendinis, piscationibus tam in aqua salsa quam dulci, aduocationibus et donationibus ecclesiarum et capellaniarum earundem, et suis pertinentiis, iacentem infra vicecomitatum nostrum de Innernys; quicquid comitatus et terre eiusdem cum pertinentiis fuerunt dicte Elizabeth hereditarie, et quem et quas eadem, per fustem et baculum et procuratores suos ad hoc, cum auisamento et consensu predicti Ade, comitis de Sutherland, sponsi sui, legitime constitutos, et literas suas patentes, in manibus nostris apud Edinburgh sursum reddidit pureque et simpliciter resignauit, ac totum ius et clameum que in eisdem habuit seu habere potuit, pro se et heredibus suis omnino quietclamauit imperpetuum: Tenendum et habendum totum et integrum predictum comitatum de

Sutherland, ac omnes et singulas terras eiusdem, cum castro predicto, et suis pertinentiis, annexis, dependenciis, tenentibus, tenandriis, liberetenencium seruiiis, le outsetis, molendinis, piscationibus tam in aqua salsa quam dulci, aduocationibus et donacionibus ecclesiarum et cappellaniarum earundem, et suis pertinentiis, dicto Alexandro Gordoun et heredibus suis, de nobis et successoribus nostris, in feodo et hereditate ac libero comitatu, imperpetuum; per omnes rectas metas suas antiquas et diuisas, pront iacent in longitudine et latitudine, in boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, riuolis, pratis, pascuis et pasturis, molendinis, multuris, et eorum sequelis, aucupationibus, venationibus, piscationibus, petariis, turbariis, carbonariis, lapicidiis, lapide et calce, fabrilibus, brasinis, brueriis et genestis; cum curiis et earum exitibus, bludewitis, herezeldis et merchetis mulierum; cum furca, fossa, sok, sak, tholl, theme, infangtheif, outfangtheif, pitt et gallous, cum communi pastura, libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficiis et asiamentis, ac iustis pertinentiis suis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, procul et prope, ad predictum comitatum et terras eiusdem cum pertinentiis spectantibus, seu iuste spectare valentibus quomodolibet in futurum; adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, sicut dicta Elizabeth vel predecessores sui, comites de Sutherland, dictum comitatum et terras cum pertinentiis de nobis vel predecessoribus nostris, ante prefatam resignationem nobis inde factam, liberius tenuit seu possedit, tenuerunt seu possederunt: Faciendo inde annuatim dicti Alexander et heredes sui nobis et successoribus nostris, iura et seruiicia de predictis comitatu et terris cum pertinentiis ante prefatam resignationem nobis debita et consueta: Reservato tamen libero tenemento tocius dicti comitatus et omnium terrarum eiusdem, cum annexis, dependentiis, tenentibus, tenandriis, liberetenencium seruiiis, molendinis, piscationibus, le outsetis, aduocatione et donacione ecclesiarum et capellaniarum earundem, et suis pertinentiis, dictae Elizabeth, comitisse de Sutherland, et Ade Gordoun, sponso suo, ratione curialitatis Scocie, et ipsorum alteri diucius viuenti, pro toto tempore vite sue. In cuius rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus; testibus, reuerendissimo reuerendisque in Christo patribus, Jacobo, Sancti Andree archiepiscopo, Georgio, episcopo Dunkeldensi, Gawino, episcopo Abirdonensi, nostrorum rotulorum registri et consilii clerico; dilectis consanguineis nostris, Archibaldo, comite Angusie, domino Dowglas, cancellario nostro, Jacobo, comite Aranie, domino Hammyltoun, Georgio, comite de Rothes, domino Lesley; venerabilibus in Christo patribus, Patricio, priore ecclesie metropolitane Sanctiandree, Alexandro, abbate de Cambuskynneth; dilectis familiaribus nostris, Archibaldo Dowglas de Kilspindy,

thesaurario nostro, magistro Thoma Erskin de Haltoun, secretario nostro, et Jacobo Coluile de Vchiltre, compotorum nostrorum rotulatore et nostre cancellarie directore ; apud Edinburgh, primo die mensis Decembris, anno Domini millesimo quingentesimo vicesimo septimo, et regni nostri decimo quinto.

78. INSTRUMENT OF SASINE on Precept from Chancery in favour of ALEXANDER, MASTER OF SUTHERLAND, of the Earldom of Sutherland. 20th December 1527.

IN DEI nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter et sit notum, quod anno ab Incarnatione Domini millesimo quingentesimo vigesimo septimo, [men]sis vero Decembris die vigesimo, indictione prima, pontificatus sanctissimi in Christo patris et domini nostri, domini Clementis diuina prouidentia [pape] septimi, anno quinto ; in mei notarii publici et testium subscriptorum presencia, personaliter constitutus nobilis vir, Alexander Gordoun, [feodarius com]itatus Sutherlandie, filius et apparens heres nobilis et potentis domini, Ade Gordoun, comitis eiusdem, et Elizabeth Sutherland, com[itisse eiusdem sue s]ponse, habens et tenens suis in manibus quoddam sasine preceptum supremi domini nostri Regis, Jacobi quinti, in pergamino scrip[tum, sub test]imonio magni sigilli eiusdem, de et super toto et integro dicto comitatu, cum tenentibus, tenendriis et libere tenencium seruiciis eiusdem, v[na]cua adu[oc]acione et donacione capellaniarum ecclesiarumque, piscariarum, aquarum et molendinorum, cum vniuersis eorundem pertinenciis, annexis, counexis, [pendiculis] et dependenciis quibuscunque, iacentibus infra dictum comitatum et vicecomitatum de Innernes, prout in carta per dictum supremum dominum [nostrum Reg]em dicto Alexandro suisque heredibus desuper confecta latius continetur, honorabili viro, Johanni Murray de Cambushavy, balliuo in h[ac parte] specialiter in huiusmodi precepto nominato, presentauit et deliberavit ; ipsumque Johannem, balliuum, cum effectu requirens, quatinus vigore huiusmodi precepti, statum, sasinam hereditariam atque possessionem dicti tocius comitatus Sutherlandie, cum tenentibus, tenendriis, et libere tenencium seruiciis eiusdem, vna adu[oc]acione et donacione capellaniarum ecclesiarumque, cum aquarum, piscariarum et molendinorum, cum vniuersis earundem pertinenciis, annexis, connexis, pendiculis et dependenciis quibuscunque sibi Alexandro traderet et deliberaret : Quiquidem Johannes Murray, balliuus in hac parte [antedi]ctus, huiusmodi preceptum ea reuerentia qua decuit ad manus suas recipiens, attendens huiusmodi requisicionem fore iustam et rationi

co[nsonam], volensque suum officium balliuatus debite exercere, vt tenetur, iuxta formam sibi in precepto huiusmodi traditam, meque, notario publico, et testibus subscriptis secum personaliter assumptis, et dicto precepto per me, notarium publicum subscriptum, alta et intelligibili voce perlecto et in vulgari lingua nostra exposito, accessit ad principale messuagium seu fortalitium de Dunrobyn dicti comitatus, et ibidem super fundum eiusdem statum, sasinam et possessionem hereditariam dicti tocius comitatus Suthirlandie, cum tenentibus, tenendriis et libere tenencium [seruiciis] eiusdem, vnicuique aduocacione et donacione capellaniarum ecclesiarumque, aquarum, piscacionum et molendinorum, cum vniuersis ear[undem] pe[r]tinenciis, annexis, connexis, pendiculis et dependenciis quibuscunque, dicto Alexandro Gordoun presenti et acceptanti, per terre et lapidis [traditionem, vt moris est, realiter et cum effectu tradidit et deliberavit, secundum tenorem, formam et continenciam precepti et carte desuper c[onfecte]; eundemque Alexandrum in realem, actualem et corporalem possessionem tocius et integri comitatus Sutherlan[di]e predicti, cum omnibus suis [tenentibus], . . . tenendriis et libere tenencium seruiciis, et ceterisque premissis omnibus sasiuit, inuestiuit, induxit et instituit et in pace dimisit; ne[mine] . . . aut contradicente. Super quibus omnibus et singulis, prefatus Alexander Gordoun, sasitus, a me, notario publico subscripto, [vnum sen pl]ura publicum seu publica instrumentum seu instrumenta sibi fieri peciit. Acta erant hec super fundum dicti fortalicii de Dunrob[in] hora]m circiter decimam ante meridiem, sub anno, die, mense, indictione et pontificatu quibus supra; presentibus ibidem venera[bilibus et] discretis viris, domino Thoma Stewart, prebendario de Olyrk, canonico ecclesie cathedralis Cathanensis, dominis Willelmo Vmfray et Donaldo . . . capellanis, Thoma Blair, constabulario dicti loci de Dunrobyn, Willelmo Doddis in Golspetoure, Jacobo Watsoun, magistro Thoma Young et domino Thoma Gray, notariis publicis, testibus ad premissa vocatis pariter [que] requisitis.

Et ego Guillelmus Gordone, arcium professor, Morauiensis diocesis clericus, sacra apostolica autoritate notarius publicus, quia prefati precepti presentacioni, receptioni, lecture et publicacioni, sais[ine, et] possessionis tradicioni ceterisque premissis omnibus et singulis, dum sic [*etc., in forma communi*].

79. CONTRACT between WILLIAM SUTHERLAND of Duffus, and JOHN KINNAIRD of that ilk, whereby the latter binds himself to infest the former in the lands of Skelbo, etc., to be holden of the Earl of Sutherland. 1st April 1529.

AT Aberdcin, the first day of Aprill in the yeir of God I<sup>m</sup> v<sup>c</sup> twenty nync yeiris, it is appointit and aggreit betuix honorabill men, that is tyll say, William Sutherland of

Duffous, on that ane pairt, and John Kynnard of that ilk, on that odyr pairt, in maner, forme and effect as eftir fallois, that is to say : That the sayd Johne sall infest heretabily, be chartere and precept of sesing, the sayd William and his ayris in all and hail his landis of Skelbo, with the castell of the samyn, togidder with the salmound fisching tharof, with tennand and tennandry with thare pertinence, to be haldinc of the erll of Sutherland as ourlord for service wse and wount ; for the quhilk the sayd William sall pay to the sayd Johne twa thousand threhundreth merkis, vsual mone of the realm, in the toune of Dundee, that is to say, on the saxt day of Maii nixt folloand the dayt of thir presentis aucht hundreth merkis, the quhilk day the sayd Johne sall deliuer to the sayd William ane chartere and precept of sesing of the landis of Innerschine and Awchindowicke, with the fisching of the Watyr and Lynd of the samyn, and the landis of Estyr Abyrskoure, to be haldinc of the Erll of Suthirland, as sayd is ; the odyr fiftein hundreth merkis to be payit at the feist of Lammes callit *ad vincula Sancti Petri*, immediate eftir folloand the dayt heirof, to be deliuerit in the sayd toune of Duude, for the quhilk sovme of fiftein hundreth merkis, the sayd Johne sall infest be chartere and precept of sesing the saydis William and his ayris in all and hayll his landis of Skelbo, with tennand and tennandry, with castell and fischingis forsaid, with there pertinence, to be haldinc of the Erll of Suthirland forsaid as ourlord for service wse aud wount. And atoure, the sayd William sall labour on his awin expens for the ourlordis cousent and confirmacioun, and sall gif aud discharge to the sayd Johne and his ayris of all recognicioune may cum upon the sayd landis be wertew of this alienacioun, and werrand him thairfra ; and elikwis sall gif him ane discharge of the sayd Johnnis modyr terce and coniunct fee, swa that he sall nocht call him for the warrandice of the samyn. And becaus there is ane part of the landis wedset to sindry persounis sik as Johne Murray, Huchonne Calder and Rory Johnesounis ayris, of the quhilkis the sayd Johne hes the reuersiounis, tharefor the sayd Johne sall deliuer the forsaydis reuersiounis, quhilkis ar in novmyr foure, to the sayd William at the ressayt of the last mone, and mak him assignay to outrad the saydis landis on his awin expens. Et moniti sunt supradicti Willelmus et Johannes ad perimpleuda omnia et singula supradicta, prout suprascribitur, ex eorum propriis confessionibus, renunciando omni alii iurisdictioni, submittendo se iurisdictioni nostre Aberdonensi in hoc casu sub pena excommunicationis in eorum quemlibet in quolibet termino, coram magistris Thoma Makaynis, notario publico, et David Boys, cum diuersis aliis.

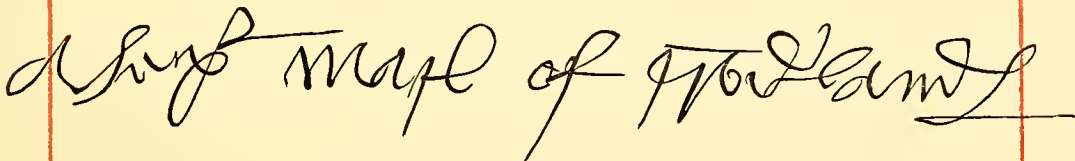
Ita est ARTHURUS BOECIUS, commissarius generalis Aberdoneusis, subscribit.

80. BOND OF MANRENT, by JOHN RORY M<sup>c</sup>ANESONE to ALEXANDER GORDON, MASTER OF SUTHERLAND. 29th June 1529.

At Dunrobin the pennult day of June in the yeir of God I<sup>m</sup> fyve hundreth twenty-nyne yeris, it is appuntit, endit and finallie aggreit betuix ane rycht honorabill man, Alexander Gordon, Mastir of Suthirland, on that ane part, and Jhone Rory Makanesone, on that vthir part, in maneir and effect as eftir followis, that is to say : That the said Jhone bindis and oblis his hym, be the fayth and trowth in his body, the grit aith suorne, the haly euangelistis twechit, to fulfil thir presentis eftir followand, that is to say : That the said Jhone, with his frendis and parttakaris of his kyne that he may solist, sall tak ane lele, trew, anefald part with the said Alexander, Mastir of Suthirland, and his parttakaris of Suthirland incontrar all men lewand, the kingis grace alanerlie exceppit, and in special incontrar Jhone M<sup>c</sup>Ky of Strathneuir, Donald M<sup>c</sup>Ky, his brodir, and thair parttakaris of the said kyne, and sall suple, defend eftir his vtter power the said Alexander, Mastir of Suthirland, and his cuntreth and parttakaris incontrar the said Jhone M<sup>c</sup>Ky and his parttakaris, and sall inuaid the said M<sup>c</sup>Ky and his parttakaris in all kind of sort as the said Alexander and his cuntreth wyll, bayth in sersing and seking of the saidis Jhone M<sup>c</sup>Ky, Donald M<sup>c</sup>Ky, thair parttakaris and thair guddis, gif the said Alexander requiris hym thairto. And gif it hapnis the said Jhone to knaw ony inconuenient quhilk M<sup>c</sup>Ky proposis to do to the said Alexander or his cuntreth, be priuat or oppin vay, than and incontinent he sall cum or send and aduertise the said Alexander and gif hym his lele, trew, and onfenyit counsall how he sall diffend hym thairfra, and to eschew that perel honestlie ; and siclik sall gif to the said Alexander his iust, trew, onfenyit counsall in all acciouneis he has ado gif the said Alexander requiris hym thairto, and in special to the vtter displesour of M<sup>c</sup>Ky and his kyne, and sall vse the said Alexander, Mastir of Suthirland, counsall in all acciouneis, and fulfil all thir premissis for all the dayis<sup>1</sup> of his lywe. And siclik the said Alexander, Mastir of Suthirland, sall manteine and defend the said Jhone in all his iust acciouneis and querellis incontrar all men lewand, the kingis grace and haly kyrkis acciouneis exceppit, and in special incontrar M<sup>c</sup>Ky and his parttakaris. For the quhilk seruice and kyndnes to be done be the said Jhone to the said Mastir, the said Alexander, Mastir, oblis his hym to gif in spous and vedit vyf Margret Murray, dochtir to Jhone Murray of Cambusawy, to the said Jhone. And becaus thair is ane dispensacione

<sup>1</sup> " termis " interlined.

of consanguinite to be hed betuix the said Jhone and Margret, and siclik tochyre geyr to be payit to the said Jhone for the said mariage completing, athir of the said parteis ar content to cheis four frendis, twa for ilk party, of thair best awisit frendis, and submit thame to thair deliuerance, and thaireftir at pece and rest be hed in the cuntrethis that is betuix the Mastir and M<sup>c</sup>Ky, to stand at the deliuerance in Dornoch of the said four chosin personeis quhat and how mekil tochir geyr, and quhat termis the said Allexander sall gif to the said Jhone, and on quhaiis expensis the said dispensacion sall cum hayme betuix the said personeis. And incontinent eftir the peise beand maid, and at the dispensacion may nocht cum haistelie hayme, the said Jhone sall fynd sufficient caucionaris ackit in the consistorie bukis of Dornoch to solempnize matrimonye in the face of haly kyrk with the said Margret how suyn the dispensacioun beis gottin, ondir panis to be deuisit be the said Mastir, and the said Margret in the meynetyme to pas with the said Jhone to Strathneuyr or quhar he schapis to duell; the said Jhone fulfilland and keband all the premissis in the best sort and forme at the Mastir can devise or requyre the said Jhone to do eftir his power and nocht ellis. And for the obseruing and keping of all and syndry the premissis, athir of the said parteis ar bundin and oblist, be the fayth and trewth in thair bodeis, ondir the pane of ane hundreth merkis vsual Scottis monye, to be payt be the parte brekand to the parte keband the premissis. In vitnes of the quhilk the said Allexander has subscriuit this present contract for his part with his hand, and the said Johne Rory M<sup>c</sup>Anson, becaus he culd nocht vryt, he has subscriuit this present contract leid with the hand of Allexander Murray, his gud brodyr; and for the mair securite athir of the said parteis has causit Mastir William Gordone, notar publik, subscribe the samyn befor thir vitnes, ane honorabil mane, Jhone Gordone, brodir-germane to the said Allexander, Rory Hectorsone, Allexander Scad, Schir Villiam Vmfray, Mastir Villiam Gordone, vith vtheris diuers, etc.



JHONE RORE MAKIANSON, led w<sup>t</sup> ye hand of Alexr. Murray.

Ita est Guillelmus Gordone, notarius publicus requisitus, manu propria, etc.

81. CHARTER OF RESIGNATION by ALEXANDER GORDON, master of Sutherland, to WALTER INNES of Touchis, and JONET TERRALL, his spouse, of the lands of Rovie Kirkton, and others. 2d August 1529.

OMNIBUS hanc cartam visuris uel auditoris Alexander Gordoun, magister de Suderland ac feodatus comitatus eiusdem, salutem in Domino sempiternam. Noueritis me dedisse, concessisse et hac presenti carta mea confirmasse, necnon dare, concedere et hac presenti carta mea confirmare dilecto meo, Valtero Innes de Touchys, Jonete Terrall, eius sponse, et eorum diucius uiuenti, [et] heredibus inter ipsos Valterum et Jonetam procreandis, quibus deficientibus, ipso Valtero et suis heredibus quibuscunque, omnes et singulas terras de Reve Kirktoun, Reve Cragtoun, Kintraid, Davauchbege, Inchezep, Rossoll, Achhele, cum pertinentiis earundem, iacentes infra dominium de Suderland et vicecomitatum de Innernes; quequidem terre fuerunt ipsius Jonete Terrall de Innerbreky hereditarie et quas eadem Joneta, non vi aut metu ducta nec errore lapsa, sed sua mera, pura et spontanea voluntate, in manus meas coram testibus infrascriptis per fustem et baculum, per suum procuratorem ad hoc legitime constitutum et suas literas patentes, sursum reddidit pureque et simpliciter resignauit, ac totum ius et clameum que de dictis terris cum pertinentiis habuit seu habere poterit pro se et heredibus suis michi et heredibus meis omnino quiet[e]clamauit imperpetuum: Tenendas et habendas omnes et singulas prefatas terras de Reve Kirktoun, Reve Cragtoun, Kintraid, Davauch Bege, Inchezep, Rossoll, Achhele, cum pertinentiis, prefato Valtero, Jonete et heredibus inter eosdem procreandis, quibus deficientibus, ipso Valtero et suis heredibus quibuscunque, de me [et] heredibus meis, in feodo et hereditarie, imperpetuum, nomine varde et reliuii, per omnes rectas metas suas antiquas et diuisas, prout iacent in longitudine et latitudine, in domibus et edificiis, boscis, planis, moris, morisiis, viis, semitis, aquis, stangnis, riuolis, pratis, pascuis et pasturis, siluis, nemoribus, virgultis, aucupationibus, venationibus, piscationibus, petariis, turbariis, brasinis, molendinis, multuris et eorum sequelis, cum curiis et earum eschetibus, amerciamentis et merchaetis mulierum, cum communi pastura et libero introitu et exitu, ac cum omnibus et singulis libertatibus, comoditatibus et asiamentis ac iustis pertinentiis quibuscunque, tam sub terra quam supra terram, tam nominatis quam non nominatis, tam procul quam prope, tam futuris quam presentibus, cum omnibus et singulis spectantibus seu iuste spectare valentibus, adeo libere, quiete, bene et in pace, in omnibus et per omnia, sicut nos seu predecessores nostri dictas terras cum pertiuentiis tenuerunt, seu sicut ipsa Joneta Terrell easdem



cum pertinentiis de me ante dictam resignationem michi factam liberius tenuit seu possedit : Reservato libero tenemento omnium et singularum predictarum terrarum cum pertinentiis prefate Jonete pro toto tempore vite sue : Et nos predictus Alexander, omnes et singulas prescriptas terras cum pertinentiis prefato Valtero, Jonete et heredibus inter eosdem procreandis, quibus deficientibus, prefato Valtero et suis heredibus quibuscunque, contra omnes mortales varantizabimus, acquietabimus et imperpetuum defendemus. In cuius rei testimonium sigillum meum proprium presenti carte mee est appensum, vna cum mea subscriptione manuali, apud Durnoch, secundo die mensis Augusti, anno Domini millesimo quingentesimo vigesimo nono ; coram hiis testibus, venerabilibus et egregiis viris Alexandro Suderland, decano, et Thoma Murray, precentore Cathanensibus, Johanne Murray de Quambusave, Donaldo M·Gillewory, David Chamour, magistro Willelmo Gordoun, magistro Patricio Fores, domino Thoma Gray, et magistro Johanne Bissait, notariis publicis, vocatis pariterque rogatis.

ALEXR., MASTER OF SWDERLAND.

82. PRECEPT OF SASINE by ALEXANDER, MASTER OF SUTHERLAND, to WALTER INNES of Touchis and JONET TERRALL of Innerbrakie, in the lands of Rovie Kirkton and others. 2d August 1529.

ALEXANDER GORDOUN, magister de Sudirland ac feodarius huiusmodi comitatus, dilectis meis, Johanni Murray de Cambusavie, Murchardo Murray balliuis in hac parte irrevocabiler constitutis, salutem in Domino. Quia dedi, concessi hereditarie dilecto meo Valtero Innes de Touchys, Jonete Terrall de Inachbreky, sue sponse, eorum diucius viuenti, heredibus inter eosdem procreandis, quibus deficientibus, ipso Valtero et suis heredibus quibuscunque, pro suo consilio et auxilio michi multipliciter impenso, omnes et singulas terras de Reve Kirkton, Reve Cragtoun, Kintraid, Davauchbege, Inchezep, Rossoll, Achhele, cum pertinentiis, jacentes in comitatu de Sudirland, infra vicecomitatum de Inuernes ; quequidem terre cum pertinentiis fuerunt ipsius Jonete Terrall, et quas eadem Joneta, non vi aut metu ducta nec errore lapsa, sed sua mera, pura et spontanea voluntate, michi per suas literas patentes per Joannem Murray, suum procuratorem, legitimam potestatem habentem, in presencia plurimorum testium, per fustem et baculum pure et simpliciter resignavit : Vobis igitur et vestrum cuilibet coniunctim et diuisim do in mandatis et firmiter mando quatinus, visis presentibus, indilate statum, sasinam hereditariam, possessionem corporalem

omnium et singularum predictarum terrarum cum pertinenciis prefato Valtero et Jonete, seu eorum procuratori, latori presencium, tradetis, secundum tenorem carte mee desuper confecte ; saluo jure cuiuslibet ; ad quod faciendum vobis et vestrum cuilibet, coniunctim et diuisim, meam veram irreuocabilem tenore presencium committo potestatem : Reseruato libero tenemento omnium et singularum prescriptarum prefate Jonete Terrall pro toto tempore vite sue. In cuius rei testimonium sigillum vestrum in secunda cauda post meum presentibus appendatis, seu per notarium publicum notificari faciatis. Datum sub meo sigillo et subscriptione manuali, apud Durnoche, secundo die mensis Augusti, anno Domini millesimo quingentesimo vigesimo nono ; coram hiis testibus, venerabilibus et egregiis viris, magistris Alexandro Sudirland, decano Cathanensi, Thoma Murray, precentore eiusdem, Johanne Murray de Quambusavie, magistris Willelmo Gordoun, Patricio Forres et Johanne Bissait, notariis publicis.

ALEXR., MASTER OF SWDERLAND.

83. BOND OF MANRENT, by WILLIAM SUTHERLAND of Duffus, to ALEXANDER GORDON, Master of Sutherland. 4th September 1529.

BE IT kend till all mene be thir present lettrez, me, Vilyam Suthirland of Duffos, to be bundin and oblist, and be the tenour of thir presentes bindis and oblistis me be the fayth and trowth in my body in the sikkyrrast forme and styill of obligatioune to ane rycht honorabill mane, Allexander Gordoune, mastir of Suthirland and feodar of the samyne, in maneir, forme and effect as eftir followis : That forsamekle as the said Allexander, mastir of Suthirland, hes of his awin kyndnes, beneuolence and fre wyll, but ony vthir gratitud or reward, consentit to ressaue me as tennent and vassall to hym, his airis and succesouris, and giffin me thairapone his confirmatioune, consent and gift vndyr his subscriptione and sele on all and hail the landis of the lardschip of Skelbo, within the erldome of Suthirland, as the said confirmation and chartour proportis in thame selfis, conquest be me fra ane honorabill mane, Jhone Kynnard, lard of Skelbo, conforme to ane chartour maid to me vndir his sele and subscription thairapoun proportis and beris in it self ; and siclik has promittit to defend and protect me tharintill as law requiris be hym self, his tennentis, kynnismene, frendis and seruandis agane all inuadouris and tribillouris thairof, his and myne compeditoris, vyth vtheris syndry and mony kyndnes done to me be the said Allexander diuers tymis : Thairfor I, the said Vilyam Suthirland of Duffos, bindis and oblistis me, my airis and assignais, to the said Allexander, mastir

of Suthirland, his airis and successouris, that I and thai salbe leyll and trew to hyme and thame in all thair iust [actionis] mouit or to be mowit agane ony personè or personeis lewand or de may, and sall nothir heir nor . . . thairis scaith be day or nyecht, bot sall resist the samyne at my power and thairis, or ellis aduertise [the said] mastir and airis of the samyne, and to gif hym and thame our best counsall quhene I or thai beis requirit, and to keyp thair counsall secret, ryid or gang wyth hyme or thame, and do all vthir syndry thingis in seruice and vdiruais to hyme and thame that ony tennent or vassall wythin the realme of Scotland be law, natur of his chartour, or consuetud to thair ourlord and superior, vise and vont, acht to do. And attour for the causis abone expremit, I, the said Vilyam, obllis me, my airis and assignais, as said is, that I and thai sall, howoft ve be requirit be the said Allexander, his airis and successouris, be redye wyth our kyne, frendis, houshald and seruandis to ryid, gang and serue hyme and thame in maneir followand, that is to say, quhene I or my airis beis varnit or chargit, sall pass wyth hyme or thame to the kingis court or vdiruais his or thairis neidfull erandis wyth our honest houshald and be redy thairto, the said Allexander or his airis requiraris of vs be thame selfis, or ony lauchful or sufficient varynyng, makand our ordinar expensis alauerlye. And siclik I, my airis and assignais wythin the cuntreth, salbe redy to ryis wyth the said Allexander and his airis quhen and quhatsumeuyr tyme ony of vs beis requirit personalie, or at the castell of Skelbo, we beand present thairin, and falyeand thairof our balze or balzeis, constabill or constabillis of the said landis, siclik warnit, sall ryis wyth all the power of mene, kynnismene, tennentis and seruandis, that we may be eftir the vis, consuetud and forme of the cuntreth apone our awin expensis, nathing requirand of the said Allexander or his airis, and sall ryid and gang in forme forsaid wyth hyme and thame, and tak thairis part anefaldly in all [p]lacis wythin the dioces of Cathnes and Ros how oft we be requirit incontrar all mortall. And how . . . [ai]ris or assignais beis requirit wythin the boundis of the erldome of Suthirland personalie apprehendit or . . . of Skelbo, we beand in the cuntreth, we salbe our self in propir persone wyth tennentis, men, frendis, seruan[dis] . . . is redye to compeyr in the said Allexander, his airis or successouris, heyd courtis or vthir congregatiouneis . . . quhene he or thai has ado for fortificatioun of his or thairis autorite, sik as tresspassouris, rebellis, sornaris . . . is quhatsumeuyr to puneis, and all sic thingis, and sall gif to hym and thame the best counsall and supple we cane eftir our knowleg and vnderstanding. And we salbe redye be our self, kynnismen, tennentis, etc., as forsaid is, and at our vttr power, to manteine, fortifye and defend the samyne counsall we gif hym or thame be way of deyde, offering our personeis and exponyng of

ws to perrell in his and thairis defence agane all vtheris quhatsumeuyr. And generally we sall obserue, kepe and do all vthir maneir of kyndnes, seruice and plesour wyth the premissis, but fraud or gyill, to the said Allexander, his airis and successouris, that the causis befor exprimit requiris, or that ony tennent, wassal or seruand wythin the realme of Scotland of law, consuetud or be vigour or stryngth of his chartyr or band to his lord acht to do incontrar all mene mortall, the kingis grace for me and my airis and Jamis, erle of Murray, Jhone, lord Forbes, in thair awin acciouneis for my awin tyme alanerlie exceptit. And for the obseruing and keping of all and syndry the premissis in forme, forse and effect as said is, I, the said Vilyam Suthirland of Duffos, byndis me, my airis and assignais, in the sickirast forme of obligatioun perpetuallie to the said Allexander, mastir of Suthirland, his airis and successouris, be the faith and trewth in my body, the haly ewangelistis twechit, vndyr the pane of fyve hundreth li. to be payit be me, my airis and assignais, brekaris of ony punt of the premissis, for the breking of our fayth, to the operation and edification of the cathedrall kirk of Cathnes, and vthir fy[ve hundreth] li. to the kingis grace, and fyve hundreth li. to the said Allexander, his airis or successouris, that I or thai happinnis to falze to for the ressauing of me in the landis abone expremit, and for costis, skathis, dampnage and interes sustenit be hyme and thame heirthrow, and that but ony vthir taxation to be hed or maid thairapon be ony iuge spirituall or temporall; and consentis that this principall band be registrat and ingrossat in the Consistorie bukis of Cathnes, and I, for me, my airis and assignais, lardis of Duffos and Skelbo, moneist to keyp the samyne in all puntis vndir the panis afor expremit and vndir the panis of cursing. In vitnes heirof to this present writ and band has affixit my propir sele togiddyr wyth the subscripcion of my hand, at Dunrobin the feird day of September in the yeir of God I<sup>m</sup> fyve hundreth twenty nyne yeris, befor thir vitnes, Jhone Murray of Cambusawy, Murchour Murray, burges of Dornoch, Schir Vilyam Vmfray, Thom Blair, Mastir Wilyam Gordone, notaris publik, with vtheris diuers.

W<sup>m</sup> SUTHLAND off Duffus, w<sup>t</sup> my hand.

84. RETOUR OF SPECIAL SERVICE of JOHN GORDON as heir to his great grandfather [grandfather], Adam Gordon, Earl of Sutherland, in the lands of Culquhody, Mill of Desy, Drumgask, etc., 1st October 1538. [Extract.]

CURIA capitalis vicecomitatus de Abirdene tenta in pretorio eiusdem primo die mensis Octobris, anno Domini millesimo quingentesimo xxxviii<sup>o</sup>, per honorabiles viros,

magistrum Alexandrum Ogilby in Glassauch, Georgium Bard de Ordinhuffis et Vilhelmum Rolland, vicecomites deputatos de Abirdene, coniunctim et diuisim, pro tribunali sedentes : Quo die sectis vocatis, curia legitime affirmata fuit :

NOMINA INQUISITORUM.

Alexander Fresar de Phillorth.	Patricius Chene de Essilmontht.
Robertus Dugud de Achinhuif.	Patricius Movat de Baqhelly.
Villelmus Lyoun, actornatus, de Drumblait.	Thomas Tullo de Moncuffir.
Johannes Gordoun de Cusne.	Alexander Gardin de Durlatheris.
Villelmus Cultis de Ochtercoull.	Robertus Stewart de Lathiers.
Villelmus Mortimer de Cragyver.	Patricius Gordoun de Litolfolay.
Robertus Lumisden de Madlare.	Andreas Woud de Fynnarsy.
Henricus Forbes de Thanistoun.	Willelmus Straquhin de Glenkenty.
Alexander Lesly de eodem.	

Qui iurati dicunt quod quondam Adamus Gordoun, comes de Sudderland, proanus [*sic*, l. auus] Johannis Gordoun, latoris presencium, obiit vltimo vestitus et sasitus vt de feodo, ad pacem et fidem supremi domini nostri Regis, de totis et integris terris subscriptis cum pertinenciis, videlicet, de totis et integris terris de Culquhody, molendino de Desy, Drumgask, Beluady, cum dimedio wille de Torquhinlaquhy, Formastoune, molendino de Casteltoun, Wratoune, Farrar et Dulquhyn, cum pertinenciis, iacentibus in baronia de Aboyne infra vicecomitatum de Abirdene ; et quod dictus Johannes est legitimus et propinquior heres eiusdem quondam Adam, proau [*sic*, l. aui] sui de dictis terris et molendinis cum pertinenciis ; et quod est legitime etatis ; et quod dicte terre et molendina autedicta cum pertinenciis valent nunc per annum centum mercis, et tempore pacis viginti libris ; et quod tenentur in capite de domino comite de Huntly in alba firma ; et quod nunc existunt in manibus eiusdem per spatium vnus termini per decessum dicti quondam Adami, proau [*sic*, l. aui] sui, in defectu veri heredis ius suum huvsque minime prosequentis.

Extractum de libro actorum curie vicecomitatus de Abirdene, per me scribam eiusdem subscriptum.

Ita est magister Johannes Kennedy, notarius publicus ac scriba curie Abirdonensis, teste manu propria.

J. K. subscripsit.

85. PRECEPT OF CLARE CONSTAT by GEORGE, EARL OF HUNTLY, for infesting JOHN GORDON as heir foresaid, in the said lands. 18th December 1538.

GEORGIUS, comes Huntly, dominus Gordone, etc., dilectis nostris Alexandro Gordone de Sawchin ac eorum cuilibet, coniunctim et diuisim balliuis nostris in hac parte irreuocabiliter constitutis, salutem. Quia nobis per inquisitionem fidediguorum baronum et liberetenentium, necnon euidentiarum antiquarum quondam Adami Gordoun luculenter constabat quod quondam Adamus Gordone, proauus [*sic*, l. auus] Joannis Gordone, latoris presentium, obiit vltimo vestitus et sasitus vt de feodo, ad pacem et fidem supremi domini nostri Regis, de totis et integris terris de Culquhody, molendino de Desy, Drumgask, Belwady, cum dimedio ville de Torquhinlaquhy, Formastoune, molendino de Casteltowne, Vratoun, Farrar et Drumquhyn, cum pertinentiis, iacentibus in baronia de Aboyne infra vicecomitatum de Abirdene, que de nobis tenentur in capite, et nunc existunt in manibus nostris [tanquam in manibus] domini superioris earundem per decessum dicti quondam Adami; vobis igitur et vestrum cuilibet coniunctim et diuisim, precipimus et mandamus, quatenus dicto Joanni uel suo certo actornato, latori presentium, sasinam et possessionem hereditariam omnium dictarum terrarum de Culquhody, molendino de Desy, Drumgask, Belwady, cum dimedio ville de Torquhinlaquhy, Formastoune, molendino de Casteltowne, Vratoun, Farrar et Drumquhyn cum pertinentiis, tradatis et deliberetis, aut vnus vestrum tradat aut deliberet, visis presentibus, iudilate, secundum tenorem euidentiarum suarum antiquarum: Ad quod faciendum, vobis et vestrum cuilibet coniunctim et diuisim, nostram plenariam et irreuocabiliter tenore presentium committimus potestatem; et in signum sasine per vos tradite, sigillum vestrum in secunda cauda post nostrum presentibus appendatis, aut vnus vestrum appendat. Datum sub sigillo nostro, apud Abirdene, decimo octauo die mensis Decembris, anno Domini millesimo quingentesimo trigesimo octauo; coram testibus, prouidis viris, Willelmo Lesley de Balquhene, Joanne Lesley de Wardris, Joanne Lesley de Syd.

GEORGE, ERL OFF HWNTLY.<sup>1</sup>

<sup>1</sup> Instrument of Sasine following on and containing the above Precept, dated 5th May 1539.

86. BOND for MUTUAL DEFENCE between ROBERT STEWART, Bishop of Caithness, and JOHN, TENTH EARL OF SUTHERLAND. Date torn away, but after 1542.

BE it kend till all mene quhome it efferis, we, Robert, by the mercye of God elect confirmat of Cathnes, be avise of our dene and chauptour, to haf mature consideratioun of trublis, oppressiou, fire, slaucher, stowth, heirschip, occurand dalye and apperand to occur within this our diocie, quhairthrow we, our channowis, kirkmen and ministaris of haliekirk, our emolumentis and patrimouye thairof is suppressit in preiudice of dew vsing of the seruice of God, libertie of ws, our channownis and vtheris kirkmen and ministaris forsaidis ; quhillkis mowis ws to inuocat and seik the seculare helpt : Quhairfor we, be the avise, consent and assent of our dene and chauptour forsaid, cheptourlie gadderit, hes appunctuat and finalie aggreit witht ane nobill and potent lord, Johne, Erll of Suthirland, in maneir, forme and effect as eftir followis, that is to say, the said Johne, Erle of Suthirland, that of guid zeill moving hym towart the weill and libertie of haliekirk, ministaris thairof, proximitie of blude, and tendir allia and gud affectioun that he beris to ws, and for plesouris and gud causis maid and doune be ws to hym at the makyu of thir presentes, he treulie bindis and oblissis hym, as for hym self, his aris, successouris, erlis of Suthirland, in maist sovir and straittest form of obligatioun to ws and our successouris, bischopis of Cathanes, and vicaris generalis for the tym, our sege vacand, dene and chaunownis, to tak ouris and thairis trew, anefauld, plane part, and thair successouris and all vther kirkmenis of our sege and diocie of Cathanes of all estait and degre in all thair iust actionis, ouris and tharis, chalmerlandis, officiaris, firmaris, tenendis and seruandis quhatsumevir in contrair all deidlie, the autorite of the crowne alauarlie exceppit. Quhilk autorite and charge of the samin salbe purchest be ws, our successouris, bischopis of Cathanes, vicaris generalis, dene and channownis forsaidis, or ony vthir kirkmeu abuif expremit as neid beis to the said noble lord, his airis and successouris forsaidis, for manteinyng, defending and releuyng of ws, and ilk ane of ws, of ony evill gevin persone or personis at his vter powar treulie that happinnis to molest ws or any aue of ws in tym to cum ; and siclyk sall defend and manteine with his kin, frendis, seruandis, partie purches and allia, ws, our successouris, vtheris kirkmeu, all and sindry abuif expremit, our beneficis, tendis, emolumentis, temporale landis, geir and gudis, mouable and vmouable, pertenant to ws, sua that we and ilk ane of ws may frelie assidat, sett and dispone the samin to our awin vtilite and profit without [r]euocatioun, impediment, perturbatioun or molest-

tioun quhatsumevir of the said nobill lord and all that he may lett within the hail  
 [di]ocie of Cathanes and [terri]torie of the samin, and in speciall within the boundis  
 and erledoume of Sudirland, and sall concur with ws, our successouris [and vtheris]  
 kirkmen [abuif expr]emmit, our chalmerlanis, firmaris, factouris and seruandis in the  
 frelye furth settin, disponyng and vp[takin] of the profetis . . . . and . . . . dewiteis  
 of our l[andi]s and benefice als oft as he salbe chargit and requirit thairto, and [sal  
 ma]jutene and defend [the episco]pale iurisdiction [and the] temporale autorite of ws  
 [our success]ouris and tharis officialis and commissariis of the dioce [of Cathane]s for the  
 tym, sua that iustice may be equalie ministrat, conforme to the law and gud conscience.  
 And in cace we, our dene, channow[nis and kirkmen] within the boundis and partis of  
 Suthirland happinnis to leid and gadir our tendis, the said noble lord sall concur thairto  
 and defend ws [gi]f neid be in gadering and dispouning thairof to our vtilite and profit,  
 and sall gif rowme to sett and place our and our successouris, bishopis of Cathanes, tendis  
 vpon ony grund pertenant hym maist ewist and conuenient thairfor ; and in likwis  
 sall manteiue and defend ws, our successouris, bishopis of Cathanes, and kirkmen that  
 sall happin to gadir and leid thair tendis be northt the Ord within the partis of  
 Cathanes at his vter powar, beand requirit thairto as said is. And gif it happinnis ws,  
 our successouris, bishopis of Cathanes, vicaris generalis, dene, chanownis or kirkmen  
 obofoir nemmit to be molestit, trubillit, or inquietat be ony persone or personis, our geir,  
 gudis, landis, tenendis or seruandis, the said noble lord sall treulie do deligence in all  
 gudlie haist to cum and releif ws thairof and put ws to libertie and fredoume, with  
 restoring of our geir and gudis, gif ony happinnis to be taikkin or spulyeit fra ws, and  
 specialie within the erldoume of Sudirland and partis of Cathanes benortht the Ord at  
 his vtir powar ; and howsoun the autorite cane be purchest vpoun the committeris of  
 the said cryme or crymis sall do extreme deligence to apprehend tham, gif thay be  
 within the dioce of Cathanes, and pvnis or caus thame be pvnist conforme to thair  
 demeriteis, or gif he may, sall pvnis thame sa far as he may be law without the  
 autorite, but fraud or gyle or fauour of ony persone. And gif we or our successouris,  
 bishopis of Cathanes, chargis the said nobill lord, his airis or successouris, erlis of  
 Sudirland, to pas furth of the dioce of Cathanes, he and thay salbe reddy thairto  
 with thair substantious houshald als oft as thay be requirit, and gif ws and our suc-  
 cessouris thair leill, trew and afauld counsale as thay be requirit, and sall keip ouris and  
 ouris successouris counsale schawin to thame secreit for the weill and honour of the  
 sege of Cathanes, gud of ws and our successouris, we or thay makand thair expensis  
 being in companye with ws or our successouris forsaidis furth of the dioce as said is.



And gif it beis complenit and fundin within diocie of Cathanes that ony land or emolumentis that iustlie pertenis to the kirk and [are] iniustlie or wranguslie haldin thairfra, in that cace sall concur trewlie with the partie complenand heirvpoun to reduce the saidis landis and emolumentis to the libertie, vtilitie and vse of the kirk with all expeditioun, being lauchfullie warnit or requirit thairto ; and attour sall manteine and defend all laudable actis and constitutionis of the diocie of Cathanes custumat, vsit and wont of celebrat memour in King James the Fyft tym (quhais saule God assolze) ay and quhill the saidis actis and constitutionis or ony part thairof be cassat, abrogat and annullit be generale or prouinciale counsulis, lefullie statut and celebrat. For quhilkis we, the said Robert, elect of Cathanes, be avise, consent and assent of our dene and chaipour, bindis and obliissis ws and our successouris, bishopis of Cathanes, faythfullie to concur with the said noble lord, his airis, successouris forsaidis in all thair iust causis, actionis and querrellis that he or thay sall happin to haf ado, and sall manteine and defend thame and all thairis sa far as we may of law, and sall thankfullie content and pay to hym, his airis and successouris, erillis of Sudirland, yeirlie the sowme of ane hundreth pundis gud and vsuale monye of Scotland at twa termes in the yeir, Witsunday and Mertimes in wynter, be equale portionis ; and ar contenttit that thir presentes as neid beis to the effect and sentence abuif wrettin be reformit be the avise and counsale of cunnyng men in the maist strait forme for the securite of the premissis. And for obseruing and fullfilling of the premissis and every punt thairof in generale and in speciall concerning athir of ws, parteis forsaidis, our successouris, bishopis of Cathanes, and the said noble lordis airis and successouris, erlis of Sudirland, the halie ewangelistis respectiue tuechit, ar oblist be the fayth and treuth in our bodeis, and is contenttit to be monist vndir the panis of cursing, aggrauatioun, reaggrauatioun and interditioun, all appellatioun, reclamatioun and prouocatioun away put, and vndir the panis of periure, inhabilitie and defamatioun of ouris and thairis persone or personis ; and is content that thir presentes be registrat in Consistoribus bukis of Dornoch and haf the strenth of ane act iudiciall, and to be monist of our awin propir confessionis for the part of ws and our successouris, bishopis of Cathanes ; and siclyk for the part of the said erl of Sudirland, his airis and successouris forsaidis, vndir the panis forsaidis. In witnes of the quhilkis we, ather of the saidis parteis, hes subscriuit thir presentis with our handis respectiue and hes appendit our propir seillis thairto, and in takin [of the con]sent and assent of our dene and chaipour thay hef subscriuit the samin with thair handis and to hungi[n thair] commoun seill . . . of Dornoch the day of the moneth of                      the yeir of God ane [thousand] five hundreth

. . . thir witnes M[*aister Johne Jaksons,*] chancellare of Cathanes, William Sinclair, person [of Olrik] . . . Innes . . . irdale, Huche[on Murray] of Abirscors, James Dempster, and Thomas Brody.

[*JHONE*], ERLLE OF SWTHYRLAND.

RO. BYSCHOPE OF CATHNES.

VILLZEAM SINCLAR, persone of Olreik.

ANGUS M<sup>r</sup>RAY, chanto<sup>r</sup> off Cathnes.

JO. JAKSOUN, chancellar of Cathnes.

87. SPECIAL SERVICE of JOHN GORDON, as heir to ALEXANDER GORDON, Master of Sutherland, his father, in the earldom of Sutherland. 4th May 1546.

HEC INQUISITIO facta fuit apud burgum de Inuernes in pretorio eiusdem, coram nobili et prepotenti domino, Georgio, comite de Huntlie, vicecomite principali de Inuernes, quarto die mensis Maii, anno Domini millesimo quingentesimo quadragesimo sexto, per hos subscriptos viros, videlicet, Vilhelmm M<sup>c</sup>Kintoche de Dunnachtane, Kenzeoch M<sup>c</sup>Kenze de Brayne, Robertum Monro de Fowlis, Robertum Innes de Innermerky, Jacobum Dunbar de Terbet, Robertum Dunbar de Durris, Hugonem Ros de Kilrawak, Johannem Hay de Park, Allexandrum Cummyng de Alter, Alexandrum Kynnard de Cowbyne, Johannem Grant de Culcabok, Jacobum Dunbar de Conze, Thomam Brody de eodem, Georgium Monro de Dawacharte, Allexandrum Balze, constabulario de Inuernes, Jacobum Vrquhart, burgensem de Forres, et Robertum Vaus, burgensem de Inuernes : Qui iurati dicunt quod quondam Allexander Gordone, magister Sutherlandie, pater Johannis Gordon, latoris presentium, obiit vltimo vestitus et sasitus vt de feodo, ad pacem et fidem quondam serenissimi ac illustrissimi regis, Jacobi quinti Scotornm Regis, de toto et integro comitatu Sutherlandie, et de omnibus et singulis terris eiusdem comitatus, cum caastro et manerio de Dunrobin et eum annexis, dependenciis, tenentibus, tenendriis, libere tenencium seruiciis, ontseittis, molendinis, multuris piscationibus tam in aqua salsa quam dulsi, aduocationibus et donacionibus ecclesiarum et capellaniarum earundem, cum suis pertinenciis, jacente infra vicecomitatum de Inuernes ; et quod dictus Johannes est legitimus et propinquior heres dicti quondam Allexandri, sui patris, de toto et integro dicto comitatu Sutherlandie, et de omnibus et singulis terris eiusdem comitatus, cum caastro et manerio de Dunrobin, et cum annexis,

dependenciis, tenentibus, tenendriis, libere tenencium [seruiciis], outseittis, molendinis, multuris, piscationibus tam in aqua salsa quam dulsi, aduocacionibus et donacionibus ecclesiarum et capellaniarum earundem ; et quod est legitime etatis ratione dispensationis supreme domine nostre Regine ; et quod dictus comitatus ac omnes et singule terre eiusdem comitatus, cum dicto caustro et manerio, cum annexis, dependenciis, tenentibus, tenendriis, liberetenentium [seruiciis], outseittis, molendinis, multuris, piscacionibus antedictis, aduocacionibus et donacionibus ecclesiarum et capellaniarum prefati comitatus, cum suis pertinentiis, valent nunc per annum mille mercis monete Scotie, et valuerunt tempore pacis quingentis mercis monete predictae ; et quod dictus comitatus et terre eiusdem, cum caustro et manerio antedicto, et cum annexis, dependenciis, tenentibus, tenendriis, libere tenencium [seruiciis], outsettis, molendinis, multuris, piscacionibus antedictis, aduocacionibus et donacionibus ecclesiarum et capellaniarum earundem, cum suis pertinentiis, tenentur in capite de suprema domina uostra Regina quod [sic l. per] seruicium varde et relevii ; et quod prefatus comitatus ac omnes et singule terre eiusdem, cum caustro et manerio predicto, cum annexis, dependenciis, tenentibus, tenendriis, libere tenencium [seruiciis], outsettis, molendinis, multuris, piscacionibus, aduocacionibus, donacionibus ecclesiarum et capellaniarum earundem cum suis pertinentiis, nunc existunt in manibus supreme domine nostre Regine, ac fuerunt in eius manibus per spacium trium annorum et quinque menciū aut eocirca vltime elapsorum, a tempore decessus dicti quondam serenissimi Jacobi quinti, Scotorum Regis, racione varde, per decessum dicti Allexandri, et fuerunt dicti quondam serenissimi Regis racione predicta per spatium quinque annorum immediate precedentium eius obitum, necnon fuerunt in manibus quondam Ade Gordone et Elezabeth Sutherland, eius sponse, per spacium octo annorum immediate sequencium mensem Januarii iu anno Domini millesimo quingentesimo vigesimo nono, racione vitalis redditus seu liberi tenementi, in defectu ipsius Johannis ius suum minime prosequutis. Datum et clausum sub sigillo antedicti vicecomitis principalis et sigillis quorundam eorum qui dicte inquisicioui intererant, loco, die, mense et anno quibus supra.

88. INSTRUMENT OF SASINE on a precept from Chancery for infefting JOHN, EARL OF SUTHERLAND, in the said earldom. 7th June 1546.

IN DEI nomine amen. Per hoc presens publicum instrumentum cunctis pateat euidenter, quod anno Incarnacionis Dominice millesimo quingentesimo quadragesimo sexto, mensis vero Junii die septimo, indictione quarta, pontificatus sanctissimi in Christo patris et



domini nostri, domini Pauli diuina prouidencia pape tercii, anno eius duodecimo ; in mei notarii publici testiumque subscriptorum presenciis, personaliter constitutus honorabilis vir, Johannes Gordone, actornatus nobilis et potentis domini, Johannis Gordone, comitis Suthirlandie, habens et tenens in manibus suis quoddam preceptum sasine serenissime domine nostre Regine pergamino scriptum, alba cera impressum, vt moris est, honorabili viro, Jacobo Patersone, vicecomiti deputato per commissionem nobilis et prepotentis domini, domiui comitis de Huutlie, vicecomitis principalis de Inuernes, sub sigillo sui officii, pro sasina et possessione de toto et integro comitatu Suthirlandie et de omnibus et singulis terris eiusdem comitatus, cum caustro et manerio de Dunrobin, et cum annexis, dependenciis, tenentibus, tenandriis, liberetenencium seruciis, outsetis, moleudiuis, multuris, piscacionibus tam in aqua salsa quam dulci, aduocacionibus et donacionibus ecclesiarum et capellaniarum earundem, cum suis pertinenciis, iacente iufra vicecomitatum de Inuernes, sibi danda, presentauit ; presentatumque idem vicecomes deputatus, ea reuerentia qua decuit, ad manus suas recepit, et michi, notario publico subscripto, perlegendum et exponendum iu medium tradidit et produxit ; cuius precepti tenor sequitur et est talis :—MARIA, Dei gratia regina Scotorum, vicecomiti et balliuis suis de Inuernes, salutem. Quia per inquisitionem de mandato nostro per vos factam et ad capellam nostram retornatam, compertum est, quod quondam Allexander Gordone, magister Suthirlandie, pater Johannis Gordone, latoris presencium, obiit vltimo vestitus et sasitus, ut de feodo, ad pacem et fidem quondam charissimi patris nostri bone memorie, cuius anime propicietur Deus, de toto et iutegro comitatu Suthirlandie et de omnibus et singulis terris eiusdem comitatus, cum castro et manerio de Dunrobyne, et cum annexis, dependenciis, tenentibus, tenandriis, libere tenentium seruitiis, outsetis, molendinis, multuris, piscacionibus tam in aqua salsa quam dulci, aduocacionibus et donacionibus ecclesiarum et capellaniarum earundem, cum suis pertinenciis ; iacente iufra vicecomitatum nostrum de Inuernes ; et quod dictus Johannes est legitimus et propinquior heres dicti quondam Allexaudi, sui patris, de toto et integro dicto comitatu Suthirlandie et de omnibus et singulis terris eiusdem comitatus, cum castro et manerio de Dunrobin, et cum anuexis, dependenciis, tenentibus, tenandriis, libere tenencium seruciis, outsetis, molendinis, multuris, piscacionibus tam in aqua salsa quam dulci, aduocacionibus et donacionibus ecclesiarum et capellaniarum earuudem ; et quod est legitime etatis racione nostre dispensacionis ; et quod de nobis tenentur in capite : Vobis precipimus et mandamus quatenus prefato Johanni, vel suo certo actoruato, latori presencium, sasina predicti comitatus ac omnium et singularum terrarum eiusdem comitatus, cum castro et manerio, cum annexis, dependenciis, tenentibus, tenandriis,

liberetenencium [seruiciis], outsetis, moleudinis, multuris, piscacionibus tam in aqua salsa quam dulci, aduocacionibus et donacionibus ecclesiarum et capellaniarum earundem, et suis pertinenciis, iuste haberi faciatis, et sine dilatione; saluo iure cuiuslibet: Capiendo securitatem de v<sup>m</sup> iij<sup>c</sup> xxxij<sup>li</sup> vj<sup>s</sup> viij<sup>d</sup>, de firmis dicti comitatus et terrarum eiusdem, cum [castro] et manerio prescripto, tenentibus, tenandriis, liberetenencium [seruiciis], outsetis, molendinis, multuris, piscacionibus, aduocacionibus [et] donacionibus ecclesiarum et capellaniarum earundem suprascriptis, existentis in manibus nostris et memorati quondam charissimi patris nostri per spacium, videlicet, quinque annorum eius obitum immediate precedentium, et per spacium trium annorum de hinc proximo sequentium in manibus nostris, ratione warde; que firme extendunt annuatim ad vi<sup>c</sup>lxvj<sup>li</sup> xij<sup>s</sup> iij<sup>d</sup> nobis debitas: Et hoc nullo modo omittatis: Presentibus post proximum terminum minime valituris. Teste meipsa, apud Edinburgh, vicesimo tercio die mensis Maii, anno regni nostri quarto. Post cuiusquidem precepti sasine presentacionem, tradicionem et perlecturam, vt premittitur, factam, prefatus Joannes Gordone, actornatus prefati nobilis domini, Johannis, comitis Suthirlandie, prefatum vicecomitem requisivit cum instancia quatenus ipse ad huiusmodi precepti sasine executionem, iuxta traditam seu directam in eodem precepto sibi facultatem, procederet cum effectu. Vnde prefatus Jacobus Patersono attendens huiusmodi requisicionem fore iustam et racioni consonam, volensque mandatum desuper sibi directum reuerenter exequi, vt tenetur, vnacum me, notario publico subscripto, et testibus subscriptis, apud solum messuagium et castrum de Dunrobin, et fundum dictarum [terrarum] comitatus Sutherlandie accessit, et ibidem sasinam hereditariam statumque et possessionem omnium et singularum suprascriptarum [terrarum] comitatus Sutherlandie, et de omnibus et singulis terris eiusdem comitatus, cum castro et manerio de Dunrobin, cum annexis, dependentiis, teuentibus, tenandriis, libere tenencium seruiciis, outsetis, molendinis, multuris, piscacionibus tam iu aqua salsa quam dulci, aduocacionibus et donacionibus ecclesiarum et capellaniarum earundem, cum suis pertinenciis, per terre et lapidis tradicionem, vt moris est, prefato Johanni Gordone, actoruato prefati nobilis domini, Johannis, comitis Sutherlandie, iuxta vim, formam, tenorem et effectum prefati precepti realiter tradidit et deliberavit, [ac] in realem, actualem et corporalem possessionem dictarum [terrarum] comitatus Suthirlandie, vt predictum est, cum earundem pertinenciis, induxit, instituit et investiuit, nemine contradicente, in pace dimisit; saluo iure cuiuslibet. Super quibus omuibus et singulis idem Johaunes Gordone, actornatus prefati nobilis domini, Johannis, comitis Suthirlandie, a me, notario publico subscripto, sibi fieri peccit vnum seu plura, publicum seu publica, instrumentum seu instrumenta. Acta erant hec omnia et singula super solum et fundum dictarum [terrarum]

comitatus, apud castrum et messuagium de Dunrobin, hora nona ante meridiem vel eocirca, sub anno, die, mense, indictione et pontificatu quibus supra; presentibus ibidem Allexandro Donaldi Findlissoue, Allexandro Piper, Allexandro Mathousone, Neile McKy et Jacobo Piper, testibus ad premissa vocatis pariterque rogatis.

Et ego vero Gilbertus Hay, clericus Morauiensis diocesis, sacra auctoritate apostolica notarius publicus ac scriba curie vicecomitatus de Inuernes, quia premissis [*etc. in forma communi*].

89. CHARTER, under the great seal, to JOHN, EARL OF SUTHERLAND, and ELIZABETH CAMPBELL, COUNTESS OF MORAY, his spouse, of the earldom of Sutherland. 6th August 1546.

MARIA, Dei gracia regiuā Scotorum, omnibus probis hominibus totius terre sue clericis et laicis, salutem. Sciatis nos, cum auisamento, consensu et auctoritate charissimi consanguinei et tutoris nostri, Jacobi, Aranie comitis, domini Hammiltoun, regni nostri protectoris et gubernatoris, dedisse, concessisse et hac preseuti carta nostra confirmasse hereditarie dilectis nostris consanguineis, Johanui, comiti de Sutherland, et domine Elizabeth Campbell, comitisse de Murray, sue sponse, ac eorum alteri diutius viuenti, in couiuncta infeodatioue, et heredibus suis subscriptis, omnes et singulas terras comitatus de Suthirland, cum turre et fortalicio de Dunrobyn, tenentibus, tenandriis et liberetenentium seruiciis, piscariis tam in aquis recentibus quam salsis, partibus, pendiculis, lie outsetis, aduocatione, donatione et iure patronatus ecclesiarum, beneficiorum et capellaniarum dicti comitatus, ac omnibus suis pertinentiis, iacentes infra vicecomitatum nostrum de Inuernes; quequidem terre et comitatus, cum turre et fortificio de Dunrobyn, tenentibus, tenandriis et liberetenentium seruiciis, piscariis tam in aquis recentibus quam salsis, partibus, pendiculis, lie outsetis, aduocatione, donatione et iure patronatus ecclesiarum, beneficiorum et capellaniarum dicti comitatus, ac omnibus suis pertiuentiis fuerunt dicti Johannis, comitis de Suthirland, perprius hereditarie, et quas idem per fustem et baculum et procuratores suos ad hoc legitime constitutos et literas suas patentes, in manibus dicti nostri gubernatoris, tanquam iu manibus nostris, nostram potestatem et auctoritatem virtute sui officii tutorie resignationes terrarum de nobis immediate tentarum recipiendi habentis, apud Edinburgh sursum reddidit, pureque et simpliciter resignauit, ac totum ius et clameum que in eisdem habuit seu habere potuit pro se et heredibus suis omnino quieteclamauit

imperpetuum : Tenendas et habendas omnes et singulas prenominate terras comitatus de Suthirland, cum turre et fortilitio de Dunrobyn, teuentibus, tenandriis et liberetenentium seruiciis, piscariis tam in aquis recentibus quam salsis, partibus, pendiculis, lie outsetis, aduocatione, donatione et iure patronatus ecclesiarum, beneficiorum et capellaniarum dicti comitatus, ac omniuis suis pertinentiis, prefatis Johanui, comiti de Suthirland, domine Elizabeth Campbell, sue sponse, ac eorum alteri diutius viuenti, in couiuncta iufeodatione, et heredibus iuter ipsos legitime procreatis seu procreandis, quibus deficientibus, legitimis et propinquieribus heredibus dicti comitis quibuscunque seu assignatis, 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, moris, marresiis, viis, semitis, aquis, stagnis, riuulis, pratis, pascuis et pasturis, molendinis, multuris et eorum sequelis, aucupationibus, venationibus, piscationibus, petariis, turbariis, carbonariis, lignis, lapicidiis, lapide et calce, fabrilibus, brasinis, brueriis et genestis, cum curiis et earum exitibus, herezeldis, bludewitis et mulierum marchetis, cum communi pastura, libero iutroitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficiis et asiamentis, ac iustis pertinentiis suis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, procul et prope, ad predictas terras et comitatum cum turre, fortalicio, ténentibus, tenandriis et liberetenentium seruiciis, piscariis tam in aquis recentibus quam salsis, partibus, pendiculis, aduocatione, donatione et iure patronatus ecclesiarum, beneficiorum et capellaniarum dicti comitatus, et omnibus suis pertinentiis spectantibus seu iuste spectare valentibus quomodolibet in futurum, adeo libere, quiete, plenarie, integre, honorifice, bene et in pace, in omnibus et per omnia, sicut dictus noster consanguineus, Johannes, comes de Suthirland, vel predecessores sui prenominate terras comitatus de Suthirland, cum turre et fortilitio de Dunrobyn, tenentibus, tenandriis et liberetenentium seruiciis, piscariis tam in aquis recentibus quam salsis, partibus, pendiculis, aduocatione, donatione et iure patronatus ecclesiarum et capellaniarum ac beneficiorum dicti comitatus, ac omnibus suis pertinentiis, de nobis vel predecessoribus nostris, ante prefatam resignationem nobis inde factam liberius tenuit seu possedit, tenuerunt seu possederunt : Reddendo inde annuatim dicti Johannes, comes de Suthirland, domiua Elizabeth Campbell, eius sponsa, eorum alter diucius viuens, heredes sui ac assignati predicti, nobis et successoribus nostris iura et seruicia huiusmodi terrarum comitatus de Sutherland, cum turre et fortilitio de Dunrobyn, tenentibus, tenandriis et liberetenentium seruiciis, piscariis tam in aquis recentibus quam salsis, partibus, pendiculis, lie outsetis, aduocatione, donatione et iure patronatus

ecclesiarum, beneficiorum et capellaniarum dicti comitatus, ac omnibus suis pertinentiis, ante dictam resignationem nobis inde factam debita et consueta. In cuius rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus; testibus, reuerendissimo in Christo patre, Gawino, archiepiscopo Glasguensi, etc., dilectis nostris consanguineis, Georgio, comite de Huntlie, domino Gordoun et Badzenach, etc., cancellario nostro, Archibaldo, comite Ergadie, domio Campbell et Lorne, etc., Malcolm, domino Flemyng, magno camerario [nostro], venerabili in Christo patre, Johanne, abbate monasterii nostri de Pasleto, thesaurario nostro; dilectis familiaribus nostris, magistris Jacobo Foulis de Colintoun, nostrorum rotulorum, registri ac consilii clerico, Thoma Bellenden de Auchnoule, nostre iusticie clerico, et Jacobo Hammiltoun de Stanhous, etc., nostre cancellarie direttore; apud Edinburgh, sexto die mensis Augusti, anno Domini millesimo quingentesimo quadragesimo sexto, et regni nostri quarto.<sup>1</sup>

90. LICENCE by JOHN, TENTH EARL OF SUTHERLAND, and ALEXANDER, postulate of Caithness, to JOHN GRAY of Coulmaly, to stay at home from the siege of Langhope. 27th June 1547.

FORSAMIKILL as we, Johne, eirle of Sutherland, leiwtennent from Spaie north, and Allexander, postolat off Cathenes, hais dew and sufficient knowlaig that Johne Gray of Coulmaly is subiat to infirmitie, quhairth[r]ocht he is nocht abill to pas to the nixt ost and seige of Langhope without apirent parell of his lyff, quhair of the conuentioun suld be pibite (*sic*) the tent day of July immediatly following the dait off thir presentis: heirfoir we hawe lisenca and be thir presentis lisenca the said Johne to remaine att hame fra the said conuentioun and ost, and sall warrand him att the Queineis Graceis handis and all wtheris be thir presentis, subserywit with owir handis the twentie sewin day of Junij the yeir of God I<sup>m</sup> v<sup>e</sup> fowrtie sewin yeiris at Dunrobin.

Sic subscribitour,

JHONE, ERL OF SWTHYRLAD.

ALLX<sup>r</sup>, postulat off Caithnes.

<sup>1</sup> There is also a Precept of Sasine from the Chancery of Queen Mary directed to the Sheriffs of Inverness, in that part, following on the preceding Charter, under the quarter

seal, at Edinburgh, 6th August 1546, followed by an Instrument of Sasine, dated 13th October 1546.



91. BOND OF SERVICE by JOHN, EARL OF SUTHERLAND, to QUEEN MARY OF  
 GUISE. 20th February 1548-9.<sup>1</sup>

BE it knawin to al men be thir presentis that forsamekel as it haiss plesit ane honorabel Princesse, Marie, Dowarer of Scotland, to ressaif me as tennand to hir Grace of the Erldom of Ross, and haiss gaiffin me hir Gracis lettre of maintenanse in lesun accions, thairfor I be thir presentis promettis faythfully to serwe hir Grace at al tymes as sche wil command me, at the uttermost of my power, with my frendis and serwandis for al the dayis of my lyif, nain beand exceppit bot the Quene, my Sowren, and hir autoritie. In witness heirof I haif swbscryuit this my band of serwiss at Edinburgh the xx day of Februar the yeir of God ane thowsand v<sup>c</sup> xlviij yeiris, befor thir witnesses, Thomas, maister of Airskyn, Gilbert, Erll of Cassillis.

*Warrant of  
 J. Sutherland*

92. BOND between GEORGE, EARL OF CAITHNESS, and JOHN, EARL OF SUTHERLAND,  
 for mutual friendship and defence. 26th April 1549.

AT SCRABISTIR the twenty sex day of Aprile the yeir of God ane thousand five hundreth fourty nyne yeiris, it [is] appoyntit, concordit and finalie endit betuix nobill and potent lordis, George, erle of Caithnes, on that ane part, and Jhone, erle of Suthirland, on the vthir part, for thame selfis, kin, freindis, seruandis, part takaris, parte purches and allaye, in maner, forme and effect following, that is to say, the saidis nobill lordis havand ee to the wele publik of the realme and for resyding of our auld inimeis of England, for stancheing of thift, raif, slauchter and oppressioun within thair [boundis] and landis, be the mediatioun and labouris of ane reuerend fader in God, Robert, byschope

<sup>1</sup> Original in H.M. General Register House, indorsed "The Erll of Sutherland's band of maintenance to the Queen Dowarar, 1548."

of Caithnes, havand respect to the premissis and commoun weill of his dioecy, and for settin asyde and removing all inanymite and puttin away all suspitioun and vnkyndnes that is or mycht ryse betuix the saidis nobill lordis in all tymes to cum, thair kin, freindis, seruandis, part takaris, parte purches and allaye, the said George, erle of Caithnes, for him self, kin, freindis, seruandis, part takaris, parte purches and allaye, sall concuir, trew and afald part tak with the said Jhone, erle of Suthirland, his kin, freindis, seruandis, part takaris, parte purches and allaye, in all his and thairis causis, quer[ellis], debaittis, questionis, controuerseis, actionis, persewtis, besynes and adoio quahatsumeur in contrair all deidlie, for all the dayis and termes of the said George, erle of Caithnes, lyftyme, the authorite, George, erle of Huntlie, Alexander Ros of Ballingoway and Hew Keunidey of Girwenmanis allanerlie exceptitt : And in lykwyse the said Jhone, erle of Suthirland, for him self, kin, freindis, seruandis, part takaris, parte purches and allaye sall concuir, trew and afald part tak with the said George, erle of Caithnes, his kin, freindis, seruandis, part takaris, parte purches and allay in all his and thairis causis, querellis, debaittis, questionis, controuerseis, actionis, besynes and adoio quahatsumeur in contrair all deidlie, for all the dayis and termes of the said Jhone, erle of Suthirlandis, lyftyme, the authorite, George, erle of Huntlie, Jhone M<sup>e</sup>Kenze of Kintaill, and Williame M<sup>e</sup>Intoiche of Downauchtane allanerlie exceptit : And athir of the saidis nobill lordis sall gif thair leill, trew and afald consale to vtheris in all maner of besynes and sall nothir heir nor see nor persave vthiris skaithis, hurte or ony detriment bot incontinent sall aduertise vthiris thairof be thame selfis or sum mediatouris, and incontinent thaireftir sall concuir and tak afald and plane part with vthiris for resysting thairof, saving the exceptionis expremitt respectiue. And gif it happinnis ony trespassour or trespassouris to committ thift, raif, sornyng, slauchter or oppressioun within the boundis pertenyng, the saidis nobill lordis sall pmyse the samyn with all rygour, conforme to iustice, in maist haistye maner, and redress the skaith of gudis or geir to the persoun or personis hurte : And in cace the saidis trespassour or trespassouris be fugitive or strang mysdoaris, the saidis nobill lordis with thair kin, freindis, seruandis, part takaris, parte purches and allaye, sall persew and apprehend the saidis misdoaris, being within thair boundis, and thaireftir immediatlie sall exerce iustice on thame conforme to thair demeritis without ony fauour. And tuiching the heretage and debaittabill landis of Auchaduly with the pertinentis depending betuix [them] the saidis nobill lordis ar contentit and be the tennour heirof contentis to vnderly the decreitt, sensiment and finale interpretatioun and deliuerance of nobill and honorabill men, Williame, erle of Montrose and lord Grahame, and Maister James M<sup>e</sup>G[ill] for the part of the said

George, erle of Caithnes, maister Thomas Marioribankis, clerk of the register, and Robert Carnegy off Kinnard for the said Jhone, erle of Suthirland, abnf writtin, eqnaly namit and chosyne ; and failzeing ony of the persoun or personis abuf expremit exceptis nocht the mater on thame tou[ching] the landis of Anchadwly with the pertinentis, it salbe lesum to cheiss ane vthir persoun or personis as mister[is] on ilk syde ; quhilkis personis acceptand the said mater on thame to be snorne to gif thair iust decreit and delinerance conforme to the juris to be producit be athir of the saidis parteis befor thame. And for observing, keiping and fulfilling of all and syndry the clausis, poynttis and articulis abuf expremit, athir of the saidis nobill lordis bindis and oblissis thame be the fayth and treuth in thair bodyis, the haly evangelis tnicheit, and vnder the pane of periure, inhabilite and infame ; and in witnessing of the samin the saidis nobill lordis, George, erle of Caithnes, hes snbscrivit and seillit the part heirof remanyng with the forsaid Jhone, erle of Suthirland, and the said Jhone, erle of Suthirland, hes snbscrivit and seillit the part heirof remanyng with the forsaid George, erle of Caithnes, day, yeir and place abone writtin ; befor thir witnes, ane renerend fader [in God] Robert, bischope of Caithnes, ane honorabill man, Donald M<sup>c</sup>Ky of Fare, David Sinclair of Dun, Alexander Gordonn, Stevin Kincaid, Jhone Gray of Culmaly, maisteris Alexander Thomsoun, vicar pensionare of Donatt, and Mr. Jhone Jaksonn, with vtheris diuerss.

GEORGE, ERL OF CATHNESS.

JHONE, ERL OF SWTHYRLAND.

93. BOND OF MANRENT between GEORGE, EARL OF CAITHNESS, JOHN, EARL OF SUTHERLAND, ROBERT, elect of Caithness, and DONALD M<sup>c</sup>KAY of Far, 28th April 1549. Copy.

AT GIRNEGO the xxviiij daye of Aprile, the yere of God ane thousand five hundretlit fourte nyne yeris, it is appointit, concordit and finalie endit betnix nobill and potent lordis, ane reuerend fader in God, ane honorabill man, that is to say, George, Erle of Cathnes, Johnne, Erle of Suthirland, Robert, elect of Cathnes, and Donald M<sup>c</sup>Ky of Far, for thame selfis, thair kin, freindis, part takkaris, partie purches and allia, sall concnr, trew and ane fald parte tak wthir in all quarrellis, caussis, debaittis, qnestionis, actionis, persutis, bsines, adois qnhatsumevir in contrar all deidle, for all the dayis and termes of the saidis nobill lordis, ane reuerend fadir in God and honorabill manis lyftymis, the auctoritie alanerlie exceptit, and athir of the saidis lordis and honorabille man sall gif thair leill, trew and anefald counsall to wthiris in all maner of busines, and sall

nothir heir nor se nor persauw wtheris skaitht, hurt or ony detrement, bot sall aduertis wtheris thairof be thame selff or sum mediattis, and incontinent thaireftir sall concur and tak anefauld plane part with wthiris for the resisting thairof, the exceptioun alanerlie of be[fo]r expremit ; and euery ane of the saidis lordis, reuerend fadir and honorabile manis actionis, debaitis, persutis salbe reput as anc. And for observing, keiping, fulfilling of all and syndre claussis, pouncis and articulis aboune expremit ilk ane of the saidis nobill lordis, reuerend fadir and honorabill man, bindis and obliassis thame, be the faitht and trewtht in thair bodeis, the hallie ewangelistis twiehit, and wndir the pane of periure, inhabilite, infame, to be leill and trew, and tak anefald part with wthiris respectiue, as said is, aganis all deidlie, the auctorite alanerlie exceptit: In witnessing of the samyne the saidis nobill lordis, George, erle of Cathnes, Johnne, erle of Suthirland, Robert, elect of Cathnes, hes subscriuit and seillit thir bandis for thair partis ; and becaus the said honorabill man, Dauid [*sic*, l. Donald] M<sup>e</sup>Ky of Far, culd nocht wrett, hes selit this present witht his propir sele, and hes requestit ane reuerend fadir in God, Robert, elect of Cathnes, subscriue this said band, the said Dauid [*sic*, l. Donald] hand beand at the pen, day, yere and place aboune writtin, befor thir witnes, ane venerable and honorable man, maister Wilyem Sinclair, persoun of Olrik, Dauid Sinclair of Doun. Sic subscribitur, George, Erle of Cathnes, Robert, elect of Cathnes, Johnne, erle of Suthirland, Robert, elect of Cathnes, at the requeist of Donald M<sup>e</sup>Ky of Far, witht his hand at the pen.

94. EXTRACT AGREEMENT between GEORGE, EARL OF HUNTLY AND MORAY, and JOHN, TENTH EARL OF SUTHERLAND. Dated 23d June 1552, and registered 25th June 1552.

AT ABIRDENE the xxv day of Junii, the yeir of God I<sup>m</sup>v<sup>e</sup> fifty twa yeiris, in presence of Schir Johnne Campbell of Lundy, knyght, iustice depute, etc., comperit noble and mychty lordis, George, erle of Huntlie, lord Gordoun and Badzenoch, etc., and Johnne, erle of Suthirland, and gaif in this contract and appoyntment vnderwrittin, subscriuit with thair handis, and desirit the samin to be actit and registrat in the bukis of adiornale, and to haue the strenth of ane act thairof, and letters and exccutorialis to be direct thairpoun in forme as efferis. The quhilk desire the said iustice depute thocht ressonable, and thairfor ordanit the said contract and appoyntment to be actit and registrat in the saidis bukis, and to haue the strenth of ane act thairof, and letters and exccutorialis to be direct thairpoun in dew forme as efferis, off the quhilk the

tenour followis :—**AT ABERDENE** the xxiii day of Junii, the yeir of God I<sup>m</sup>v<sup>c</sup> lii yeiris, it is finalie appoyntit, concordit and aggreit betuix noble and mighty lordis, George, erle of Huntlie and of Murray, lord Gordoune and Badzenach, lieutenant of the north and chancellare of Scotland on that ane parte, and Johnne, erle of Suthirland, on that vthir parte, in maner, forme and effect as eftir followis, that is to say, the said erle of Huntlie and of Murray for certane ressonable causis moving him sall discharge, and be the tenour heirof dischargeis the said erle of Suthirland, his airis, executouris and assignais, of all males, fermes, custumys, salmond fische, and of the greit custumys of Elgin and Fores, of all yeiris and termes sen the said erle of Huntleis entres to the said erledome of Murray, and afore the terme of Witsonday last exclusiue ; and siclike sall mak ane sufficient letter of tak in dew forme vnder his sele and subscriptionne manuale of the said erledome of Murray, and of the males, fermes, custumys, salmond fischeingis and greit custumys forsaid, to the said erle of Suthirland, his airis and assignais, providand that the saidis assignais be maid be the advise of the said erle of Huntlie, for the space of sevin yeiris nixt and immediatlie following the feist of Witsonday last bipast, quhilk feist was the said Johnne, erle of Suthirland, and his airis and assignais forsaidis entress in and to the tak and assedatioun of the said erldome, for the yeirly payment of the sovme of aucht hundreth pundis, vsuale money of Scotland, at twa termes in the yeir, Witsonday and Martymes, begynnand the first terme of payment at the last Witsonday bipast ; and heirupoune sall find to the said erle of Huntlie sufficient cautione, actit in the officialis bukis of Murray or Abirdene ; and attour he sall keip the hous of Derneway upoun his expenssis by the payment of the said soume of aucht hundreth pundis during the said space. And quhair this tyme bipast thair hes bene sum diuersite betuix the saidis erles and part of noble and gentilmen and vtheris that dependit one athir of thame, or takand thair opinyoun, it is appoyntit that baith the saidis erlis sall remit frelie all displesouris, rancour and malice that ony of thame hes thairat, and nocht allanerlie ressaue thaim in kyndnes and amyte, bot quhair ony of the said noble and gentilmen or vtheris hes bene skaithit or hurt be ony of the saidis erlis throw the motive and occasionne forsaid, as ony of thame will name and gif in bile to vtheris, the samin salbe, at the consideratioun of thame baith and wele avisit freindis, reparit and amendit. And attour in consideratioun of proximitie of blude that is betuix the saidis erlis, and for removing, abolissing and secluding of all maner of displessouris, iniuris, vnkindnes, elastis and vtheris causis quhatsumeuir that athir of the saidis partcis may allege or say incontrare vtheris befor the day of the dait heirof, and for the perpetuale establisshing of kind-

nes, freindschip and amyte betuix the saidis erlis, thair houssis and successouris, it is appoyntit and aggreit that the said Johnne, erle of Suthirland, sall for him and his airis gif his perpetuale band of manrent to the said George, erle of Huntlie and of Murray, and his airis vnder his seill and subscriptione manuale in the best forme, without ony exceptioun of persoune, the Quenis Grace, our souerane lady, the Quenis Grace, dowraer of Scotland, hir derrest moder, my lord governour, and the auctorite of Scotland allanerlie except, in the quhilk he sall oblis him and his airis to tak the said erle of Huntlie and his airis plane afald and trew parte in the peceable brooking and joising of the said erldome of Murray, and sall assist, fortify, and concur at his power that the said erle of Huntlie obtene all forther richt that may be obtenit of the said erldome of Murray; and in likmaner the said erle of Huntlie for him and his airis sall gif thair letters of manteinance in dew forme vnder thair selis and subscriptione to the said erle of Suthirland, his airis and successouris, the Quenis Grace, hir derrest moder, my lord governour and the auctorite of Scotland allanerlie exceptit. For the quhilk band of manrent the said George, erle of Huntlie aud of Murray, sall infest heretablie the said erle of Suthirland and his airis in five hundreth merkland of the said erldome of Murray, gevand five hundreth merkis money in all dewiteis be yeir eftir the forme of the rentale of vmquhile James, erle of Murray, of gude mynd that last decessit, reknand in the samin the boll of quheit to xv̄s, the boll of beir to xv̄s, the boll of hors corne to v̄s, the mart to xxx̄s, the muttoun to v̄s, the gwise to xiiċ, the capoun to vjċ, and the pultre iijċ, to the halding of the said erle of Huntlie and of Murray and his airis of fre blanche ferme; payand yeirly aue penny in name of blanche at Witsunday allanerlie: Quhilk infestment and sesing to be takin thairupoun, nochtwithstanding the said Johnne, erle of Suthirland, and his airis sall content and pay yeirly to the said erle of Suthirland and his airis yeirly the said soume of aucht hundreth pundis induring all the yeiris contenit in the said assedatioun for the space of sevin yeiris, and at the entres of euery aue of the said Johnne, erle of Suthirland, airis, the said band of manrent and band of manteinance, gif thai be requirit be athir of ws, the samin salbe renewit; and siclike the said George, erle of Huntlie, sa oft as he salhappin to get new rycht or mair rycht nor he has now, he sall renew to the said erle of Suthirland and his airis the infestment of the said v̄c merkland and mak thame sicker of the samiu as he may. Providing alwayis that gif the said Johnne, erle of Suthirland, or his airis failze wilfullie in contrair the tenour of the said band and beis convict afore the lordis of counsale of the samin, and refusis to amend the said falt be the sight of freindis, than in that cais he or thai, committaris of the said falt, refusaris

to mak ane mendis, being requirit thairto, sall tyne and forfalt the said v<sup>c</sup> merkland foreuir. And in likemane gif the said George, erle of Huntlie and Murray, or his airis committis ony wilfull falt incontrare the tenour of thair band of mantenance aganis the said Johnne, erle of Suthirland, and his airis, and being convict of the samin befor the lordis of the counsale, and refusis to mak ane mendis at the sicht of freindis bein[g requirit] thairto, the said band of manrent to expire in the self foreuir ; and the said Johnne, erle of Suthirland, and his airis, nochtwithstanding to bruk [the said] v<sup>c</sup> merkland : And siclike the samin band to expire in caise that the said erle of Huntlie be lauchfullie seclndit fra the said erldome of Murray, and the samin obte[uit . . .] fra him vsand his iust and lauchtfull defenssis, sua that he may nocht warrand the said Johnne, erle of Suthirland, and his airis the said v<sup>c</sup> merkland that he hes now or salhappin to obtene heireftir, less nor the said George, erle of Huntlie, or his airis infest of new the said Johnne, erle of Suthirland, in vther v<sup>c</sup> merkland, als gude, als proffitabill and als wele haldin as the said v<sup>c</sup> merkland of the said erldome of Murray is be yeir. And forthir it is convenit betuix the saidis erlis that the said erle of Huntlie nor his airis sall nocht willfullie nor fraudfullie gif our his rycht of the said erldome of Murray nor tak contentationn thairfore without express consent and assent of the said Johnne, erle of Suthirland, or his airis ; and in caise that the said erle of Huntlie nor his airis sall nocht be haldin to ony warrandice of the said v<sup>c</sup> merkland of the erldome of Murray at the handis of the said Johnne, erle of Suthirland, his airis or assignais ; and for the faithfull and trew obseruing and keping of all and sindry thir premissis, baith the saidis parteis ar bnddin, oblist and sworne, ilkane to vtheris, without fraude or gile, and vnder the panis of perinrie, infamite and tinsale of lautie, honour and credence in tyme cuming ; and for the mair secrite is content that this contract be registrat and insert in the bkis of Adiornale and to hane the effect and streuth of ane decretit of the lordis of counsale, and letters to be direct thairupone. In witnes heirof the saidis partiis hes selit and subscriuit the samin interchangeable, yeir, day and place forsaid, befor thir witnes, ane reuerend fader in God, Robert, bischope of Orknay, Alexander, Lord Gordonn, Alexander Gordoun of Strathowne, Mr. James Gordonn, cancellare of Murray, Robert Carnegy of Kynnard, George Gordoun of Scheves, knyght, and Maistir Petir Galbrath, notar publict, with vtheris. Sic subscribitur, George, erle of Huntlie, Johnne, erle of Suthirland. Extractum de Libro Adiornalis supreme domine nostre regine per me, magistrum Joannem Bellenden de Achnoule, clericum iusticiarie eiusdem generalem, sub meis signo et subscriptione manualibus.

JOANNES BELLENDEN, Clericus Iusticiariæ.

95. PRECEPT OF CLARE CONSTAT by JOHN, EARL OF SUTHERLAND, for infefting ALEXANDER SUTHERLAND of Duffus, as heir to his grandfather, in the lands of Skelbo, etc. 3d November 1554.

JOANNES, comes Sutherlandie ac dominus superior terrarum subscriptarum, cum consensu et assensu charissime nostre sponse, Helene Stewart, comitisse Sutherlandie, dilectis nostris Willelmo Gaderar, burgensi de Elgin, ac eorum cuilibet, coniunctim et diuisim balliuis nostris in hac parte specialiter constitutis, salutem. Quia nobis per auctentica documenta, euidentias et instrumenta, clare constat et est notum, quod quondam Willelmus Sutherland de Duffous, auus Alexandri Sutherland de Duffous, latoris presentium, obiit vltimo vestitus et sasitus, vt de feodo, ad pacem et fidem quondam supremi domini vostri, Jacobi quinti, Dei gracia Scotorum Regis, bone memorie, cuius anime propicietur Deus, de omnibus et singulis terris et fortificio siue castro de Skelbo, cum tenentibus, tenendriis et libere tenentium seruitiis earundem, vna cum terris et piscationibus aque de Inuerschyn et de ly Lyn eiusdem, cum vniuersis et singulis dictarum terrarum et piscationum annexis, connexis, dependentiis et pertinentiis vniuersis earundem solitis et consuetis, jacentibus in comitatu nostro Sutherlandie et infra vicecomitatum de Innernys; et quod dictus Alexander Sutherland est legitimus et propinquior heres eiusdem quondam Willelmi Sutherland, sui aui, de omnibus et singulis terris, fortificio siue castro, piscationibus, pendiculis, pertinentiis, connexis, annexis et dependentiis, cum tenentibus, tenendriis et libere teuentium seruitiis, cum earum vniuersis pertinentiis; et quod dictus Alexander Sutherland est legitime etatis ratione nostre dispensationis sue miuoritatis, cum qua tenore presentium dispensamus; et quod de nobis et successoribus nostris, Sutherlandie comitibus, tenentur in capite: Vobis igitur et vestrum cuilibet, coniunctim et diuisim balliuis nostris in hac parte antedictis, firmiter precipimus et mandamus quatinus, visis presentibus, indilate predicto Alexandro Sutherland vel suo certo actornato seu procuratori legitimo, presentium latori, statum, sasinam hereditariam pariter et possessionem corporalem, actualem et realem, omnium et singularum predictarum terrarum et fortificii siue castri de Skelbo, cum tenentibus, tenendriis, et liberetenentium seruitiis earundem, necnon terrarum et piscationum aque de Inuerschyn et ly Lynu eiusdem, cum vniuersis et singulis dictarum terrarum et piscationum annexis, connexis, dependentiis et pertinentiis vniuersis earundem solitis et consuetis, per deliberationem eius terre et lapidis fundi earundem, et de dictis piscationibus per rhetis et cimbe tradicionem, vt moris est in similibus fieri consuetum, secundum tenorem antique infeodationis quam inde habet, iuste haberi faciatis, tradatis



et deliberetis, seu alter vestrum haberi faciat, tradat et deliberet ; et hoc nullo modo omittatis : Ad quod faciendum vobis et vestrum cuilibet, coniunctim et diuisim balliuis nostris in hac parte, nostram plenariam et irreuocabilem tenore presentium committimus potestatem. In cuius rei testimonium presentibus manu nostra subscriptis sigillum nostrum proprium, necnon sigillum proprium dicte charissime nostre sponse vna cum sua subscriptione manuali in signum sui consensus et assensus ad premissa, presentibus sunt appensa, apud Dernivay, tertio die mensis Nouembris, anno Domini millesimo quingentesimo quinquagesimo quarto ; coram hiis testibus, Jacobo Murray de Culbardy, Jacobo Innes de Towchis, Joanne Graye de Culmale, Willelmo Gaderar, burgensi de Elgin, et domiio Joanne Gibsone, notario publico, cum diuersis aliis.

JHONE, ERLL OF SOTHYRLAND.

ELENOR, COUNTES OF SODERLAND.

96. PRECEPT OF CLARE CONSTAT, for infesting ALEXANDER SUTHERLAND of Duffus, as heir to his grandfather, WILLIAM SUTHERLAND of Duffus, in the lands of Aberscore, Easter Achindnich, and Invershin, etc. 3d November 1554.

JOANNES, comes Sutherlandie ac dominus superior terrarum subscriptarum, cum consensu et assensu charissime nostre sponse, Helene Stewart, comitisse Sutherlandie, dilectis nostris Willelmo Gaderar, burgensi de Elgin, et eorum cuilibet, coniunctim et diuisim balliuis nostris in hac parte specialiter constitutis, salutem. Quia nobis per auctentica documenta, euidencias et instrumenta, clare constat et est notum, quod quondam Willelmus Sutherland de Duffous, auus Alexandri Sutherland de Duffous, latoris presentium, obiit vltimo vestitus et sasitus vt de feodo, ad pacem et fidem quondam snpremi domini nostri, Jacobi quinti, Dei gratia Scotorum Regis, bone memorie, cuius anime propicietur Deus, de omnibus et singulis terris de Abirscor, Ester Awchindoycht et Inuerschyn, cum piscaria aque et lie Lyn earundem, cum pertinentiis, annexis, connexis, pendiculis, dependentiis, tenentibus, tenendriis et liberetenentium seruitiis earundem, iacentibus in comitatu nostro Sutherlandie infra vicecomitatum de Inuernys ; et quod dictus Alexander Sutherland est legitimus et propinquior heres eiusdem quondam Willelmi Sutherland, sui aui, de omnibus et singulis terris et piscationibus predictis, cum pertinentiis, annexis, connexis, dependentiis, pendiculis, tenentibus, tenendriis et liberetenentium seruitiis, cum earundem vniuersis pertinentiis ; et quod est legitime etatis racione

nostre dispensationis sue minoritatis, cum qua tenore presentium dispensamus ; et quod de nobis et successoribus nostris, comitibus Sutherlandie, tenentur in capite : Vobis igitur et vestrum cuilibet, coniunctim et diuisim balliuis nostris in hac parte antedictis, firmiter precipimus et mandamus quatinus, visis presentibus, indilate predicto Alexandro Sutherland vel suo certo actornato seu legitimo procuratori, presentium latori, statum, sasinam hereditariam pariter et possessionem corporalem, actualem et realem, omnium et singularum predictarum terrarum de Abirscor, Ester Awchindoych, et Innerschyn, cum piscaria aque et ly lynn earundem, cum pertinentiis, annexis, connexis, pendiculis, dependentiis, tenentibus, tenendriis et liberetenentium seruiciis, cum earundem vniuersis pertinentiis, per deliberationem eisdem terre et lapidis fundi earundem, necnon de dictis piscationibus per rhetis et cimbe [tradicionem], vt moris est in similibus fieri consuetum, secundum tenorem antique infeodationis quam inde habet, iuste haberi faciat, tradatis et deliberetis, seu alter vestrum haberi faciat, tradat et deliberet ; et hoc nullo modo omittatis : Ad quod faciendum vobis et vestrum cuilibet, coniunctim et diuisim balliuis nostris in hac parte, nostram plenariam et irreuocabilem tenore presentium committimus potestatem. In cuius rei testimonium presentibus manu nostra subscriptis sigillum nostrum proprium, necnon sigillum proprium dicte charissime nostre sponse vnacum sua subscriptione manuali in signum sui consensus et assensus ad premissa, presentibus sunt appensa, apud Darneway, tercio die mensis Nouembris, anno Domini millesimo quingentesimo quinquagesimo quarto ; coram hiis testibus, Jacobo Murraie de Culbardie, Jacobo Innes de Towchis, Joanne Graye de Culmane, Willelmo Gaderar, burgensi de Elgin, et domino Joanne Gibson, notario publico, cum diuersiis aliis.

JHONE, ERLI OF SOTHYRLAND.

ELENOR, COUNTES OF SOTHIRLAND.

97. FEU-CHARTER by ROBERT, BISHOP OF CAITHNESS, to JOHN, EARL OF SUTHERLAND, and HELEN STEWART, COUNTESS OF ERROL, his sponse, of the lauds of Wester Skibo, Siddera, etc. 26th March 1557.

OMNIBUS hanc cartam visuris vel audituris, Robertus, miseratione diuina episcopus Cathanensis, salutem in Domino sempiternam. Quia regni nostri Scotie retro principes diuersi suis in parliamentis, cum tribus regni Scotie statibus, super republica eiusdem mutuo disceptantes, terras regis et aliorum, prelatorum, dominorum temporalium, comitum, baronum ceterorumque quorumcunque hominum terras hereditarie pos-

sidentium, in emphiteosim seu feodifirmarium, absque rentalium suorum diminutione, vt cum tenentibus conuenire poterint, assedandas fore decreuerunt ; opinantes perinde commoda non modica, vt policie honesta artificia, terrarum nouas culturas, sterilium meliorationes arborum plantationibus, piscium in aquis recentibus et per stagna nutritiones, columbariorum, viridariorum, hortorum et cuniculariorum constructiones, tenentium et possessorum huiusmodi terrarum sic in emphiteosim seu feodifirmam locatarum, in rebus mobilibus ditationes et armorum ac rerum bellicarum, pro regis et regni contra veteres hostes seu alios quoscunq; inuasores ex firma spe remanendi cum teuentibus suis et aliis per se et suos heredes pro perpetuo gaudendas et possidendas, regi, regno et reipublice saluti apprime proficere : Nos igitur, opinantes leges et statuta prescriptorum principum et regum et firmiter scientes toti regno et incolis maxime esse perutiles, nedum easdem verum etiam et sacros canones, qui de terris ecclesiasticis perpetuam permittunt emphiteosim insequentes terras nostras, cum castris et piscariis subscriptis, suadentibus premissis, in feodifirmam locare statuimus : Noueritis igitur nos, cum expressis consensu et assensu decani et canonicorum capituli ecclesie nostre cathedralis Catherensis, capitulum eiusdem pro tempore representantium, capitulariter congregatorum, omnibus et singulis interesse habentibus seu habere putantibus et quos infrascriptum tangit negocium, seu tangere poterit quomodolibet in futurum, ad infrascripta per edictum publicum in valuis dicte nostre ecclesie effixum et debite executum, citatis, vocatis, vtilitate et commodo nostris et dicte nostre ecclesie vndique preuisis, pensatis, examinatis et diligenter consideratis, diligenti et longo tractatu ac matura deliberatione desuper prehabitis, in euidentem vtilitatem dicte nostre ecclesie et nostrorum successorum Catherensium episcoporum, ac in augmentationem rentalis eiusdem, extendentem ad summam trium librarum vsualis monete regni Scotie, plusquam vnquam terre subscripte cum earum castris, piscariis, pendiculis, pertinentiis, inferius specificatis, nobis aut predecessoribus nostris persoluerunt ; acetiam pro magnis pecuniarum summis nobis tempore confectionis presencium per nobilem dominum Johannem, comitem Suthirlandie, in pecunia numerata gratanter et integre pre manibus persolutis, et in vsum nostrum ac ad reparationem dicte nostre ecclesie totaliter conuersis, ac pro defensione nostra et nostrorum canonicorum aliarumque personarum ecclesiasticarum nostre dicte ecclesie Catherensis ; necnon pro diuersis aliis gratitudinibus, auxiliis et benemeritis per dictum nobilem dominum multipliciter prestitis et impensis, dedisse, concessisse, arrendasse, assedasse, locasse et ad feodifirmam seu emphiteosim hereditarie dimississe, et hac presenti carta nostra confirmasse, necnon tenore presentium dare, concedere, assedare, arrendare, locare et ad feodifirmam seu

emphiteosim hereditarie dimittere, et hac presenti carta nostra confirmare, prefato nobili domino, Johanni, comiti Suthirlandie, et probe domine, Helene Stewart, comitisse Errolie, sue sponse, et eorum alteri diutius uiuenti in coniuncta infeodatione, heredibusque suis inter ipsos legitime procreatis seu procreandis, quibus deficientibus, veris, legitimis et propinquioribus heredibus dicti Johannis, comitis Suthirlandie, quibuscunque, omnes et singulas terras cum castello et palatio subscriptas, cum suis pendiculis et pertinentiis, iacentes infra bondas Suthirlandie et Cathanie respectiue et infra vicecomitatum de Inuernys, videlicet, terras nostras de Wester Skebo, Sythera, Vllest, Ardalles, Ferretoun cum cimba et passagio, Dawatsin, Drumdewane, Auchiveyauch, cum suis pendiculis nuncupatis Cuthegermolaye et Auchenecolas, molendinum de Skebo, palatium nostrum de Dornoch, terras de Force cum molendino et piscaria salmonum eiusdem, Ballze, Stambuster, decem denariatas terrarum de Weik, Canzeouch Quysis, Bischopis Quysis, North Killummister, South Killummister, molendinum de Wyndeles, cum tribus lie octiuinis terrarum in Myreland Norne nunc in manibus magistri Thome Brody, pensionarii de Wattin, molendinum de Lyche cum suis multuris, nouem denariatas cum obulo terrarum nostrarum de Scrabustar, cum fertilicio seu castro eiusdem, terris nunc nominatis Johannis M<sup>c</sup>Kewin et Willelmi Randelstoun exceptis, croftas de Scrabustar cum quarta parte piscarie salmonum aque Thurso, totas terras croftas et acras nostras cum earundem tenementis ciuitatis nostre de Dornoch, quouis modo nobis et successoribus nostris pertinentes seu iuste spectare valentes, cum earundem partibus, pendiculis et pertinentiis, tenentibus, tenandriis et libere tenentium seruiciis earundem : Quequidem terre nostre de Wester Skebo soluunt in nostro rentali annuatim octo bollas victualium firme, quatuor bollas victualium aride multure, precium bolle decem solidi, duas bollas auenarum equorum, precium bolle quinque solidi, duas duodenas pultriarum, pretium pecie tres denarii, quatuor libras monete Scotie firme, sexdecim solidos grassumi, extendentes in toto ad summam vndecim librarum quindecim solidorum monete predicte ; Item, terre nostre de Sythera soluunt in nostro rentali annuatim octo bollas victualium firme, quatuor bollas aride multure, precium bolle decem solidi, duas bollas auenarum equorum, precium bolle quinque solidi, duas duodenas pultriarum, pretium pecii tres denarii, quatuor libras monete prefate, summe xvi s. gressume, extendentes in toto ad summam vndecim librarum xii s. monete prefate ; Item, terre nostre de Vllest soluunt in nostro rentali annuatim quatuor bollas victualium firme, duas bollas aride multure, pretium bolle decem solidi, vnam bollam auenarum equorum, precium bolle quinque solidi, duodecim pultrias, precium pecie tres denarii, quadraginta solidi firme, octo solidi grassume, ex-

tendentes in toto ad summam v librarum xvi solidorum monete predictæ ; Item, terre nostre de Ardellis soluunt annuatim in nostro rentali iiij bollas victualium firme, duas bollas aride multure, pretium bolle decem solidi, vnam bollam auenarum equorum, precium v solidi, xii pultrias, precium pecii tres denarii, xl solidos firme, octo solidos grassume, extendentes in toto ad summam v librarum xvi solidorum prefate monete ; Item, terre nostre de Ferretoun, cum cimba et passagio eiusdem, soluunt annuatim in nostro rentali duas bollas victualium firme, precium bolle x solidi, vnam bollam aride multure, precium eiusdem x solidi, duas firlotas auenarum equorum, precium ij solidi sex denarii, vj pultrias, precium pecii tres denarii, xl s. firme, iiij s. gressume, extendentes in toto ad summam trium librarum xvij solidorum monete prefate ; Item, terre vostre de Auchevyich cum suis pertinentiis, videlicet, Auchegormuta et Auchenicholas, extendunt in nostro rentali annuatim ad summam xx solidorum monete predictæ, tantum ; Item, terre nostre de Dawauchsin soluunt in nostro rentali annuatim xl solidos monete antedictæ, tantum ; Item, terre nostre de Drumdewane soluunt in nostro rentali annuatim quinquaginta tres solidos quatuor denarios monete antedictæ, tantum ; Item, moleudinum de Skebo soluit in anno in nostro rentali iiij libras monete predictæ, tantum ; Item, terre de Force, cum molendino et piscaria salmonum eiusdem, soluunt annuatim in nostro rentali quatuor celdras cum octo bollis victualium firme, precium bolle octo solidi iiij denarii, vi bollas auenarum equorum, precium bolle iiij solidi ij denarii, nonaginta sex garbas auenarum, pretium pecie vnus denarius, nonaginta sex sarcinas straminum, lie hallowis of stray, precium pecie tres obuli, octodecim solidi gressumi, tres mertas gressumales, precium pecie xxx solidi, duas duodenas pultriarum cum tribus gallinis, lie halk henuis, precium pecie duo denarii, sex solidi lie pleuch siluir, duodecim denarios lie huik siluir, extendentes in toto ad summam triginta octo librarum iiij solidorum vi denariorum monete prefate ; Terre nostre de Ballze soluunt in nostro rentali annuatim viginti solidos firme, viginti solidos grassume, quatuor solidos lie pleuch siluir, vnam bollam auenarum equorum, precium bolle quatuor solidi ii denarii, xxxii garbas auenarum, precium pecie vnus denarius, xxxii sarcinas straminum, precium pecie tres obuli, iiij gallinas lie halk henuis, precium pecie duo denarii, xvi denarios lie huik siluir, extendentes in toto ad summam lvi solidorum x denariorum mouete prefate ; Item, terre nostre de Stambustar soluunt in nostro rentali annuatim xl solidos firme, octo arietes, precium pecie iii solidi, xvi pultrias cum iiij gallinis, lie halk hennis, precium pecie ii denarii, quatuor bollas auenarum equorum, precium bolle iiij solidi ii denarii, sexaginta garbas auenarum et quatuor earum, precium pecie vnus denarius, sexaginta quatuor sarcinas straminum lie hallowis of stray, precium pecie

tres obuli, octo solidos lie pleuch siluir, tres mertas gressumales, pretium pecie triginta solidi, xvi denarios lie huik siluir, extendentes in toto ad summam nouem librarum xvi solidorum octo denariorum; Item, decem denariate terrarum nostrarum de Weik soluunt in nostro rentali annuatim vi libras tredecim solidos iiij denarios firme, iii libras sex solidos octo denarios gressume, duas mertas emptas nuncupatas vnset mertis, pretium pecie xvi solidi octo denarii, xx capones, pretium pecie vi denarii, xx pultrias cum quinque gallinis lie halk hennis nuncupatis, precium duo denarii, quinque bollas auenarum equorum, precium bolle quatuor solidi ij denarii, octoginta garbas auenarum, precium pecie vnus denarius, octoginta sarcinas straminum lie hallous of stray, precium pecie tres obuli, xvi denarios lie huik siluir, x solidos lie pleuch siluir, extendentes in toto ad summam quatuordecim librarum xvi solidorum iiij denariorum monete predictae; Item, terre nostre de Kennochquyis antedictae soluunt in nostro rentali annuatim xx solidos firme, tantum; Item, terre de Bischopis Quoyis soluunt in nostro rentali annuatim x solidos firme, tantum; Item, predictae terre nostre de North Kilimster soluunt in nostro rentali annuatim vi libras firme, vi libras grassume, nouem bollas auenarum equorum, precium bolle iiij solidi ij denarii, centum quadraginta garbas et quatuor auenarum, precium pecie vnus denarius, centum quadraginta quatuor sarcinas straminum lie hallowis of stray, precium pecie iii obuli, triginta sex capones, precium pecie vi denarii, triginta sex pultrias cum sex gallinis lie halk hennis, precium pecie ii denarii, duodecim solidos lie pleuch siluir, ii solidos lie huik siluir, tres mertas lie vnset mertis, precium pecie xvi solidi octo denarii, extendentes in toto ad summam nouem decem librarum xvi solidorum octo denariorum monete predictae; Item, terre nostre de South Kilimster persoluunt in nostro rentali annuatim vi libras firme, vi libras gressume, nouem bollas auenarum equorum, precium bolle quatuor solidi ij denarii, triginta sex capones, pretium pecie vi denarii, triginta sex pultrias cum sex gallinis, precium pecie ij denarii, centum quadraginta quatuor garbas auenarum, precium pecie vnus denarius, centum quadraginta quatuor sarcinas straminum, precium pecie tres obuli, xv solidos nouem denarios lie pleuch siluer, ij solidos lie huik siluir, tres mertas lie vnset mertis, precium pecie xvj solidi octo denarii, extendentes in toto ad summam xx librarum iiij denariorum monete antedictae; Item, molendinum de Wyndeles soluit in nostro rentali annuatim xii bollas victualium, precium bolle octo solidi iiij denarii, extendentes ad summam quinque librarum monete predictae; Item, terre de tribus lie octiuiinis soluunt annuatim in nostro rentali vi denarios monete predictae; Item, molendinum de Lychmoir soluit annuatim in nostro rentali quindecim bollas victualium, precium bolle octo solidi quatuor denarii, extendentes in toto ad summam vi librarum

v solidorum monete predictæ; Item, nouem deuariate cum obulo terrarum nostrarum de Scrabuster cum castro seu fortificio eiusdem soluunt in nostro rentali annuatim vi libras vi solidos viii denarios firme, xii libras tredecim solidos iiii denarios gressume, septuaginta sex pultrias cum octo gallinis, precium pecie ij denarii, nouem bollas cum dimedio bolle auenarum equorum, precium bolle quatuor solidi ij denarii, centum quinquaginta duas garbas auenarum, pretium petie i denarius, centum quinquaginta duas sarcinas straminum, precium petie iiii obuli, xx solidos lie pleuch siluir, duos solidos cum duobus denariis lie huik siluir, tres mertas lie vnset mertis, precium petie xvi solidi octo denarii, extendentes in toto ad summam viginti sex librarum septemdecim solidorum vi deuariorum; Item, crofte nostre de Scrabuster persoluunt annuatim in nostro rentali x solidos monete, tantum; Item, quarta pars piscarie salmonum aque nostre de Thurso soluit in nostro rentali annuatim tredecim libras vi solidos viii denarios dicte monete, tantum; Item, tote et integre tofte ac crofte totalis nostre ciuitatis de Dornoch cum palatio et tenementis earundem nihil soluebant antiquis temporibus rentalibus nostrorum predecessorum, Catheneusium episcoporum, vsque presens, pro quibus dictus comes et eius sponsa et heredes prescripti nunc soluunt annuatim in nostro rentali x libras mouete predictæ; et pro lucracione, abductione et constructione petrariarum nostrorum annuatim octo libras monete predictæ; et pro ariagiis, cariagiis omnium et singularum prescriptarum villarum et terrarum castri ac palatii, prefatarum piscariarum, molendinorum, croftarum, tenementorum de Weik aut alibi, summam quinque librarum dicte monete: Et sic omnibus his summis predictis superius specificatis in firmis pecuniariis, gressumis, pretiis victualium, auenarum equorum, garbarum, auenarum, sarcinarum, straminum, mertarum, arietum, caponum, gallinarum, pultriarum, lie pleuch siluer, lie huik siluer, piscariarum firmis cum ariagiis, cariagiis, annuis redditibus et omnibus aliis debitis seruiis solitis et consuetis, insimul in vna summa couegregatis extendunt ad summam ducentarum viginti septem librarum vudecim solidorum et quatuor denariorum, secundum formam rentalium nostrorum predecessorum ac nostri noue rentalis in quibusdam summis ante presens non in vsu solutionis firme antique, et in augmentationem dicte nostre rentalis dictam summam trium librarum monete predictæ plusquam omnes et singule predictæ terre et ville cum castro, palatio, fortificiis, molendinis, multuris, piscariis, toftis, croftis, seruiis cum ceteris suis pendiculis et pertineutiis prius nobis aut predecessoribus nostris persoluerunt: Tenendas et habendas omnes et singulas predictas terras de Wester Skebo, Sythera, Vilest, Ardaris, Ferretoun cum cimba et passagio, Daauchsyn, Drum Dowauæ, Aucheweyeth cum suis pendiculis nuncupatis Auchegorumela et Auheucolas, molendinum de Skebo, palatium de Dornoch, terras de Force cum molendino et piscaria

salmonum eiusdem, terras de Ballze, Stambuster, decem denariatas terre de Weik, Canzeauch Quoyis, Beschipis Quoyis, North Kilimster, South Kilumster, molendinum de Wyndeles cum suis multuris, tres lie octiuinis terrarum in Myrland Norne nunc in manibus magistri Thome Brode, pentionarii de Wattin, molendinum de Lych cum suis multuris, nonem denariatas cum obulo terrarum de Scrabuster cum fortificio seu castro eiusdem (terris nunc nominatis Johannis M<sup>c</sup>Quin et Willelmi Rannaldsoun exceptis), croftas de Scrabuster, cum quarta parte salmonum piscarie aque de Thurso, totas terras, croftas et acras nostras antedictas cum earundem tenementis, cum palacio ciuitatis de Dornoch, cum suis annexis, connexis, partibus, pendiculis, tenentibus, tenandriis et libere tenentium seruiciis earundem, cum suis pertinentiis quibuscunque, dictis Johanni, comiti Sutherlandie, et Helene Stewart, comitisse Errolie, sue sponse, et eorum alteri diutius viuenti in coniuncta infeodatione, heredibusque suis inter ipsos legitime procreatis seu procreandis; quibus deficientibus, veris legitimis et propinquioribus heredibus dicti Johannis, comitis Suthirlandie, quibuscunque, de nobis et nostris successoribus, Cathenensibus episcopis, in feudifirma seu emphiteosi et hereditate imperpetuum; per omnes rectas metas suas antiquas et diuisas [*etc.*]. Reddendo inde annuatim dictus Johannes, comes Sutherlandie, et Helena, eius sponsa, et eorum alter diucius viuens in coniuncta infeodatione, heredesque sui inter ipsos legitime procreati seu procreandi, quibus deficientibus, veri legitimi et propinquiores heredes dicti Johannis, comitis Suthirlandie, quicumque, nobis et nostris successoribus, Cathenensibus episcopis, pro vniuersis et singulis villis ac terris predictis de Wester Skebo [*etc.*] dictam summam ducentarum viginti septem librarum vndecim solidorum et quatuor denariorum monete predictae firme antique, et in augmentationem nostre rentalis dictam summam trium librarum prefate monete, extendentes in toto in firma antiqua et augmentatione noua ad summam ducentarum triginta librarum vndecim solidorum et quatuor denariorum prefate monete, ad duos anni terminos consuetos, festa videlicet Penthecostes et Sancti Martini in hieme, per equales diuisas portiones: Insuper, heredes prescripti duplicando dictam summam ducentarum et triginta librarum vndecim solidorum et quatuor denariorum prefate monete primo anno eorum introitus ad predictas villas, terras, croftas, piscarias, molendina, cum ceteris suis pertinentiis, nomine feudifirme duplicate, prout vsus est, pro firma illius anni duntaxat, tantum, pro omni alio onere, exactione, questione, demanda seu seruicio seculari que de vniuersis et singulis prescriptis villis, terris, castro, palacio, molendinis, multuris, toftis, croftis, piscariis, partibus, pendiculis, tenentibus, tenandriis, et libere tenentium seruiciis cum singulis earundem pertinentiis superius nominatis, et in specie specificatis, per quos-



cunque iuste exigi poterint quomodolibet vel requiri : Preterea, quia dictum nostrum castrum et fortificium de Serabuster cum palatio nostro de Dornoch construuntur in Hibernica patria inter feros, infrenatos, indomitos et siluestres Scotos, unde non solum tempore belli et guerrarum, verum etiam tempore pacis illa absque grauissimis sumptibus impensis nos et nostri predecessores, Cathenenses episcopi, minime gaudere potuissemus, suadentibus igitur premissis, nos prefatus Robertus, Cathenensis episcopus, cum consensu et assensu decani et canonicorum capituli nostri Cathenensis ad hoc capitulariter congregati, capitulum pro tempore representantium, prefatum nobilem dominum, Johannem, comitem Suthirlandie, et dictam Helenam, eius sponsam, et heredes prescriptos, prefati nostri castri et palatii de Serabustar et Dorno constabularios hereditarios per presentes creauimus, stabilimus et imperpetuum perficimus ; dantes et concedentes eis pro nobis et successoribus nostris omnia iura et seruicia cum pertinentiis constabulariatu constabulariis earundem olim spectantia seu iuste spectare valentia, vna[cum] terris nostris nouem denariatis terrarum nostrarum cum obulo de Serabustar, cumcroftis eiusdem, extendentia annuatim ad summam viginti septem librarum duodecim solidorum xj denariorum, necnon totas et integras terras nostras siuecroftas et acras antedictas totalis nostre ciuitatis de Dornoch, extendentes annuatim ad summam decem librarum, pro nobis et successoribus nostris assignauimus et easdem sursum damus, extendentes in integro ad summam triginta septem librarum duodecim solidorum xj denariorum insimul computatorum pro suis expensis in conseruatione, manutentione et custodia dietorum castri et palatii per nos aut nostros successores edificare et edificandum et in tectis sustentare et sustentandis pro nostraque receptione ac nostrorum successorum in illis nostris et successorum nostrorum sumptibus et impensis in omnibus necessariis quamdiu nobis licebit remanere, ac dictam summam triginta septem librarum duodecim solidorum vndecim denariorum pro causis prescriptis in annua solutione dicte feudifirme summe ducentarum et triginta librarum vndecim solidorum et quatuor denariorum dictis comiti et sue sponse et heredibus eorum prescriptis allocari decernimus et ordinamus : necnon volumus et ordinamus, pro nobis et nostris successoribus, quod vnica sasina per dictos comitem et eius sponsam ac heredes prescriptos capienda apud castrum de Serabustar et palatium de Dornoch respectiue nunc et omni tempore affuturo stabit et sufficiens erit pro omnibus et singulis predictis villis, terris, toftis,croftis, castris, palatiis, molendinis, piscariis cum singulis suis pertinentiis superius specificatis, non obstante quod non iacent inuicem et contigue, absque vlla alia speciali vel particulari in futurum capienda : Et nos vero prefatus Robertus, Cathenensis episcopus, et nostri successores, Cathenenses episcopi, qui pro tempore fuerint, omnes et singulas predictas

terras de Wester Skebo, Sythera, Vllest, Ardellis, Ferretoun cum cimba et passagio, Dawauchsyn, Drumdewane, Auchevyeth, cum suis pendiculis nuncupatis Auchegormulie et Auchenicolas, molendinum de Skebo, palatium de Dornoch, terras de Force, cum molendino et piscaria salmonum eiusdem, terras de Ballze, terras de Stambuster, decem denariatas terre de Weik, Canzeauch Quysis, Bischoppis Quysis, North Kilimster, South Kilimster, molendinum de Wyndeles cum suis multuris, tres lie octiuinis terrarum in Myreland Norue, molendinum de Lych cum suis multuris, nouem denariatas cum obulo terrarum de Scrabuster, cum quarta parte piscarie salmonum aque de Thurso, totas terras, croftas et acras nostras cum earundem tenementis ciuitatis nostre de Dornoch, cum singulis suis annexis, connexis, partibus, pendiculis, tenentibus, tenandriis et libere teuentium seruiciis earundem, cum suis pertinentiis quibuscunque, prefato Johanni, Sutherlandie comiti, et Helene Stewart, eius sponse, et eorum alteri diutius viuenti in coniuncta infeodatione, heredibusque suis inter ipsos legitime procreatis seu procreandis ; quibus deficientibus, veris legitimis et propinrioribus heredibus dicti Johannis, comitis Sutherlandie, quibuscunque, in omnibus et per omnia, forma pariter et effectum, ut premissum est, contra omnes mortales warrantizabimus, acquietabimus et imperpetuum defendemus. In cuius rei testimonium huic presenti nostre carte nostra manuali subscriptione roborate, sigillum nostrum rotundum est appensum, necnon sigillum commune capituli vostre dicte ecclesie de Dornoch, cum subscriptionibus nostrorum canonicorum capitulum pro tempore representantium, in signum eorum consensus et assensus ad premissa carte presentis est appensum, apud ecclesiam nostram cathedralem de Dornoch, vicesimo sexto die mensis Marci anno Domini millesimo quingentesimo quinquagesimo septimo ; coram hiis testibus, venerabilibus et discretis viris, domino Alexandro Gray, vicario de Far, Johanne Gray de Swerdall, et Magistro Thoma Brody, notario publico, cum diuersis aliis.

Ro : Eps. Cathanen.

Jo : JERSONE, cancellarius Cathanen.

GUILIELMUS HEPBURNE, decanus Cathanen.

M. W. GORDONE, the<sup>rius</sup> Cathanen.

ROBERTUS STEWART, precentor Cathanen.

H. BARCLAY, rector a<sup>d</sup> Cannesby.

98. CHARTER by JOHN, EARL OF SUTHERLAND, with consent of HELEN, COUNTESS OF ERROL AND SUTHERLAND, to ALEXANDER SUTHERLAND of Duffus, of the lands and barony of Skelbo. 7th November 1562.

OMNIBUS hanc cartam visuris vel auditoris, Joannes, comes Sutherlandie, dominus superior terrarum subscriptarum et piscariarum ac fertiliorum subscriptorum, cum

consensu et assensu charissime sponse nostre, Helene, comitisse Errolie et Suthirlandie, eternam in Domino salutem. Noueritis nos vnanimi consensu et assensu, dedisse, concessisse et hac preseuti charta nostra confirmasse, tenoreque presentium dare, concedere et hac presenti charta nostra confirmare dilecto consanguineo nostro, Alexandro Sutherland de Duffous, suisque heredibus et assignatis, omnes et singulas terras, baronias et piscarias subscriptas, videlicet, terras dominicales de Skelbo, vna cum fortificio de Skelbo, terras de Ester Skelbo, Petmayne, Cowll, Ballewraat, Cambusawye, Wester Abirscors, Morocht, Morenes, Litile Rowart, Ladie, Blaricht, Machaell, dimedietatem terrarum de Langwell, terras de Innerschyn, Auchindowicht, cum piscaria salmonum aque de Innerschin et lie Lyn, vna cum piscaria salmonum de Machaell super aqua de Oychall, ac cum piscariis salmonum et aliorum piscium in aquis dulcibus et salsis infra bondas et limites predictarum terrarum et piscariarum, cum molendinis dictarum terrarum, cum suis multuris et sequelis, necnon terras de Pentraell, terras et baroniam de Pronsie nuncupatas Thuriboll Mekte, Thuriboll Litill, Strathcharne alias Dalnamayne, Ruriarchar, Assisedaell, Overprousie, Nethirpronsie, Pronsie Croye, Evillik, Mekte Kilpedder, Litill Kilpedder, Grudebrora, Schiberskek in Strathbrora, necnon terras de Caven et Kilpedder in Strathylze, cum vniuersis suis molendinis, multuris, piscariis in aquis dulcibus et salsis tam salmonum quam aliorum piscium, cum suis fortificiis, piscariis, tenentibus, tenendriis, liberetenentium seruiciis, annexis, connexis, domibus, aedificiis, dependentiis, cum earundem vniuersis et singulis pertinentiis, iacentes in comitatu nostro Sutherlandie et infra vicecomitatum de Inuernis: Quequidem terre prescripte cum suis fortificiis, piscariis in aquis dulcibus et salsis, molendinis, multuris et eorum sequelis, tenentibus, tenendriis, liberetenentium seruiciis, cum earundem annexis, connexis, dependentiis ac singulis suis pendiculis et pertinentiis, fuerunt prius dicti Alexandri Sutherland de Duffous, et quas idem Alexander in manibus nostris tanquam (in manibus) domini superioris earundem, in vna baroniam vnieudas, annectendas et incorporandas, baroniamque de Skelbo perpetuis futuris temporibus nuncupandam, in fauorem ipsius Alexandri suorumque heredum et assignatorum, per fustim et baculum, apud Dunrobbin, die date preseutium sursum reddidit, pureque et simpliciter resignauit: Quasquidem sursum redditionem, ac puram et simplicem resignationem omnium et singularum prescriptarum baroniarum, terrarum, fortificiorum ac piscariarum, molendiuorum, multurarum et sequelarum earundem, cum suis tenentibus, tenendriis, liberetenentium seruiciis, annexis, connexis, dependentiis, cum earundem vniuersis et singulis pendiculis et pertinentiis, in vna baroniam perpetuis futuris temporibus viuendarum, annectendarum et incorporandarum, baroniamque de Skelbo

nuucupandam, recepimus et admisimus, prout tenore presentium recipimus et admitimus; omnesque et singulas terras prescriptas, cum suis fortiliiciis, piscariis in aquis dulcibus et salsis, cum suis molendinis, multuris et eorum sequelis, tenentibus, tenendriis, liberetenentium seruiciis, annexis, connexis, partibus, pendiculis, cum earundem vniuersis et singulis pertinentiis, in vnam baroniam vniuius, annexiuius et incorporauimus, prout tenore presentium vnimus, annectimus et incorporamus, illamque baroniam **BARONIAM DE SKELBO** perpetuis futuris temporibus, pro nobis et nostris successoribus ac heredibus, Sutherlandie comitibus, nuncupandam, ordinamus et decernimus, prout eandem nuncupamus et nominamus: Volentes etiam pro nobis et nostris successoribus ac heredibus, Sutherlandie comitibus, quod vnica sasina nunc et omni tempore affuturo capienda apud principale messuagium et fortiliicium de Skelbo stabit et sufficiens erit pro omnibus et singulis prescriptis terris, fortiliiciis, piscariis, molendinis, multuris et eorum sequelis, tenentibus, tenendriis, liberetenentium seruiciis, partibus, pendiculis, annexis, connexis, dependentiis, cum earundem vniuersis et singulis pertinentiis, non obstante quod non iacent inuicem et contigue, ac si iacerent inuicem et contigue, et ac si sasina successiue seorsum et distincte in singulis partibus earundem eaperetur et daretur; et hoc ob homagium, bona, grata et debita seruicia, ac ob diuersas gratitudines, auxilia, consilia et benemerita nobis, temporibus retroactis, per dictum Alexandrum ac tempore confectionis et concessionis presentium prestita et impensa: Tenendas et habendas omnes et singulas predictas terras et baronias ac piscarias suprascriptas et subscriptas, videlicet, terras dominicales de Skelbo, vna cum fortiliicio de Skelbo, terras de Ester Skelbo, Petmayne, Cowll, Bellewraat, Cambusawye, Wester Abirscors, Morocht, Morenes, Litile Rowart, Ladie, Blaricht, Machaell, dimedietatem terrarum de Langwell, terras de Innerschin, Auchindowicht, cum piscaria salmonum aque de Innerschin et lie Lyn, vna cum piscaria salmonum de Machaell super dicta aqua de Oychall, cum piscariis salmonum et aliorum piscium in aquis dulcibus et salsis infra bondas et limites predictarum terrarum et pisciarum, cum molendinis prefatarum terrarum, cum suis multuris et sequelis; necnon terras de Pentraell, terras de Thuriboll Mekle, Thuriboll Litill, Strathcarne alias Dalnamayne, Ruriarchar, Assisedaell, Overpronsie, Nethirpronsie, Pronsiecroye, Ewillik, Mekle Kilpedder, Litill Kilpedder, Grudebrora, Schiberskek in Strathbrora; necnon terras de Cawen et Kilpedder in Strathvlze, cum suis domibus, aedificiis, fortiliiciis, tenentibus, tenendriis, liberetenentium seruiciis, piscariis in aquis dulcibus et salsis infra bondas et limites predictarum terrarum et pisciarum quantum portare poterint; eum potestate fodiendi, laborandi et colendi nouas terras et piscarias nondum cultas, quantum bonde et limites prefatarum terrarum

et piscariarum portare poterint, cum molendinis, multuris et eorum sequelis, annexis, connexis, partibus, pendiculis, cum vniuersis et singulis earundem pertinenciis in vnam baroniam baroniamque de Skelbo perpetuis futuris temporibus nuncupandam, sic vt premittitur iacentes, de nobis et nostris heredibus ac successoribus, Sutherlandie comitibus, in feodo et hereditate, ac vna baronia, videlicet, baronia de Skelbo, cum suis partibus et pendiculis nuncupanda imperpetuum, per omnes rectas metas suas antiquas et diuisas, prout iacent in longitudine et latitudine, in boscis, planis, moris, marresiis, viis, semitis, aquis, stagnis, riuolis, pratis, pascuis, pasturis, molendinis, multuris et eorum sequelis, aucupationibus, venationibus, piscationibus in aquis dulcibus et salsis, petariis, turbariis, carbonibus, carbonariis, cuniculis, cuniculariis, columbis, columbariis, lapicidiis, lignicidiis, ferricidiis, siluis, nemoribus, virgultis, lapide et calce, fabrilibus, brueriis et genestis, cum curiis et earum exitibus, herezeldis et mulierum marchetis, cum cultura et communi pastura, libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis et asiamentis ac iustis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam subtus terra quam supra terram, procul et prope, ad omnes et singulas predictas terras et baroniam, fortilicia, molendina, piscarias, cum suis tenentibus, tenendriis, liberetenentium seruiciis, cum earundem annexis, connexis, dependenciis, partibus, pendiculis, ceterisque suis pertinentiis vniuersis spectantibus seu iuste spectare valentibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, siue aliquo impedimento, reuocatione, contradictione aut obstaculo aliquo imperpetuum, et adeo libere sicut aliquae terre, piscarie seu fortilicia infra regnum Scotie per quemcunque, quibuscunque titulis, modis aut condicionibus dantur, conceduntur seu possidentur; omnesque et singulos tam iuris quam facti defectus, si qui in tencione, gaviione aut occupatione prefatarum terrarum, fortiliciorum, piscariarum, cum suis tenentibus, tenendriis, liberetenentium seruiciis earundem, cum ceteris vniuersis et singulis earundem pendiculis et pertinentiis temporibus retroactis quouismodo iuteruenerant aut in presentibus interuenire aut attemptari futuris temporibus per quemcunque aut quoscunque poterint presencium tenore, pro nobis et nostris heredibus ac successoribus, Sutherlandie comitibus, prefato Alexandro suisque heredibus et assignatis supplemus: Reddendo inde annuatim dictus Alexander Sutherland de Duffous sui que heredes et assignati, nobis et successoribus ac heredibus nostris, Sutherlandie comitibus, iura et seruicia, videlicet, wardam et releuium dictarum terrarum et piscariarum ac fortiliciorum prescriptorum, cum suis pertinentiis, cum contigerint, et prestando sectam et persoualem presenciam ad tres curias nostras capitales, apud Dun-

robbin annuatim tenendas, prius debita et consueta, tantum, pro omni alio onere, exactione, questione, demanda seu seruitio seculari que de omnibus predictis terris et piscariis cum suis fortiliiciis, tenentibus, tenendriis, liberetenentium seruiciis, annexis, connexis, partibus, pendiculis, cum earundem vniuersis et singulis pertinentiis per quoscunque iuste exigi poterint quomodolibet vel requiri: Et nos vero prefati Joannes, comes Sutherlandie, et Helena, nostra charissima sponsa, nostrique heredes et assignati ac successores, Sutherlandie comites, omnes et singulas predictas terras, videlicet, terras dominicales de Skelbo, vnacum fortilio de Skelbo, terras de Ester Skelbo, Petmayne, Cowill, Balewraat, Cambusawye, Wester Abirscors, Morocht, Morenes, Litol Rowart, Ladie, Blarycht, Machaell, dimediatatem terrarum de Langwell, terras de Innerschin, Awchindowicht, cum piscaria salmonum aque de Innersehu et lie Lyn, unacum piscaria salmonum aque de Machall super aqua de Oychall, cum piscariis salmonum et aliorum piseium in aquis duleibus et salsis infra bondas et limites predictarum terrarum et piscariarum, cum molendinis dictarum terrarum, cum suis multuris et sequelis, neenou terras de Pentraell, de Thuriboll Mekte, Thuriboll Litill, Strathcharne alias Dalnamayne, Ruriarchar, Assisedaell, Overpronsie, Nethirpronsie, Pronsiecroye, Evillik, Mekill Kilpedder, Litill Kilpedder, Grudebrora, Schiberskek in Strathbrora, neenon terras de Caven et Kilpedder in Strathvlze, cum vniuersis suis molendinis, multuris, sequelis, piscariis in aquis dulcibus et salsis, fortiliiciis, tenentibus, tenendriis, liberetenentium seruiciis, annexis, connexis, domibus, aedificiis, partibus, pendiculis, dependentiis, cum vniuersis et singulis earundem pertinentiis, in vnam baroniam per nos annexam, vnitam et incorporatam, baroniam de Skelbo nuncupatam, et perpetuis futuris temporibus nuncupandam, cum supplemento omuium defectuum preteritorum et futurorum prefato Alexandro Sutherland, suisque heredibus et assignatis, in omnibus et per omnia, forma pariter et effectum, vt premissum est, contra omnes mortales warrantizabimus, acquietabimus et imperpetuum defendemus: Insuper, dilectis nostris Jacobo Gibsone, burgensi de Elgin, nostris in hac parte balliuis coniunctim et diuisim specialiter tenore presencium constitutis, precipimus et mandamus quatenus, visis presentibus, statim et indilate accedatis, seu alter vestrum accedat ad principale messuagium et fortiliicum de Skelbo, et ibidem super solo eiusdem statum, sasinam hereditariam, realem, actualem et corporalem possessionem terrarum dominicalium de Skelbo, cum fortilio earundem, neenon pro omnibus aliis et singulis prenomnatis terris superius specificatis, piscariis, molendinis, multuris, domibus, aedificiis, fortiliiciis, annexis, connexis, tenentibus, tenendriis, liberetenentium seruiciis, partibus, pendiculis, cum vniuersis et singulis earundem

pertinentiis, non obstante quod non iacent inuicem et contigue, ac si iacerent inuicem et contigue, et ac si sasina in singulis partibus earundem singulariter, particulariter et distincte esset capta, prefato Alexandro vel suo certo actornato aut procuratori legitimo, latori presencium, per terre et lapidis traditionem, vt moris est, tradatis et deliberetis, seu alter vestrum tradat et deliberet; et hoc nullo modo omittatis: Ad quod faciendum vobis et vestrum cuiilibet, coniunctim et diuisim nostris in hac parte ballinis antedictis, nostram plenariam tenore presencium committimus potestatem. In cuius rei testimonium presenti nostre charte sasine preceptum in se continenti nostris subscriptionibus manualibus roborate nostra sigilla propria presentibus sunt appensa, apud Dunrobbin, die septimo mensis Nouembris, anno Domini millesimo quingentesimo sexagesimo secundo; coram hiis testibus, honestis et discretis viris, Gilberto Gordone, patruo dicti comitis, Georgio Gordone, filio et apparente herede Jacobi Gordone de Ardach, et Joanne Graye de Sordalle, testibus ad premissa vocatis pariterque rogatis.

JHONE, ERLI OF SOTHYRLAND.

ELENOR, COUNTESS OF ERROLL AND SOTHYRLAND.

99. CHARTER by MARY, QUEEN OF SCOTS, under the Great Seal, to ALEXANDER GORDON, elder son of John, Earl of Sutherland, of the lands of Farrar, Ballagowne, etc., in the barony of Aboyne. 6th March 1563.

MARIA, Dei gracia Regina Scotorum, omnibus probis hominibus totius terre sue, clericis et laicis, salutem. Sciatis quia nos consideracionem habentes quod Alexander Gordoun, filius senior Johannis, olim Sutherlandie comitis, est iuuenis pupillus ac innocens prodicionis criminum per dictum suum patrem contra nos commissorum, et quod nullo modo eorundem particeps esse potuit, propterea erga ipsum pietate mote, dedimus, concessimus, ac tenore presentis carte nostre damus et concedimus hereditarie dicto Alexandro Gordoun, filio dicti Johannis, olim Sutherlandie comitis, heredibus suis et assignatis, omnes et singulas terras subscriptas, videlicet, terras de Farrar, Ballagowne, Casteltoun, cum molendinis, multuris et croftis earundem, terras de Torquhinloch, Tullyquhody, molendinum de Des, et terras eidem pertinentes, terras de Drumgask, Balvaid, cum noua culta crofta nuncupata Murtoun alias Willie Heggis croft, Ovir Formastoun, Nethir Formastoun, Wraytoun, Tolquhing, cum molendinis, multuris earundem, proprietate et tenandria, et suis pertinenciis; iacentes infra baroniam de Obin et vicecomitatum nostrum de Abirdene: Quequidem terre cum molendinis, multuris et aliis superius

specificatis et suis pertinentiis perprius hereditarie pertinuerunt dicto Johanni, olim Sutherlandie comiti, et dicto Alexandro in feodo et hereditate, per ipsos immediate tente de quondam Georgio, olim comite de Huntlie, et nunc in manibus nostris deueuerunt, [et] ad nos nostramque dispositionem pertinent ratione eschaete ob forisfacturam contra dictum Johannem, olim comitem Sutherlandie, et Georgium, olim comitem de Huntlie, rite deductam pro certis criminibus prodicionis et lese maiestatis per ipsos et eorum quemlibet commissis contra nos, de quibus in parlamento nostro tento in pretorio burgi nostri de Edinburgh, vicissimo octauo die mensis Maii vltime elapso, conuicti extiterant, prout in laudo et sententia forisfacture desuper rite deducta latius continetur: Tenendas et habendas omnes et singulas prenomintas terras de Farrar, Ballagowne, cum molendinis, multuris etcroftis earundem, terras de Torquhynloch, Tullyquhody, molendinum de Des et terras eidem pertinentes, terras de Drumgask, Balvaid, cum noua culta crofta vocata Muirtoun alias Willie Heggis croft, Over Formastoun, Nethir Formastoun, Waytoun, Colquhyng, cum molendinis, multuris earundem, proprietate, tenandria et suis pertiueniis, dicto Alexandro Gordoun, heredibus suis et assignatis, de nobis et successoribus nostris, in feodo et hereditate imperpetuum, per omnes rectas metas suas antiquas et diuisas, prout dicte terre cum molendinis, multuris et suis pertinentiis suprascriptis iacent in longitudine et latitudine, in domibus, edificiis, bondis, campis, pasturis et lesuris, cum molendinis, multuris et eorum sequelis, aucupationibus, venationibus, piscationibus, petariis, turbariis, carbonariis, lignis, lapicidiis, lapide et calce, fabrilibus, brasinis, brueriis et genestis, cum curiis, querelis, bludewitis, herezeldis, et marchetis, amerchiametis et eschaetis dietarum curiarum, cum communi pastura, libero introitu et exitu, ac cum omnibus aliis et singulis libertatibus, commoditatibus, proficuis et asiamentis, ac iustis suis pertinentiis quibuscunque, tam non nominatis quam nominatis, tam sub terra quam supra terram, procul et prope, ad predictas terras cum molendinis, multuris earundem, croftis, proprietate et tenandria ac suis pertinentiis spectantibus seu iuste spectare valeantibus quomodolibet in futurum, libere, quiete, plenarie, integre, honorifice, bene et in pace, sine aliqua reuocatione aut contradictione quacunque, ac adeo libere in omnibus acsi dictus quondam Georgius, olim comes de Huntlie, Johannes, Sutherlandie comes antedictus, Alexander Gordoun, eius senior filius predictus, aut eorum predecessores prefatas terras cum pertinentiis ante prefatam forisfacturam tenuit seu possedit, tenuerunt seu possiderunt: Reddendo inde annuatim dictus Alexander, heredes sui et assignati, nobis et successoribus nostris iura et seruicia nobis et predecessoribus nostris de prenominatis terris, molendinis, multuris et pertinentiis earundem superius specificatis ante prefatam forisfacturam debita et consueta.







Joannes in fidei nomine dno Cantuarie Archiepiscopi  
 Glasgou dno abbas de ead pte Legati a  
 dno Jacobi comiti de Boffinill dno & Everthom  
 Jonte gordon puzi pominis Nobilis et potens  
 in dno Sedis aplice pominis hie monit puzi  
 gra benignitatis indulget pnt personam et ten  
 pproparte infra opposito seu pntio continebat q  
 hincmodi copulari qz quia in dupli quarto co  
 adimplet non potuit dispensatione aplice dispen  
 facultate et officio legatue aplice nobis dno  
 vno in hac parte supplicationibz favorabiliter de  
 libno matmodi libere contraxerit Illudqz in facu  
 aplice nobis comissa et qua fungimur in hac pte  
 pceda seu suscipiendas legatam seu legatam seu de  
 anno incarnationis dno Willesimo gmdy  
 dno septimo 92

Jt Ferrer Datarius  
 J No IIII n dno

Incipit totius regni Scotiae Primas Legatus natus Monasterii de Pasleso  
alio sancte sedis aplice Legatus Gilbertus nobis in xpo nobili et potenti  
halib et Liddis dale magnosq; admirabilis regni pedesti Scotiae mstris dross et  
s dmi Georgii comitis de Huntly dmi Gordon mltissimi Maronitay dross dalm  
Eigorem mansuetudine temperat et quod sacrorum canonum prohibent instituta de  
vni qualitate prefata id in dno expediri cognoscit Exhibita siquid nobis impo  
sitos rotas de causis rationabilibus aios nostras monei delectatis dno ma  
rangrimitatis gradibus dmsm effis attingentis desiderium vesteru in hac pte  
non obtenta et anaxo supplicari fecistis nobis humiliter ratione mstris  
et de opportuna dispensatione sua vobis missit vobis querere Nos scimus  
vobis de predictis duplitis quarti consanguinitatis gradibus humo in obtenta  
vobis pbenzans et in de postmodum licet emanare possitis et valeatis ante  
tenore pntum misericorditer In dno dispensam prolem seu glis quibus pnt  
vobis pntibus Obi sub sigillo nro apud monasterium nostrum de Pasleso  
in paxagisimo quib; pnt Et martii Pontif; Sancti d. n. pp. vij. quatu

imus sanctiandree Legatq

fa h<sup>o</sup> do  
h. 2. fol. 06.  
70<sup>3</sup> d. cub. 17.

In cuius rei testimonium huic presenti carte nostre magnum sigillum nostrum apponi precepimus ; testibus reuerendissimo in Christo patre, Johanne, archiepiscopo Sancti-andree, etc., dilectis nostris consanguineis, Jacobo, comite de Mortoun, domino Dalkeith, cancellario nostro, Wilhelmo, comite Marischalli, domino Keith ; dilectis nostris familiaribus, Richardo Maitland de Lethingtoun, equite aurato, nostri secreti sigilli custode, magistro Jacobo Makgill de Rankelour Nethir, nostrorum rotulorum registri ac consilii clerico, et Johanne Bellendene de Auchnoule, milite, nostre iusticiarie clerico ; apud Edinburgh, sexto die mensis Marcii, anno Domini millesimo quingentesimo sexagesimo tercio, et regni nostri vicesimo secundo.

100. DISPENSATION by JOHN, Archbishop of St. Andrews, Papal Legate, etc., for a marriage between JAMES, EARL OF BOTHWELL, and LADY JANET GORDON. Paisley, 17th February 1565.

JOANNES, miseratione diuina Sancti Andree Archiepiscopus, totius regni Scotie Primas, legatus natus, monasteriique de Pasleto Glasguensis diocesis abbas, ac cum potestate legati a latere sancte sedis apostolice legatus, dilectis nobis in Christo, nobili et potenti domino, Jacobo, comiti de Bothuill, domino Creehtoun, Halis et Liddisdaill, magnoque ammirallo regni predicti Scotie, nostre diocesis, et Jonete Gordone, sorori germane nobilis et potentis domini, Georgii, comitis de Huntlie, domini Gordoun, mulieri Morauiensis diocesis, salutem in Domino. Sedis apostolice prouidentia nonnunquam iuris rigorem mansuetudine temperat, et quod sacrorum canonum prohibent instituta de gratia benignitatis indulget prout, personarum et temporum qualitate pensata, id in Domino expediri agnoscit : Exhibita siquidem nobis nuper pro parte vestra expositio seu pctitio continebat quod vos, certis de causis rationabilibus animos vestros mouentibus, desideratis inuicem matrimonialiter copulari, sed quia in duplici quarto consanguinitatis gradibus inuicem estis attingentes, desiderium vestrum in hac parte adimplere non potestis, dispensatione apostolica desuper non obtenta ; quare supplicari fecistis nobis humiliter ratione nostre facultatis et officii legacie apostolice nobis gratiose commisse de opportune dispensationis gratia vobis misericorditer prouideri : Nos igitur vestris in hac parte supplicationibus fauorabiliter inclinati vobiscum vt, predictis duplicis quarti consanguinitatis gradibus huiusmodi non obstantibus, matrimonium libere contrahere, illudque in facie ecclesie solemnizare et in eo postmodum licite remanere, possitis et valeatis, auctoritate apostolica nobis commissa et qua fungimur in hac parte, tenore presentium misericorditer in Domino dispensamus ; prolem seu proles exinde suscipien-

dam seu suscipiendas legitimam seu legitimas fore decernentes per presentes. Datum sub sigillo nostro apud monasterium nostrum de Pasleto anno Incarnacionis Dominice millesimo quingentesimo sexagesimo quinto, xiii<sup>o</sup> Kalendas Martii, pontificatus sanctissimi domini nostri pape Pii quarti anno septimo, etc.

JOANNES SANCTIANDREE, Legatus.

A. FORREST, Datarius.

TRANSLATION.

JOHN, by Divine mercy, Archbishop of Saint Andrews, primate of the whole realm of Scotland, "legatus natus" and Abbot of the Monastery of Paisley, in the diocese of Glasgow, and nuncio with the power of legate *a latere* on behalf of the holy apostolic See, to our beloved in Christ, the noble and powerful Lord James, Earl of Bothwell, Lord Crichton, Hailes and Liddesdale, high admiral of the foresaid realm of Scotland, in our diocese, and to Jonet Gordon, sister-german of the noble and powerful Lord George, Earl of Huntly, Lord Gordon, a lady of the diocese of Moray, greeting in the Lord. The prudence of the apostolic see sometimes tempers with gentleness the rigour of the law, and graciously permits what the decrees of the sacred canons forbid, in cases where, with due regard to the character of persons and circumstances, it considers such indulgence to be expedient in the Lord. Forasmuch as a declaration or petition lately presented to us on your behalf bore that you, from certain reasonable causes moving your minds, desire to be joined together in matrimony, but that because you are related in the double fourth degrees of consanguinity, you cannot in this matter fulfil your desire without an apostolic dispensation ; for which cause ye have humbly besought us, that by virtue of our power and office of apostolic legate graciously committed to us, the favour of a fitting dispensation may be mercifully granted you : We, therefore, favourably inclined to your prayers in this matter, by the apostolic authority committed to us, and which we herein use, by the tenor of these presents, mercifully in God grant to you a dispensation, so that, notwithstanding the foresaid double fourth degrees of consanguinity, you may be able validly and freely to contract marriage and to solemnise it in face of the Church, and thereafter lawfully to abide in the same, by these presents decreeing the child or children thence to be begotten to be legitimate. Given under our seal at our monastery of Paisley, in the year of the Incarnation of the Lord one thousand five hundred and sixty-five, on the thirteenth day before the Kalends of March, the seventh year of the pontificate of our most holy lord, Pope Pius the Fourth.

A. FORREST, Datarius.

JOHN OF ST. ANDREWS, Legate.

101. LETTERS by HENRY AND MARY, KING AND QUEEN OF SCOTS, presenting JAMES DAVIDSON, son natural of Patrick Davidson, Kintyre pursuivant, to the vicarage of Kilmalze. 8th August 1565.

HENRIE AND MARIE, be the grace of God King and Quene of Scottis, to the lordis of oure counsale and sessioun greting. Wit ye us to have gevin, granted and dispouit, and be thir oure lettres gevis, grantis and disponis to oure louitt James Dauidsoun, sone naturall to oure dailie seruitoure, Patrik Dauidsoun, Kintyre pursevant, the vicarage of Kilmalze, and all fruitis, rentis, teindis, teind scheves, proffittis and emolumentis thairof quhatsumeuir, manse, gleib and kirkland of the samyn, gif ony be, and all vthiris casualeis, dependencis, proffittis and pertinentis quhatsumeuir belangand and pertenant thairto of auld, vsit and wouut, off all yeiris and termes bigane sen the deceis of vmquhile Schir Robert Makeraith, last vicare and possessoure thairof, and siclike yeirlie and termelie in tyme cuming, during his lyftyme; with power to him to intromet and tak vp all and sindrie the fruitis, rentis aud emolumentis of the said vicarage, togidder with the teindis thairof, manse, gleib and kirkland, gif ony be, of the samyn, and all vthiris thair proffittis and pertinentis, and to dispoun thairupoun at his plesoure, off all yeiris and termes bigane and in tyme cuming during his lyftyme, as said is: Quhairfore we charge straitlie and commandis yow, the saidis lordis of oure counsale and sessioun, that ye gif oure vthiris lettres in the four formes and vthiris executoriallis neidfull to the said James, to caus him be reddilie ansuerit, obeyit and payit of the fruitis of the said vicarage, conforme to thir oure lettres in all pointis; quhilkis we decerne to be als sufficient to the said James in all pointis as gif he war prouidit thairto in the court of Rome, or be ony vthir ordinar meanis; makand the samyn als valiable and sufficient titill to him in all respectis, as gif he had obtenit prouisioun, collatioun and institutioun ordinar, or bullis and executoriallis thairof oute of the court of Rome in maist ampill forme; dischargeing yow the saidis lordis of all geving of quhatsumeuir lettres or processis at the iustance of ony vthir pairtie or persoun vpoun the fruitis of the said vicarage during the space abonewrittin, bot at the instance of the said James allanerlie. Gevin vnder our privie seile, at Edinburcht, the aucht day of August, the yeir of God I<sup>m</sup>v<sup>c</sup> thre scoir fyve yeiris, and of our regnis the first and twenty thre yeiris.

Per signaturam manibus supremorum dominorum nostrorum Regis et Regine subscriptam.

[On tag :] Litera Jacobi Dauidsou.

102. LETTERS by HENRY AND MARY, KING AND QUEEN OF SCOTS, preseuting GAVIN BORTHWICK, sou of Michael Borthwick of Glengelt, to the deanery of Caithness. 30th November 1565.

HENRIE AND MARIE, be the grace of god King and Quene of Scottis, to the lordis of our counsale and sessioun and our comptrollare, present and tocum, greting. Vit ye ws to haue gevin, grantit and disponit, and be thir oure letters gevis, grantis and disponis to oure louit Gawine Boirthuik, sone lauchfull to Michael Boirthuik of Glengelt, the benefice and denrie of Caithnes, with all fruitis, rentis, teindis, teindschevis, mailis, fermes, gressumes, kirkes, kirklandis and all vtheris proffittis and commoditeis belang- and thairto, alsweile personage as vicarage, of all yeiris bigane sen the deceis of vmquhile maister William Hepburue, last dene and possessoure thairof, and siclike yeirle in tyme cuming during his lyftyme; quhilk denrie now vaikis in oure handis and is at oure fre dispositioun; with power to the said Gawin, his factouris and seruitouris in his name, to intromet, lift and vptak all aud sindrie the fruitis, rentis, teindis and emolumentis of the said denrie, alsweile of the yeiris bigane sen the deceis of the said dene as in tymes cumin during his lyftyme, nochtwithstanding ony takkis or titillis maid be oure comptrollar thairof for the tyme, decernand and declarand the same null in the self fra the begynning: Quhairfore we charge straitlie and commandis yow, the saidis lordis of oure counsale and sessioun and our comptrollar, present and tocum, that ye direct our vtheris letters in the foure formes and vtheris at the instance of the said Gawin, to caus him to be answerit and obeyit of the fruitis, rentis and emolumentis of the said denrie, kirkis, kirklandis and all vtheris proffittis and commoditeis thairof, during the space abone writtin, siclike and in the samiu maner in all respectis as gif he war prouidit thairto in the court of Rome, and had bullis and executorialis thairupoun in maist ampill forme. Geuin vndir oure priue seile at Halyruidhous, the last day of Nouember, the yeir of God I<sup>m</sup><sup>v</sup><sup>e</sup> thre scoir fyve yeiris, and of oure regnnis the first and tuente thre yeiris.

Per signaturam manibus supremorum dominorum nostrorum Regis et Regine subscriptam.

[On tag :] Litera Gawini Boirthuik.



103. INSTRUMENT OF SASINE, in favour of JOHN, EARL OF SUTHERLAND, of certain parts of the earldom of Sutherland. 27th, 28th, and 31st May, and 1st June 1566.

IN DEI nomine amen : Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum, quod anno Incarnationis Dominice millesimo quingentesimo sexagesimo sexto, mensis vero Maii diebus vigesimo septimo, vigesimo octavo et vltimo, mensis vero Iunii die primo, annis vero regnorum supremorum [dominorum] nostrorum Regis et Regine primo et vicesimo quarto; in mei notarii publici et testium subscriptorum presentis personaliter constitutus comparuit honorabilis vir, Joannes Kennedy, actornatus et eo nomine nobilis et potentis domini, Joannis, comitis Sutherland, vt per suas literas actornacionis patebat, die date litere actornacionis apud Edinburgh primo die mensis Aprilis annis supremorum [dominorum] nostrorum Regis et Regine primo et vicesimo quarto, habens et tenens et in manibus suis extendens quoddam preceptum sasine capelle supremorum [dominorum] nostrorum Regis et Regine, sub testimonio eorum magni sigilli, directum vicecomiti et balliuis suis de Innernes, necnon dilectis suis, Gilberto Gordoun in Golspietower, et Alexandro Tarrell de Doill, pro sasina et possessione hereditaria danda predicto Joanni Kennedi, actornato nobilis domini, Joannis, comitis Sutherland, et heredibus suis masculis, de omnibus et singulis terris, dominiis, barroniis et aliis particulariter subscriptis, comitatu de Sutherland spectantibus, videlicet, omnes et singulas terras de Nauadaill, Borroboll, Eister Killernane, Vaster Killernane cum molendino earundem, terras de Vlbister, Galzeboll, Bereboll, Askeag, Altreboll, Cayan, Kilpedder in Straythvllzie cum molendino earundem, Auchadaill, aquam de Helmsdaill cum piscatione salmonum eiusdem, Eistir Garthe, Myd Garthe cum molendino ibidem, Vastir Gartht, Culgour, Mekle Locht, Cracok, Litill Locht cum molendino ibidem, Iye Glen de Locht, Clyne Tradowane cum molendino ibidem, Clyne Mullin cum molendino ibidem, dimediam partem de Clyne Kirkton, Clyne Lyss, Dalchallum, Brora, Eist et Vast Syde, cum piscatione salmonum eiusdem, terras de Doill, Carrill, Kilnabrayr, Delfoldye, Vast Kelziebeg, Vast Kelziemoir cum molendino earundem, Kyllin, Gillecallum Kille, Kilfeddir moir, Kilpedder beg cum molendino earundem, Sevirsraig, Grudebrora, Carnameyne, terras de Vppat, Inverboll, Clayesyde, Mellok, Dunrobbin cum turre, fortalicio, loco, domibus, pomeriis, hortis et pertinentiis, molendinum de Golspye, Iye Glen de Dunrobbin, Allartoun, Bakkus, Golspetowr, Golspe moir, terras de Ruiffis, Kylmailzie moir cum molendino earundem, terras de Drummoie, Kilmailzie, Cragtoun, Eister Aberscors, Vestir Aberscors, Knokartoll,

Kynnalde cum molendino earundem, Litill Reord, Morenes, Pitfuyr cum molendino ibidem, Pittintraill cum molendino earundem, Kynbraid, Dawachbeg, Roy Kirktown, Roy Cragtoun, Inche Kipe, Rosall, Auchawall, Blarocht, Loyadie, Langoll, Moy, Roynde, Cragge, Kynmonovy, Leargis, Schyenes, Eddauchelis, terras de Gruyde, Pleddis, Pitfuyr, Pettarkassie cum molendino earundem, Auchannye, Innerschin cum piscatione salmonum earundem, Auchindaucht, Toreboll, Dolaye, Mekle Ardinche, terras de Casteltoun de Skilbo cum loco, fortalicio, molendino et pertinentiis earundem, Cambussare, Balnabraide, Auchandro, Eister Skelbo, Cowle, terras de Prompsie Castell, Prompsienayne, Prompsie Croy, Averik cum molendiuo earundem, Askisdail, Roy Arquhar, Dalnameyne, Mekle Torboll cum molendino earundem, Litill Torboll, cum castris, turribus, fortaliciis, molendinis, piscationibus, siluis, aduocationibus, donationibus et iuribus patrouatus, annexis, counexis, lye outscheittis, partibus, pendiculis et pertinentiis earundem, vna cum aduocatione et donatione beneficiorum Saucti Andree vocatorum Golspie Kirktown, capellanie Sancti Joannis de Helmsdail, et capellaie Sancti Jacobi de Dornocht, ac omnium aliorum beneficiorum et capellaniarum predictarum terrarum et baroniarum, jacentes infra vicecomitatum nostrum de Innes; quiquidem Gilbertus Gordoun, balliuus antedictus ac vicecomes deputatus vicecomitatus de Innes in hac parte antedictus, predictum preceptum sasine supremorum [dominorum] nostrorum Regis et Regine, reuerentia qua decuit ad suas manus recepit, et michi, notario publico subscripto, prelegendam tradidit, cuius tenor sequitur et est talis:—HENRICUS ET MARIA, Dei gratia Rex et Regina Scotorum, vicecomiti et balliuo suis de Innes, necnon dilectis nostris, Gilberto Gordoun in Golspie Tower, Alexandro Tarrell de Doill, ac eorum cuilibet, coniunctim et diuisim vicecomitibus nostris de Innes in hac parte, salutem. Quia, post nostram legitimum et perfectam etatem in parlamento nostro declaratam, dedimus et concessimus hereditarie predilecto nostro consanguineo, Joanni, comiti de Sutherland, et heredibus suis masculis, omnes et singulas terras, dominia, baronias et alia particulariter subscripta, comitatu de Sutherland spectantes, videlicet, omnes et singulas terras de Nauadail, Torroboll, Eister Killernan, Vaster Killernan cum molendino earundem, terras de Vlbister, Galzebolle, Terboll, Askaaig, Altraboll, Cayn, Kilpedder in Straythvllze cum molendino earundem, Auchadill, aquam de Helmsdail cum piscatione salmonum eiusdem, Eister Garthe, Myd Garthe cum molendino ibidem, Vester Garthe, Culgor, Mekle Locht, Cracok, Litill Locht cum molendino ibidem, lye Glen de Locht, Clyne Tradwane cum molendino ibidem, Clynemullyn cum molendino ibidem, dimediam partem de Clynekirktown, Clynelys, Delchallum, Brora, Eist et West Syde, cum

piscatione salmonum eiusdem, terras de Doill, Carrall, Kilnabrayr, Delfoldye, Vest Kellze beg, Vest Kaille moir cum molendino earundem, Killyn, Gillecalkumkille, Kilpeddermoir, Kilpedderbeg cum molendino earundem, Sevirsraig, Grudebrora, Carnamayne, terras de Vppat, Iuuerboll, Clasesyde, Mellok, Duurobbin cum turre, fortalicio, loco, domibus, pomeriis, hortis et pertinentiis, molendinum de Golspie, Iye Glen de Dunrobbin, Allartoun, Bakkus, Golspie Towr, Golspe moir, terras de Ruiffus, Kilmaile moir cum molendino earundem, terras de Drummoy, Kilmalze, Cragtoun, Eister Aberscors, Vester Aberscors, Knok Artholl, Kynnalde cum molendino earundem, Litill Beorde, Morenes, Pitfour cum molendino ibidem, Pettintraill cum molendino earundem, Kynbraid, Dawacht beg, Roy Kirkton, Roy Cragtoun, Inchekiye, Rosall, Auchawill, Blarocht, Leadye, Langoll, Moy, Roynde, Craggie, Kynmonowyne, Larges, Schynenes, Edderdachelis, terras de Grude, Pleddis, Pitfuyr, Pittarkasie cum molendino earundem, Auchannye, Innerschyn cum piscatione salmonum earundem, Auchudowycht, Torreboll, Dolye, Machill Ardeinche, terras de Castelton de Skelbo cum loco, fortalicio, molendino et pertinentiis earundem, Cambussare, Balnabraide, Pitmanyne, Auchandro, Eister Skelbo, Cowle, terras de Prompse Castell, Promsenayne, Prompse Croy, Awelik cum molendino earundem, Askisdall, Rearquhar, Dalnamayne, Mekle Torboll cum molendino earundem, Litill Torboll, cum castris, fortaliciis, molendinis, piscationibus, siluis, aduocationibus, donationibus et iuribus patronatus, annexis, connexis, lie outhcheittis, partibus, pendiculis et pertinentiis earundem, vnacum aduocatione et donatione beneficiorum Sancti Andree vocatorum Golspe Kirkton, capellanie Sancti Joannis de Helmsdaill, et capellanie Sancti Jacobi de Dornocht ac omnium aliorum beneficiorum et capellaniarum predictarum terrarum et barroniarum, jacentes infra vicecomitatum nostrum de Inuerness : Quequidem omnes et singule terre, barronie, dominia et alia particulariter superscripta dicto comitatui de Sutherland spectantia, cum annexis, connexis, partibus, pendiculis et pertinentiis particulariter superscriptis, nostro fratri naturali, Roberto Stewart, iuniori, perprie hereditarie pertinuerunt, et per ipsum iu manibus nostris per fustim et baculum, pure et simpliciter resignate fuerunt persoualiter apud Edinburgh. Insuper, diversis rationabilibus considerationibus nos mouentibus, vnimus, auneximus, erigimus, creamus et incorporamus omnes et singulas prenominatas terras, dominia, barronias et alia particulariter superscripta, cum castris, turribus, fortaliciis, molendinis, piscationibus, siluis, aduocationibus, donationibus et iuribus patronatus, partibus, pendiculis et pertinentiis earundem particulariter superscriptis, in vnum integrum et liberum comitatum, COMITATUM DE SUTHERLAND omnibus temporibus nuncupandum ; ac volumus et concedimus, ac pro nobis et successoribus

nostris pro perpetuo decernimus et ordinamus, quod vnica sasina nunc per dictum Joannem, comitem de Sutherland, et omnibus temporibus futuris per suos heredes masculos apud castrum et fortaliciũ de Dunrobbin capienda, quod erit principale manerium dicti comitatus de Sutherland et terrarum ac barroniarum prescriptarum, stabit, extendet et sufficiens erit sasina pro omnibus et singulis prenominatis terris, dominiis, comitatu et aliis particulariter suprascriptis, castris, turribus, fortaliciis, molendinis, multuris, siluis, piscationibus, aduocationibus, donationibus et iuribus patronatus, partibus, pendiculis et pertinentiis earundem, simili modo ac si specialis et particularis sasina apud quemlibet partem et locum earundem suscepta fuisset, non obstante quod dicte terre non jacent ad inuicem contiguae, prout in carta nostra desuper confecta latius continetur: Vobis precipimus et mandamus quatinus prefato [Joanni], comiti de Sutherland, vel suo certo actornato, latori presentium, sasinam predictarum terrarum, baroniarum, dominiorum et comitatus, cum castris, turribus, fortaliciis, molendinis, multuris, siluis, piscationibus, aduocationibus, donationibus et iuribus patronatus, annexis, connexis, partibus, pendiculis, et pertinentiis earundem prescriptis, iuste haberi faciatis, et sine dilatione; et hoc nullo modo omittatis: Ad quod faciendum vobis et vestrum cuiuslibet, coniunctiu et diuisim, vicecomitibus nostris de Innernes in hac parte, committimus potestatem. Datum sub testimonio nostri magni sigilli, apud Edinburgh, die vicesimo quinto mensis Marchie, anno millesimo quingentesimo sexagesimo sexto, et regnorum nostrorum annis primo et vicesimo quarto. Post cuiusquidem precepti presentationem, receptionem, lecturam et intellectum, idem Gilbertus Gordoun et Alexander Tarrell de Doill, vicecomites deputati vicecomitatus de Innernes specialiter constituti antedicti, accessit vna mecumque, notario publico subscripto, et testibus subscriptis, ad castrum et fortaliciũ de Dunrobbin, ac etiam terras de Doill, Clynelys, Gillecallumkille, Bakkus, Drummoy, Aberscors, eister Kynnalde, Roy Kirkcoun, Pittintraill, Mekle Torboll, terras de Casteltoun de Skelbo cum fortalicio et molendino, Auchandro, Allertoun, Golspe Towr, Golspe Moir, Ruiffus, Kilmaillye Moir, Kilmailze, Cragtoun, Eister Aberscors, Vaster Aberscors, Litill Reorde, Langoll, Morenes, Blayris, Leadye, Rosseil, Inchekipe, Pitfuyr, Roy Cragtoun, Pettintraill, Dawachbeg, Kintraide, Dalnameyne, Litill Torboll, Cambuslye, Ballinabraide, Pitmeayne, Eister Skelbo, Cowl, Promsenayne, Prompse Croy, Prompse Castell, Logie, Rearquhar, Toskedall, et Awelik; et ibidem statum, sasinam et possessionem hereditariam predicto Joanni Kennedye, actornato et eo nomine nobilis et potentis domini, Joannis, comitis de Sutherland, et heredibus suis masculis, de omnibus et singulis terris, dominiis, barroniis et aliis particulariter suprascriptis, cum castris, turribus, fortaliciis, molendinis, piscationibus, siluis,

aduocationibus, donationibus et iuribus patronatus, partibus, peudiculis et pertinentiis earundem particulariter suprascriptis, nuncupato comitatu de Sutherland, secuudum tenorem carte sue infeodationis et preceptum sasine capelle supremorum [domiuorum] nostrorum regis et regie desuper confecte, per terre et lapidis traditionem, vt moris est, contulit, tradidit et deliberauit; ac euudem Joannem Kennedie, actornatum et eo nomine nobilis et potentis domiui, Joannis, comitis Sutherlandie, in realem, actuaalem et corporalem possessionem induxit, instituit et investiuit, ac in pace dimisit; saluo iure cuiuslibet. Super quibus omnibus et singulis predictus Joannes Kennedye, actornatus et eo nomine nobilis et potentis domini, Joannis, comitis de Sutherland, a me, notario publico subscripto, petiit vnumve plura publicumve publica instrumentum seu instrumenta. Acta erant hec apud locum et fortalitium de Dunrobin, prope fontem eiusdem, ac castra et terras prius specificatas respectiue, horis sexta, septima, octaua, nona, decima, vndecima, duodecima ante meridiem, horis prima, secunda, tertia, quarta, quinta et sexta post meridem, sub auno, diebus, mense, quibus supra; presentibus ibidem honestis viris, Joanne Innes in Roy Kirktoon, Joanne Leslie in Claysyde, Gilberto Myll, Arthuro Murray, Duncano Lokkye, Thoma Blak, Joanne Forsyth, Vilhelmo M<sup>c</sup>Gibbon, Thoma Sutherland in Doill, Vilhelmo Sutherland alias Roreson ibidem, Vilhelmo Sutherland de Clyne, Joanne Williamson in Killecallumkilie, Vilhelmo M<sup>c</sup>Angus in Bakkus, Jacobo Sutherland in Drummoy, Hugone Murray de Aberseors, Alexandro Sutherland in Torboll, Nicolao Sutherland, germano Alexandri Sutherland in Skelbo, Vilhelmo Sutherland in Ewelek, Joanne Sutherland in Mekl Torboll, testibus ad premissa vocatis pariter et rogatis.

Et ego vero VILHELMUS CUMING, clericus Morauiensis diocesis [*etc. in forma communi*].

104. GENERAL SERVICE of JOHN, EARL OF SUTHERLAND, as heir to Elizabeth, Countess of Sutherland, his grandmother. 23d June 1567.

HEC INQUISITIO facta fuit in pretorio burgi de Inuernes, coram honorabilibus viris, Jacobo Innes de Dranye, Jacobo Paterson, preposito de Inuernes, Alexandro Baillie de Dunnane, vicecomitibus deputatis vicecomitatus de Inuernes, vicesimo tertio die mensis Junii, anno Domini millesimo quingentesimo sexagesimo septimo, per hos probos et fideles homines patrie subscriptos, videlicet, Alexandrum Ros de Balnagown, Robertum Munro de Fowlis, Valterum Vrquhart, uicecomitem de Cromertie, Joannem Innes de Inuerbrakye, Georgium Munro de Dawachcartie, Thomam Dingvale de Kildown, Alex-

andrum Chessolme de Commer, Murdocum M<sup>c</sup>Kenzie de Ferbryne, Alexandrum Bane de Tullyeht, Joannem Stewart de Kynearne, Joannem Narne de Cromdel, Joannem Gray de Swordel, Hugonem Murray de Aberseors, Valterum Murray de Spainzedell, Thomam Poilson de Creychmoyr, Joannem Hay de Park, Alexandrum Murray in Dornoch, Thomam Murray ibidem et Alexandrum Lewall de Craggye: Qui iurati dieunt quod quondam Elizabeth, comitissa Sutherlandie, auia Joannis, comitis de Sutherland, obiit ad pacem et fidem supremi domini nostri regis, Jacobi quinti, Seotorum regis; et quod dictus Joannes, comes Sutherlandie, est legitimus et propinquior heres diete quondam Elizabeth, auie sue; et quod est legitime etatis. In cuius rei testimonium sigilla quorundam eorum qui diete inquisitioni intererant, sub inclusione signeti officii vicecomitatus de Inuernis, presentibus sunt appensa, anno, die, mense et loco predictis.

105. GENERAL SERVICE of JOHN, EARL OF SUTHERLAND, as heir to Adam, Earl of Sutherland, his grandfather. 23d June 1567.

HEC INQUISITIO facta fuit in pretorio burgi de Inuernis, eoram honorabilibus viris, Jacobo Innes de Dranye, Jacobo Patersoun, preposito de Inuernis, et Alexandro Baillie de Dunnane, vicecomitibus deputatis vicecomitatus de Inuernis, vigesimo tertio die mensis Junii, anno Domini millesimo quingentesimo sexagesimo septimo, per hos probos et fideles homines patrie subscriptos, videlicet, Alexandrum Ros de Balnagown, Robertum Munro de Fowlis, Valterum Vrqhart, vicecomitem de Cromertie, Joannem Innes de Inuerbrakye, Georgium Munro de Dawaeheartie, Thomam Dingvel de Kildown, Alexandrum Chessolme de Commer, Murdocum M<sup>c</sup>Kenzie de Ferbryne, Alexandrum Baine de Tullyeht, Joannem Stewart de Kynearne, Joannem Narne de Cromdell, Joannem Gray de Swordell, Hugonem Murray de Aberseors, Valterum Murray de Spinzedell, Thomam Poilson de Creychmoyr, Joannem Hay de Park, Alexandrum Murray in Dornoch, Thomam Murray ibidem et Alexandrum Lewall de Craggye: Qui iurati dieunt quod quondam Adamus, comes de Sutherland, auus Joannis, comitis de Sutherland, obiit ad pacem et fidem supremi domini nostri regis, Jacobi quinti, Seotorum regis; et quod dictus Joannes, comes Sutherlandie, est legitimus et propinquior heres dicti quondam Adami, comitis Sutherlandie, aui sui; et quod est legitime etatis. In cuius rei testimonium sigilla quorundam eorum qui diete inquisitioni intererant, sub inclusione signeti officii vicecomitatus de Inuernis, presentibus sunt appensa, anno, die, mense et loco predictis, etc.

106. COMMISSION to JOHN LESLIE of Balquhain and OTHERS to act as sheriffs of Inverness, for serving ALEXANDER, EARL OF SUTHERLAND, heir to John, Earl of Sutherland, his father. 30th May 1573.

JACOBUS Dei gratia Rex Scotorum, omnibus probis hominibus suis ad quos presentes litere peruenerint, salutem. Sciatis quod dilectus noster consanguineus, Alexander, comes Suthirlandie, filius et heres quondam Johannis, Suthirlandie comitis, sui patris, per suam supplicationem nostri consilii dominis ostensam, monstrauit quod ipse leuaturus est breuia inquisitionis capelle nostre, deseruiendus tanquam propinquior et legitimus heres prefato quondam Joanni, comiti Suthirlandie, suo patri, de omnibus et singulis terris, annuis redditibus, molendinis, siluis, piscationibus et aliis quibuscunque, in quibus prefatus quondam eius pater obiit vltimo vestitus et sasitus, vt de feodo, iacentibus infra vicecomitatus nostros de Invernes et Abirdene respectiue ; et si ille breuia leuauerit, et seruicium de dictis terris, annuis redditibus et aliis, iacentibus infra vicecomitatum nostrum de Invernes, coram vicecomite de Invernes in pretorio eiusdem, desiderauerit, nullam sufficientem inquisitionem baronum et virorum terras hereditarie possidentium iupra dictum vicecomitatum commorantium pro deseruitione dictorum breuium haberet, ratione quod quam plurimi barones et viri generosi predicti nostri vicecomitatus de Innerues, quales sunt Colinus Mackkanze de Kintail, Hugo, domiuus Fraser de Lovet, Lauchlanus Makintosche de Dunnauchtane, Robertus Monro de Fowlis, cum multis aliis stirpibus et viris patrie alter alterum lethali odio et aliis inimicitiiis prosequuntur, sic quod iidem nequeunt nec ad burgum nostrum de Invernes pariter absque magnis inconuenientiis que inter ipsos oriri possunt accedere valent : Igitur et pro aliis causis et considerationibus consanguineum nostrum, Georgium, comitem de Huntlie, dominum Gordoun et Badzenoch, vicecomitem principalem dictorum nostrorum vicecomitatum de Invernes et Abirdene mouentibus, idem per literas suas consensit quod nostra commissio per prefatos nostri consilii dominos sub testimonio nostri magni sigilli concedatur, faciens, constituens et ordinans dilectos nostros, Joannem Leslie de Buchquhane, Gilbertum Menzeis, apparentem de Petfoddellis, Patricium Menzeis, burgensem burgi nostri de Abirdene, Magistrum Robertum Lummsdane de Clova et magistrum Patricium Ruthirfurde, burgenses dicti nostri burgi de Abirdene, vel quoscunque eorum tres aut duos coniunctim vicecomites dicti nostri vicecomitatus de Invernes in hac parte, pro seruicio predictorum breuium in pretorio burgi nostri de Abirdene, idem adeo legitimum acsi pretorium de Invernes faciendum, cum loco ad hunc effectum dis-

pensans, prout dicti nostri vicecomitis consensus suo sub signeto et subscriptione manuali coram prefatis consilii nostri domiuis ostensus proportat, quemadmodum in dicta sua supplicatione plenius continetur: Nos igitur, ex dictorum dominorum deliberatione ordinauimus prefata breuia in predicto pretorio burgi nostri de Abirdene deseruenda fore, ac fecimus, constituimus et ordinauimus, facimusque tenore presentium, constituimus et ordinamus predictos Joannem Leslie de Buchquhane, Gilbertum Menzeis, apparentem de Petfoddellis, Patricium Menzeis, burgensem dicti nostri burgi de Abirdene, magistrum Robertum Lummsdane de Clova et magistrum Patricium Ruthirfurde, burgenses dicti burgi, vel quoscunque tres aut duos eorum coniunctim vicecomites dicti nostri vicecomitatus de Innernes in hac parte, pro deseruitione prefatorum breuium; dantes, concedentes et committeutes eisdem nostram plenam potestatem et mandatum speciale eiusmodi breuia per prefatum nostrum consanguineum, Alexandrum, Suthirlandie comitem, in premissis impetrata seu impetranda, recipiendi, aperiendi, proclamari et debite deseruiri faciendi, curiam seu curias, quoties opus fuerit, infra predictum pretorium burgi nostri Abirdene ad hunc effectum statuendi, inchoandi, affigendi, affirmandi, tenendi et quoties opus fuerit continuandi, precepta ad hunc effectum dirigendi, clericos, serianos, adiudicadores et omnes alios officarios et membra curie necessaria faciendi, creandi et iurari causaudi, pro quibus respondere tenebuntur; inquisitiones predicti nostri vicecomitatus de Innernes et quatuor vicecomitatum circa iacentium ad effectum prescriptum ad comparandum coram ipsis quamlibet personam, sub pena viginti librarum, summonendi, et super punctis et articulis in dictis breuibz contentis determinari et deliberari, ipsorumque deliberationem capelle nostre, vt moris est, retornari faciendi: et generaliter omnia alia et singula faciendi, dieendi, gereudi et exercendi, que in premissis et circa ea necessaria fuerint, seu quomodolibet oportuna: Ratum et gratum habentes et habituri totum et quicquid dicti nostri vicecomites de Innernes in hac parte, vel quicunque eorum duo aut tres coniunctim, in premissis rite duxerint faciendum. Insuper prefatum pretorium burgi nostri de Abirdene adeo legitimum pro deseruitione dictorum breuium acsi pretorium burgi nostri de Innernes presentium tenore facimus, et cum loco desuper dispensamus. Quare vniuersis et singulis quorum interest vel interesse poterit stricte precipimus et mandamus quatinus dictis nostris vicecomitibus de Innernes in hac parte, vel quibuscunque tribus aut duobus eorum coniunctim, suis officiariis et ministris, in omuibz et singulis premissa tangentibus prompte pareant, respondeant et intendant, sub omni pena que competere poterit in hac parte: Et similiter mandamus preposito et balliuis dicti nostri burgi de Abirdene quatenus iuramenta prefatorum vicecomitum de Innernes iu hac parte, pro vera et



fideli administratione in officiis suis, vt congruit, iuxta formam dicti consensus accipiant. Datum sub testimonio nostri magni sigilli apud Edinburgh penultimo die mensis Maij, anno Domini millesimo quingentesimo septuagesimo tertio, et regni nostri sexto.

Ex deliberatione dominorum consilii.

107. EXTRACT from the RECORD of the BURGH COURT of ABERDEEN, narrating the proceedings in the service of ALEXANDER, EARL OF SUTHERLAND. 13th June 1573.

The xiii day of Junii, the yeir of God ane thowsand five hundreth sewinte thre yeiris, in the burow court of Abirdene, haldin within the tolbuyth of the samyn, he Maister George Middiltoun, ane of the baillies of the said hurgh.

THE said day comperit in iugement Johnn Kennedy as actornay and procuratour for ane nohill and potent lord, Allexander, erle of Sutherland, be special actornay direct furth of our souerane lordis chancellarie, thair productit in iugement, and in presens of the said bailye productit our souerane lordis commissione, vnder the testimoniall of his gryit seill, constituand John Leslie off Balquhane, Gilbert Menzes, apperand of Petfoddellis, Patrik Menzeis, hurges of Abirdene, Maister Robert Lumisden of Clouaytht and Maister Patrik Ruthirfuid, conburges of the said hurgh, or onye thre or twa of thame coniunctlie, scherreffis of Inuernes in that pairt for seruing of hrewe or brewis of the said Allexander, erle of Sutherland, as narrest and lauchfull air to wmquhill Johnn, erle of Sutherland, his father, of all landis, annuell rentis, fischeingis in fresche watter and salt, mylnis, voddis, with speciall commissioun and power to the prowest [and] hailyeis of the said burgh, coniunctlie and seuerallie, to ressawe the aithe of fidelitie off the foirsaiddis scherreffis of Inuernes in that part : And presentlie comperit the foirsaiddis Johnn Leslie, Gilhert Menzes, Patrik Menzeis, Maister Robert and Maister Patrik, and acceptit the said commissioun and dewe executioun thairoff on thame, and giffe thair aithe of fidelitie to the said bailye for administratioun of justice, conforme to the tennour of the samyn ; on the quhilkis Jone Kennedy, as attorney and procuratour for the said erle, askit act of court and instrument.

The said xiiij day of Junii, the yeir of God ane thowsand fywe hundreth sewintie thre yeris, the schereff court of Innernes, haldin in the tolbuthe of Abirdene be Jhone Leslie of Balquhane, Gilbert Menzes, apperand of Petfoddellis, Patrik Menzeis, burges of Aberdene, Maister Robert Lumisden of Clouayth and Maister Patrik Ruthirfuird, conburgis of the said burgh, be vertew off our souerane lordis commissioun wnder the testimonie off the greitt seill, with this claus to thame, onye thre or twa of thame coniunctlie, for serwing of the breiffis impetrat be Allexander, erle of Sutherland, off our souerane lordis chancellarie, as narrest and lauchfull air to wmqhill Jon, erle of Sutherland, his fader, conforme to the tennour of the said commissioun acceptit be thame; the suittis callit, the court lauchfullie afensit, wes creat I, William Bruce, notar wndervrittin as clerk thairof, David Gunner, officear, and Gilbert Burnet, dempster, as membris of the first court for executioun of the said commissioun and brevis impetrat be the said erle, be thair aithis sworne, on the quhilkis the said John Kennedy, as actornay and procuratour for the said erle, askit act of court and instrument.

The foirsaid xiii day of Junii, the yeir of God I<sup>m</sup> v<sup>c</sup> sewintie thre yeris, the sherreff court of Innernes, haldin within the tolbutth off Aberdene be Johne Leslie of Balquhane, Gilbert Menzes, apperand off Petfoddellis, Patrik Menzes, burges off Aberdene, Maister Robert Lumisden off Clouay and Maister Patrik Ruthirfuird, conburgis off the said burgh, scherreffis of Inuernes in that parte be vertew off our souerane lordis commissioun wnder the testimoniall of his Gracis gryit seill, of the dait at Edinburgh the penult day of Maii, the yeir of God ane thousand fywe hundreth sewintie thre yeris, and of his Gracis regne the sext yeir, with this claus, to thame, ony thre or twa of thame coniunctlie, for serving of the brewis purchest be Allexander, erle of Suthirland, as narrest and lauchfull air to wmqhill John, erle of Sutherland, his father, off all and hail the landis, annuell rentis, mylnis, voddis, fischeingis and wtheris quatsumeuir, iu the quhilkis his said wmqhill father deithe last vestit and seasit as off fee, as the said commissioun at lenthe contenis; quhilkis beand red and pleuist abefoir in iugement and acceptit be the foirsaiddis schereffis of Inuernes in that pairt, efter the tennour thairof, be thair aithis, the suittis callit, the court lauchfullie affensit, as vse is, thair in iugement wes creat William Kennedy and William Brok officearis of Inuernes, in that pairt, coniunctlie and seuerallie, Maister John Kennedy, William Makcartnay, and William Bruce clerkis of court coniunctlie and seuerallie, Gilbert Burnet and John Fraser dempsteris, all sworne membris of court in iugement, for dew executioun of our souerane lordis brewis, according to the said commissioun.

Quhilkis all being creat, and the said breif purchest be the said Alexander, erle of Sutherland, being prescetit to thame in iugement be the said John Kennedy, as actornay and procuratour foirsaid, thay directit and delyuerit the same to the saidis officearis, or ony ane off thame, coniunctlie and seuerallie, to be dewlie execut at the mercat croce of Inuernes according to the lawis off this realme; and to be seruit in the tolbuthe, the aucht day of Julii nixt to cum, in presens off the said scherreffis of Inuernes in that parte, or ony thre or twa off thame coniuunctlie, be vertew off the said commissioun, and efter the tennour thairof. Vpone the quhilkis the said John Kennedy, as actornay and procuratour foirsaid, askit act of court and instrument.

The said day the scherreff deputtis of Inuernes foirsaid in that part, efter the acceptatioun of the said commissioun and creating of the memberis of court afoir expremit, be vertew of the said commissioun decernit and ordinit the said commissioun to be insert in the buikis ad perpetuam rei memoriam; of the quhilk the tennour followis. *JACOBUS Dei gratia [etc., as in the Commission No. 106 supra].*

Curia vicecomitatus de Inuernes tenta in pretorio burgi de Aberdene, octauo die mensis Julii anno Domini 1573, per honorabiles viros, magistrum Robertum Lummesden de Clouaytht, magistrum Patricium Ruderfuid et Patricium Menzeis, burgenses de Abirdene, pro tribunali sedentes, quo die sectis vocatis, et curia legitime affirmata fuit, virtute commissionis supremi domini nostri Regis ex deliberatione dominorum consilii, in hac parte vicecomites de Inuernes specialiter constitutos.

The said day Alexander, erle Sutherland, constituttis Maisteris William Daidson and George Barclay his procutouris in all his actiounis and cawssis, with power to substituit, and caution to hawld ferme and stabill. On the quhilkis the said erle tuik act of court and instrument.

The said day the commissioun being red, comperit maisteris William Daidson and George Barclay, procutouris for the said erle, and producit our souerane lordis brewe dewlie execut and indorsat to this day, oft tymes callit and no parte comperand to obiect in the contrar, the said breiffe wes admittit to the knowlege of ane assisse. Comperit William Brok, officear, William Cumming and Johnne Dunbar, vitnes, and verefiet the proclamation of the said breiffe at the mercat croce of Inuernes conforme to the tenour of the said breiffe; On the quhilk the saidis procutouris askit act of court

and instrument. The said breiffe oftymes callit, and no pairte comperand to obieit in the contrar, the samin was admittit to the knowlege of ane assisse.

Nomina Assise.

Chancellor, Androu, maister of Erroll.	William Hay of Delgaty.
James Dunbar of Tarbet.	Thomas Cumming of Alter.
Alexander Dunbar of Cenze.	Robert Turing of Fowerane.
Archibaird Dunbar of Pennek.	William Setoun of Meldrum.
Johnn Gray of Sordell.	Johnn Pantoun of Petmeddene.

James Murray of Covbardye.

Hutcheounne Murray of Abirskorss.

James Patersoun, prowest of Inuerncs.

George Gordoun of Auchmengze.

Andro Meldrum of Darley.

Andro Myln in Estir Bin.

James Dunbar in Kintassacht.

The said day comperit the saiddis procuratouris, and producit ane instrument of the landis of erledome of Suthirland contentit in the petitioun of the daitt the saxt of Junii 1546, and als ane retour of wmquhill John, erle of Sutherland, of the saiddis landis the fourt day of Maii the yeir of God foirsaid ; togidder with ane decreitt of the restitutionoun of parliament reduceand the proces of foirfaultour led aganis the said wmquhill John, of the daitt at Edinburgh, the ix day of Apryll ane thowsand fyve hundreth sextie sewin, vnder the subscriptioun of maister James Makgill, clerk of the register ; and als ane attestatioun of James Ballindene, quhairby the said Alexander aige may be knawin, the xxv day of Maii ane thowsand fywe hundreth sevintie thre yeiris.

The hail Inquist in ane voce hes seruit the said Alexander, erle of Sutherland, as narrest and lauchfull air to wmquhill John, erle of Sutherland, his fader, of the hail erledome of Sutherland, conforme to his petitioun quhairupone the procuratouris foir-saiddis askit act of court and instrument.

Follovis the burrou court haldin the first day.

Curia baliuorum burgi de Aberdene tenta in pretorio eiusdem, decimo tertio die mensis Junii, anno Domini millesimo quingentesimo septuagesimo tertio, per honorabilem virum, magistrum Georgium Middiltoun, ballium.

The said day comperit in iugement Johnne Kennedy, burges of Bamf, procutour for

ane nobill lord, Allexander, erle of Sutherland, and productit ane commissioun gewin be our souerane loird the Kingis grace, be delyuerance of the lordis of our counsall, vnder testimonie of the gryit seill direct to John Leslie of Balquhayne, Gilbert Menzeis, appeirand air to Petfodelis, maister Robert Lummisden of Clowacht, Patrik Menzes and master Patrik Ruderfuird, burgess of Aberdene, or onye thre or twa of thame, as scherreffis of Inuernes in that parte, for serving of our souerane loirdis breiffis purchest be the said Allexander, erle of Sutherland, to be seruit as narrest and lauchfull air to wmquhill John, erle of Sutherland, his fader, of certane landis, annuell rentis, millis and fischeingis, lyand withiu the scherrefdome of Inuernes ; with powar to hauld court and courtis, ane or ma, within the tolbuith of Aberdene, for serwing of the saiddis breiffis, officearis, clerkis and dempstaris and all vthir memberis of court to creat and mak, to the effect foirsaid ; with power to the prouest and bailyeis of Aberdene to resai the aithis of the saddis scherreffis in that pairt and ther memberis of court to be creat to that effect, ane or ma, coniunctlie and seuerallie, lyik as in the said commissioun of the daitt at Edinburgh the penult day of Maii, the zeir of God I<sup>m</sup> v<sup>c</sup> lxxiii yeris at mair leynthe is contenit : Be vertew off the quhilk comperit the said John Leslie of Balquhane, Gilbert Menzes, Maister Robert Lummisden, Patrik Menzeis, maister Patrik Ruderfuird, and acceptit the said office of scherreffschip vpon thame, conforme to the said commissioun, and war sworne the gryit aithe, the halie ewangell tuitchet, for leill and trew administratioun anent the serving of the sadis breiffis, and all thingis following thairupone. And thairefter the saiddis iuges began and fensit ane court of the scherrefdome of Inuernes as scherreffis thairof in that pairt, and creat maister John Kennedy, William Makcartnay and William Bruce scherreff clerkis coniunctlie and seuerallie, William Kennedy, William Brok, Gilbert Guthrie, Andro Laird and David Gunner, mairris and officearis of the said scherrefdome, Johnn Fraser and Gilbert Burnet dempstarris, coniunctlie and seuerallie ; quhilkis sworne in iugement and exceptit the said office on thame, conforme to the said commissioun ; and thairefter fensit ane scherref court of new in all thair names and memberis foirsaidis, and ordanis the saiddis breiffis to be proclamit at the mercat croces of Aberdeen, Inuernes and vthir places neidfull, for serving thairof vpon the aucht day of Julii nixt to cum ; with intimatioun and certificatioun to all and sindrie hawand interest as effeiris. *Extractum de libro actorum curie baliuorum burgi de Aberdene per me scribam eiusdem subscriptum.*

*Sic subscriptum. Ita est Willelmus Makcartnay, clericus dicte curie, manu propria.*

*Ita est Willelmus Bruce, scriba dicte curie ad hec, manu propria.*

108. EXTRACT RETOUR of ALEXANDER, EARL OF SUTHERLAND, as heir to his father, the late JOHN, EARL OF SUTHERLAND. 8th July 1573.

HÆC INQUISITIO legitime facta fuit in pretorio burgi de Abirdene in præsentia et de mandato honorabilium virorum, magistri Roberti Lummsdene de Clovay, magistri Patricii Rutherford, et Patricii Menzies, burgensium de Abirdene, vicecomitum in hac parte vicecomitatus de Invernes, virtute commissionis supremi domini nostri regis sub testimonio magni sigilli ejusdem, octavo die mensis Julii, anno Domini millesimo quingentesimo septuagesimo tertio, per personas subscriptas, Andream, magistrum Errolie, Jacobum Dumbar de Tarbat, Alexandrum Dunbar de Conze, Archibaldum Dumbar de Pennek, Joannem Gray de Sordall, Willielmum Hay de Delgaty, Thomam Cumming de Alter, Robertum Turing de Fowerane, Willielmum Seatoun de Meldrum, Joannem Pantoun de Petmeddane, Jacobum Murray de Coubairdy, Hugonem Murray de Abirscoce, Jacobum Paterson, præpositum de Inuernes, Georgium Gordon de Auchinangzie, Andream Meldrum de Derley, Andream Mylend in Eisterbin, et Jacobum Dumbar in Kyntessaicht : Qui jurati dicunt, magno sacramento interveniente, quod quondam Joannes, comes Sutherlandiæ, pater Alexandri Gordoun, latoris præsentium, obiit ultimo vestitus et sasitus, ut de feodo, ad pacem et fidem Mariæ, matris supremi domini nostri regis, Jacobi sexti, tunc Scotorum reginæ, de toto et integro comitatu Sutherlandiæ, et de omnibus et singulis terris ejusdem comitatus, cum castro, fortalicio et manerie de Dunrobyn, cum annexis, dependentiis, tenentibus, tenandriis, libereque tenentium servitiis, outsettis, molendinis, multuris, piscationibus tam in aqua salsa quam dulci, advocacionibus et donationibus ecclesiarum et capellaniarum earundem, cum suis pertinentiis, iacente infra vicecomitatum de Invernes ; et quod dictus Alexander, comes, est legitimus et propinquior hæres dicti quondam Joannis, comitis, sui patris, de toto et integro dicto comitatu Sutherlandie, et omnibus et singulis terris ejusdem comitatus, cum castro, fortalicio et manerie de Dunrobyn, cum annexis, dependentiis, tenentibus, tenandriis, libere tenentium servitiis, outsettis, molendinis, multuris, piscationibus tam in aqua salsa quam dulci, advocacionibus et donationibus ecclesiarum et capellaniarum earundem ; et quod tenentur in capite per servitium wardæ et relevii de supremo domino nostro rege ; et quod fuerunt in manibus dicte matris supremi domini nostri regis ratione wardæ per spatium unius mensis et sex dierum aut eocirca, per decessum dicti Joannis, comitis, patris dicti Alexandri, comitis, et in manibus dicti supremi domini nostri regis etiam ratione wardæ per spatium quinque annorum decem mensium et viginti duorum dierum aut eocirca tunc immediate sequentium, et in manibus ejusdem

supremi domini nostri regis ratione nonintroitus per spatium viginti duorum dierum aut eocirca immediate elapsorum, prout de præsentī exstant in defectu dicti Alexandri, comitis, jus suum hucusque minime prosequentis; et quod est legitimæ ætatis; et quod valuerunt tempore pacis quingentis mercis monetæ Scotiæ, et nunc valent mille mercis ejusdem monetæ. Datum et clausum sub sigillis majoris partis qui dictæ inquisitioni interfuerunt, una cum inclusione sigillorum vicecomitum de Invernes in hac parte antedictorum, anno, die, mense et loco quibus supra.

Hæc est vera copia principalis retornatus super præmissis in cancellaria supremi domini nostri regis remanentis, extracta, copiata et collationata per me, Alexandrum Watson de Glentarky, deputatum honorabilis viri, Davidis Scott de Scotstarvat, armigeri, ejusdem cancellariæ directoris, sub hac mea subscriptione.

ALEX<sup>r</sup> WATSON, Dep<sup>t</sup>.<sup>1</sup>

109. RETOUR OF ALEXANDER, ELEVENTH EARL OF SUTHERLAND, as heir to his father, JOHN, TENTH EARL OF SUTHERLAND. 8th July 1573. [Contemporary copy.]

HEC INQUISITIO legitime facta fuit in pretorio burgi de Abirdene, in presentia et de mandato honorabilium virorum, magistri Roberti Lumisden de Cloway, magistri Patricii Rutherford et Patricii Menzes, burgensium de Aberdene, vicecomitum in hac parte vicecomitatus de Invernes, virtute commissionis supremi domini nostri regis sub testimonio magni sigilli eiusdem, octavo die mensis Julii, anno Domini millesimo quingentesimo septuagesimo tertio, per personas subscriptas, videlicet, Andream, magistrum Erroll, Jacobum Dunbar de Terbert, Allexandrum Dunbar de Cunze, Archebaldum Dunbar de Penyk, Johannem Gray de Swordell, Villielmum Hay de Delgate, Thomam Cuming de Alter, Robertum Turing de Fowerne, Villielmum Seaton de Meldrum, Johannem Panton de Pitmeddan, Jacobum Murray de Cubardy, Hugonem Murray de Abirscoris, Jacobum Paterson, prepositum de Inuernis, Georgium Gordon de Achemenze, Andream Meldrum de Darle, Andream Millan in Estyr Byne et Jacobum Dunbar de Kintesak: Qui iurati dicunt, magno sacramento interueniente, quod quondam Johannes, comes Suderlandie, pater Allexandri Gordon, latoris presentium, obiit vltimo vestitus et sasitus et de feodo ad pacem et fidem Marie, matris supremi domini nostri

<sup>1</sup> There are also in the Charter-chest at Dunrobin a Precept from H.M. Chancery in favour of Alexander, Earl of Sutherland,

dated 13th July, sixth year of the King's reign [1573]; and the Instrument of Sasine following thereupon, dated 27th July 1573.

regis, Jacobi sexti, tuncce Scotorum regine, de toto et integro comitatu Suderlandie, et de omnibus et singulis terris eiusdem comitatus, cum castro, fortalicio et manerio de Dunrobyne, cum annexis, dependentiis, tenentibus, teuaudiis et libere tenentium seruitiis, vtsettis, molendinis, multuris, piscationibus tam in aqua salsa quam dulci, aduocationibus et donationibus ecclesiarum et capellaniarum earundem, cum suis pertinentiis, iacentibus infra vicecomitatum de Inuernes ; et quod dictus Allexander, comes, est legitimus et propinquior heres dicti quondam Johannis, comitis Suderlandie, patris sui, de toto et integro dicto comitatu Suderlandie, [et] de omuibus et singulis terris eiusdem comitatus, cum castro, fortalicio, manerio de Dunrobyne, cum annexis, dependentiis, tenentibus, tenandiis et libere tenentium seruitiis, vtsettis, molendinis, multuris, piscationibus tam in aqua salsa quam dulci, aduocationibus et donationibus ecclesiarum et capellauiarum earundem ; et quod tenentur in capite de supremo domino nostro rege per seruitium varde et releuii ; et quod fuerunt in manibus dicte matris supremi domini nostri regis ratione varde per spatium unius mensis et sex dierum aut eocirca, per decessum dicti quondam Johannis, comitis, patris dicti Allexandri, comitis, qui obiit vigesimo tertio die mensis Junii anno Domini millessimo quingentessimo sexagesimo septimo, et in manibus dicti supremi domini nostri regis etiam ratione varde per spatium quinque annorum decem mensium et viginti duorum dierum aut eocirca tunc immediate sequentium, et in manibus eiusdem supremi [domini] nostri regis ratione nonintroitus per spatium viginti duorum dierum aut eocirca immediate elapsorum, prout de presenti existunt in defectu dicti Allexandri, comitis, ius suum hucusque minime prosequentis ; et quod est legitime etatis ; et quod valuerunt tempore pacis quingentis mercis monete regni Scotie, et nunc valent mille mercis eiusdem monete. Datum et clausum sub sigillis maioris partis qui dicte inquisitioni interfuerunt, vna cum inclusione sigillorum vicecomitum de Inuernes in hac parte antedictorum, anno, die, mense et loco, quibus supra, etc., etc. Extractum de libro actorum curie vicecomitatus de Inuernis per me, Willelmum Cuming, notarium publicum ac scribam vicecomitatus de Inuernis, teste manu propria, etc.

Ita est Villielmus Cuming, notarius publicus ac scriba vicecomitatus de Inuernes, teste manu propria, etc., etc.



110. RATIFICATION by WILLIAM SUTHERLAND of Duffus of the Bond made by William Sutherland of Duffus, his great-grandfather, to ALEXANDER, MASTER OF SUTHERLAND. 15th March 1580.

BE IT kend till all men be thir present letteris, me, Williame Suthurland of Duffus, forsameikill as vmquhill Williame Suthurland of Duffus, my grandschir, conqueist fra vmquhill Johnne Kinnard of Skelbo, all and hail the landis of the lairdschipe of Skelbo, liand within the erldome of Suthurland and schirefdome of Inuernes, quibilkes the tyme of the conqueis thairof wer haldin of vmquhill Alexander, maister of Suthurland, and fear of the erldome thairof, be seruice of ward and releiwe, and for the quhilkes landis the said vmquhill Johnne Kinnard and his predicessouris wer obleist to the said vmquhill Alexander, maister of Suthurland, and his predicessouris in thair continewall service and manrent : And becaus the said vmquhill Alexander, maister of Suthurland, of his avin guid plesour and benevolence ressaut the said vmquhill Williame Suthurland of Duffus, first conquessar forsaid, in the fornammitt landis of the lairdschipe of Skelbo as immediat tennent to him thairof, quibilk on na vayis he nicht be obleist to do, bot rather the saidis hail landis of the lairdschipe of Skelbo wer fallin and becum in the handis of the said vmquhill Alexander, maister of Suthurland, be recognitioune, be alienatioun of the samin without his consent ; in respect quhairof the said vmquhill Williame Suthurland of Duffus for him, his airis and successouris, maid, seillit, subscriuit and deliuerit to the said vmquhill Alexander, maister of Suthurland, for him, his airis and successouris, the band and obligatioun vnderwritte, of the quhilk the tennour followes :—Be it kend till all men be thir present letteris, me, Williame Suthurland of Duffus [etc., as in No. 83 *supra*]. Quhilk band and obligatioune, with adwyse of my maist speciall freindis, I haue now seine and considerit, hes acknawelegit and acknaweleges the samin to be the werie orriginall band maid be my said vmquhill grandschir to the said vmquhill Alexander, maister of Suthurland : And seing I am air be progres and successour to my said vmquhill grandschir, and namelie in the forsaidis landis and lairdschipe of Skelbo, and thairthrow as air and successour forsaid, to be derectlie obleist be my self and my successouris to performe, fulfill and keipe to Alexander, now erle of Suthurland, air be progres and successour to the said vmquhill Alexander, maister of Suthurland, his guidschir, his airis and successouris, the said band in all the pointis, articulis and circumstances thairof ; and now seing the said Alexander, now erle of Suthurland, hes enterit and ressaut me in heretabill tennent to the forsaidis landis, for the quhilkes my

predicessouris wes bundin and obleist in thair said seruice, as said is, thairfoir to haue ratefeit and appreiwit, and be the tennour heirof ratefeis and appreiwes the said band of the force, tennour and substance aboune specefeit in all the claussis, articulis and circumstances thairof, and grantis that I, as air and successour forsaid, am straitlie bundiu and obleist to obserue, keipe and fulfill the samyn siclyk in the samyn maner in all respectis as my said vmquhill grandschir wes ; and be the tennour heirof grantis and confessis the samyn to be transferrit in the said Alexander, erle of Suthurland, as air and successour be progres to his said vmquhill guidschir, actiue, and in me the said Williame, as air be progres and vniuersall successour of the said vmquhill Williame Suthurland of Duffus, my grandschir, passiue ; quhilk I will and grantis salbe als vailzeabill and sufficient to all intentis as gif the said translatioune had proceedit be speciall sumoundis, and with cognitioun in the caus, and vpoun ane sentence and decreit of the iuge ordiner : And als I bind and obleis me, my airis, assignais and successouris, quha sall succeid to me to the landis and lairdschipe of Skelbo and Pronse to fulfill, obserue and keipe the forsaid band in all the heiddis and poyntis thairof, siclyk as my said vmquhill grandschir wes obleist to performe the samyne, to the said Alexander, erle of Suthurland, his airis and successouris forsaidis for euir : And for the mair securitie I am content and consentis that thir presentis be actit and registrat in the buikes of counsale and sessioun, and decernit to haue the strenth of the lordis decreit, and executoriallis to pas heirvpoun in forme as effeiris, and to that effect constitutis

and ilkane of thame coniunctlie and seueralie my lauchtfull procuratouris to compeir befor the saidis lordis quhatsumeuir day and place lauchtfull, and consent to the registering heirof in maner abone vreitline : Promittand to hald ferme and stabill, etc. In witnes of the quhilk thing I haue subscriuit thir presentis with my hand at Edinburgh the fyveten day of Marche, the yeir of God ane thousand five hundreth fourscoir yeiris, befor thir witnessis, Johnne Arnot, burges of Edinburgh, Johnne Kennedy, portioner of Doill, Johnne Gordoun, elder in Clyntredwall, Johnne Gordoune, younger, his broder, William Sudderlaud in Kynmouny, and Adam Gordoun, younger, our seruitouris, and Wiliame Gibsoune, burges of Elgin, etc.

WILLIAM SUTHERLAND off Duffus.

111. NOTARIAL INSTRUMENT on the resignation by ALEXANDER, EARL OF SUTHERLAND, in favour of JOHN, MASTER OF SUTHERLAND, of the earldom of Sutherland, reserving the franktenement. 18th March 1580.

IN DEI nomine ame[n : Per hoc presens] publicum instrumentum cunctis pateat evidenter et sit notum, quod anno Incarnationis Dominice mil[lesimo quingentesimo] octuagesimo, mensis vero Martii die decimo octavo, et regni sup[er]mi domini nostri regis, Jacobi eius [nominis Sexti, ann]o decimo quarto ; quo die, in mei notarii publici et testin[um] subscriptor[um] presentiu[m], personaliter consti[tutus nobilis et p]otens dominus, Alexander, comes Sudirlandie, ad personalem presentiam dicti sup[er]mi domini nostri regis access[it et ibi, ge]nibus flexis omnique reverentia debita, totum et integrum ipsius comitatu[m] Sdirlandie, omnesque et singulas terras [eiusdem] comitatus, cum castro de Dunrobin, annexis, dependentiis, tenentibus, tenandriis, libere tenentium seruitiis earundem, lie [outset]tis, molendinis, piscationibus tam salsarum quam dulcium aquarum, aduocatione, donatione ecclesiarum et capellaniarum earundem, cum omnibus ipsarum pertinentiis, infra vicecomitatu[m] de Innernes iacentem, de dicto sup[er]mo domino nostro rege immediate in capite tenentem, pure et simpliciter, per fustim et baculum, in manibus dicti sup[er]mi domini nostri regis, in fanorem Johannis, magistri Sudirlandie, dicti comitis filii primogeniti, heredum et assignatorum dicti Johannis quorumcunque, pro charta et infeofamento sub magno sigillo per dictum sup[er]mum dominum regem dicto Johanni, magistro Sudirlandie, et suis predictis desuper tradendo et conficiendo, resignavit, renunciavit et extradonavit ; reseruato nihilominus dicto Alexandro, comiti Sudirlandie predicto, liberetenemento siue vitali reddito dicti comitatus, omniumque et singularum terrarum eiusdem, cum castro de Dunrobin, annexis, dependentiis, tenentibus, tenandriis, libere tenentium seruitiis earundem, lie outsettis, molendinis, piscationibus, aduocatione, donatione ecclesiarum et capellaniarum predictarum, ceterisque pendiculis et pertinentiis earum predictis, pro omnibus dicti comitis vite diebus : Quaquidem resignatione sic, vt premititur, facta et per dictum sup[er]mum dominum nostrum regem recepta et admissa, idem sup[er]mus dominus noster rex totum et integrum prefatum comitatu[m] Sudirlandie, omnesque et singulas terras antedicti comitatus, cum castro, annexis, dependentiis, tenentibus, tenandriis, libere tenentium seruitiis earundem, lie outsettis, molendina, piscationes, aduocationem, donationem ecclesiarum et capellaniarum earundem, cum omnibus ipsarum pertinentiis predictis, memorato Johanni, magistro Sudirlandie, heredibus suis et assignatis predictis, per predictorum fustis et baculi honorabili viro, Laurentio Gordone, pensionario Gallonidie,

actornato predicti Johannis, magistri Sudirlandie, ipsiusque nomine et ex parte (de cuiusquidem actornati potestate mihi, notario, testibusque subscriptis lucide constabat), retrodationem et concessionem dedit, contulit et deliberavit; secundum tenorem charte infeofamentique sub dicto magno sigillo dicto Johanni, magistro Sudirlandie, et suis predictis desuper tradendorum et conficiendorum: Reseruato tamen, ut predictur, liberetenemento siue vitali reddito dicti comitatus, omniumque et singularum terrarum eiusdem, cum castro, annexis, dependentiis, tenentibus, tenandriis, liberetenentium seruiciis earundem, molendinis, piscationibus, aduocatione, donatione reliquisque particulariter predictis, pro omnibus dicti comitis vite diebus: Super quibus omnibus et singulis premissis, dictus Laurentius Gordone, actornatus nomine quo supra, a me, notario publico subscripto, sibi fieri peccit vnum publicum instrumentum seu plura publica instrumenta. Acta erant hec in palacio Sancte Crucis, hora sexta pomeridiana, anno, die, mense et regno quibus supra; presentibus ibidem Johanne, comite Atholie, Jacobo, Moraue comite, Alexandro, magistro de Levingstone, Alexandro Home de Manderstone, magistro Waltero Lindsay de Hauch, Andrea Kar, filio secundo genito venerabilis viri, Marci, commendatarii de Newbottill, Johanne Drummond, filio Roberti Drummond de Carnok, militis, et Villelmo Myrray, familiaribus seruitoribus dicti supremi domini nostri regis, testibus ad premissa vocatis et rogatis.

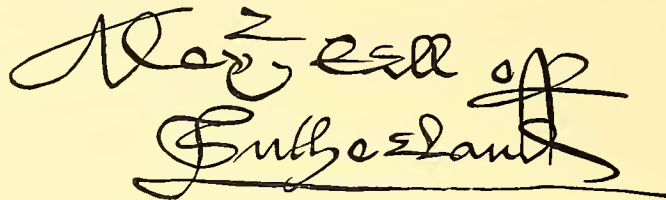
Et ego vero Johannes Makcalzeane, artium magister, clericus Sancti Andree diocesis, notarius publicus per dominos consilii dicti supremi domini nostri regis iuxta acti parlamenti tenorem admissus, quia premissis [*etc., in forma communi*].

112. AGREEMENT between ALEXANDER, ELEVENTH EARL OF SUTHERLAND, and JOHN THOMASSON, for service by the latter. 14th June 1587.

AT DORNOCHT the fourtene day of Junii the yeir of God, ane thowsand v<sup>c</sup> four scoir sewin yeris, it is appointit, aggreit and finalie endit betuix ane noble and potent lord, Alexander, erle of Sutherland, one that ane part, and Johnne Thomassoun, sumtyme in Moy, one that vther part, in maner, forme and effect as eftir fallois; that is to say, the said Johnne Thomassoun for himself, takand the birding on him of Duncan Johnne Thomasson, Donald Johnne Thomasson, Johnne Johnne Thomasson and Murquhowe Johnne Thomasson, his sonis, Ewor MakDonald M<sup>c</sup>Alexander, Alexander M<sup>c</sup>Donald M<sup>c</sup>Alexander, William M<sup>c</sup>Donald M<sup>c</sup>Alexander, his brother oysis, Johnne Ewor Thomasson, Johnne MakRore Thomasson, Alexander Alexander Thomasson, Ewor

M<sup>c</sup>Neill Huchonson and William M<sup>c</sup>Neill Huchonson, his brother, biudis and oblissis him, to wit, the said Johne Thomasson for himself and his kinnismene and frendis abone writtin, that thai and ilk ane of thame saibe afald, leill and trew seruandis and cuntre mene to serue the said noble lord quhen euer his lordschipe or vtheris in his nayme requiris thame thairto, but fraude or gyle : And siclyk the said Johne Thomassoun bindis and oblissis him be the fayth and treuthe in his body to do his exact diligence and labouris to caus his vtheris frendis, now fealis to Huchon M<sup>c</sup>Ky, sic as Donald M<sup>c</sup>Alexander M<sup>c</sup>Donald M<sup>c</sup>Findla, Allane Duncansoun, Evor Duncansoun, his brother, Thomas Donald Findlasoun, Thomas M<sup>c</sup>Murquhe, Johne Findlasoun, Alexander, his brother, and Johne Rore Findlason, to remowe and diwyd thamselvis and ilk ane of thame fra the said Huchon M<sup>c</sup>Kys seruice and frendschipe, betuix this and the fest of Michalmes nixt, four scoir sewin, quharthroucht the saidis personis may lelele, trewle and afaldle be gude cuntre Sutherland mene, and serue the said noble lord in maner abone exprimit, as thai salbe requirit thairto, but fraude or gyle : And failzeing that the saidis personis now seruitouris to the said Huchoun M<sup>c</sup>Ky be nocht conselit or brocht abak fra him but remanis with the said Huchoun M<sup>c</sup>Ky, in that case the said Johne biudis and oblissis himself, taking the birding one him of the rest of his kin in the former part of thir presentis abone wrettin, that the said Johne Thomassoun and thai sall persew the remanent of his kin foirsaidis, presentle seruing the said Huchoun M<sup>c</sup>Ky, and salbe inemeis to thame, as the said noble lord and his cuntre mene sall think expedient, ay and quhill thai returne and cum trew Sutherland mene and trew seruandis to the said noble lord. And the said noble and potent lord hes be thir presentis set to the said Johne Thomassoun thre penney land of Blarocht with the pertinentis fra the fest of Witsunday last, four scoir sewin yeiris, vnto Witsunday, anno four scoir aucht ; and at that Vitsunday, anno four scoir aucht, the said noble lord consentis and willis be thir presentis that the said Johne entir in and to the towne and landis of Moy with the pertinentis, to indure conforme to the said noble lordis will and plesour ; payand the said Johne Thomassoun for the said thre penny landis of Blarocht to Hew Murray, heretour thairof, his ayris or assignais, vnto the nixt Witsunday, dewiteis auld vse and wont allannerlie ; and siclyk payand to the said noble lord or his chalmerlandis, for the saidis landis of Moy, dewiteis auld vse and wont, during the said Johnis occupatioun of the samyn. And in caise the personis abone nemit, seruitouris to the said Huchoun M<sup>c</sup>Ky, dois ony wrang to the said noble lord or his cuntre betuix this and the said Michaelmes, in that case the said Johne and his frendis abone specifeit salbe bund to persew thame as inemeis to the said noble lord

and his cuntre, as is afoir exprimit. And in case the saidis personis cum in to the said noble lord and be his cuntre mene and seruandis, he sall gif thame seruice and rowmes as thai sall deserue be the sycht of the rest of his cuntre mene. In witnes heirof the saidis noble lord and Johne hes subscriuit thir presentis witht thair handis as aftir fallois, sa that this part sall remane witht the said noble lord, and the tuther part to remane witht the said Johne, subscriuit witht thair handis as said is, day, yeir and place foirsaidis, befoir thir witnes, Johne Gordoun of Clynetreduane, Johne Gordoun, his brother, Alexander Gordoun in Sydra, and William Gray, notar publict.



JOHNE THOMASSON, wt. my hand at the  
pen led be the notar vnder wrettin.

Ita est Willelmus Gray, notarius publicus per dominos consilii admissus, de mandato dicti Johannis, teste manu propria s̄st.

JOHNE GORDONE, witnes.

ALEXANDER GORDOUN, witnes.

113. ASSURANCE by GEORGE, EARL OF CAITHNESS, to ALEXANDER, EARL OF SUTHERLAND. 7th August 1588.

BE IT kend till all men be thir present letteris, ws, George, erle of Caithnes, Lord Sinclar, to haue assurit and be the tennoure heirof and faith and trewith in our bodie specialie assuris for ws, our brethir, kin, freindis, tennentis, cuntriemen, partakeris and assistaris quhatsumeuir, ane nobill and nichtie lord, Alexander, erle of Suderland, his kin, freindis, tennentis, cuntrie men, partakeris and assistaris, that he and thei salbe onhurt, onharmit, vnvexit, molestit, troublit or inquieted be ws and ouris forsaidis in thair bodies, landis, heritagis, takis, steidingis, rentis, guidis and geir, directlie nor indirectlie (bot be ordour of law), quhill the last day of Nouember nixtocum; swa that in the midtyme he and thei ma pas and repas throcht all the partis of this realme, and

specialie vse, exerce and do thair lesum busynes within the cuntrie of Caithnes but feir, danger or molestation of ws and ouris abone expremit, vnder the pane of periurie, infamie and tinsall of lawtie, credit and honour in all tyme cuming. In witness quhairof we haue subscriuit this our efauld assurance with our hand at Edinburgh, the sevint day of August, the yeir of God, 1<sup>m</sup><sup>v</sup><sup>c</sup> four scoir aucht yeiris, befor thir witnessis, ane nobill and michtie lord, George, erle of Huntlie, Johne Sinclair of Dun, Olypher Gordoun, and Johne Daidson, notar publict.

G. CAITHNES.

114. SUBMISSION by GEORGE, EARL OF CAITHNESS, and ALEXANDER, ELEVENTH EARL OF SUTHERLAND, for settlement of feuds. 26th November 1589.

THIS BLANK within subscriuit be the honorable pairteis following testifeis, appreis and beiris witnessing that the saidis pairteis, viz., George, erle of Caithnes, on that ane pairt, and Alexander, erle of Sutherland, on that vther pairt, hes submittit thame selffis and ar compromittit, bund, oblist and suorne to stand, abyde and vnderly and fulfill the decreit, deliuerance and sentence arbitrall in amicabill wyse of the honorabill persones eftir specifeit, chosin for ather of thame as followis, that is to say, of George Sinclair of May, William Sinclair of Dunbeth, Robert Innes of that ilk, Robert Innes of Inuermarky, Alexander Innes of Coxtoun, and Johne Innes of Lucharis, iudges arbitratouris and amicabill compositouris chosin for the pairt of George, erle of Caithnes, and Sir Patrik Gordoun of Auchyndoun, knycht, Schir Thomas Gordoun of Clwny, knycht, James Dunbar of Tarbart, David Dunbar of Durris, Mr. Alexander Gordoun, chancellor of Murray, and Johne Gordoun of Carynborow, iudges arbitratouris and amicabill compositouris chosin for the pairt of the said Alexander, erle of Sutherland; and in cais of variance betuix the said arbitratouris or athir pairtie, as said is, the saidis pairteis, hinc inde, of baith thair consentis hes electit and chosin ane nobill and potent lord, George, erle of Huntlie, Lord Gordoun and Badyenocht, odman and ourisman, to decreit in the actionis and caussis following, that is to say, anent the deidlie feid fallin out and standing betuix the saidis pairteis for diuers slauchteris, heirschippis, oppressionis, murthouris, spoliatioun and away taking of diuers grit sowmes and quantiteis of gudis and geir committit and done be ather of the saidis pairteis, thair partakaris and defendaris contrair vtheris, conforme to the particular clames of ather pairtie foirsaid to be gevin in heiranent; as alsua anent the said erle of Caithnes

pretendit richt to the heretabill iusticiarie over the diocie of Caithnes, and in spetiall over the said erle of Sutherlandis landis quhairevir the samin lyis, and the actioun quhilk the said erle of Sutherland clames of the said erle of Caithnes for deliuering to the said erle of Sutherland of ane reuersioun for redemptioun of the landis of Straithulze, conforme to ane contract maid betuix the saidis pairteis vmquhill predi-cessouris thairvpoun ; and alsua anent the ordour to be takin for perpetuall amitie and freindschip to be had betuix the saidis pairteis houssis and thair posteritie in all tymes cuming ; and for the better obseruing thairof grit penalteis to be iniunit, ather be sowmes of money or infeftmentis of land ; and the pairtie brekar to incur the pane as it sall pleis the saidis arbitratouris ; and in cais of variance amangis thame, the said nobill lord ourisman foirsaid to pronunce and decerne thairanent ; and anent all vther actionis, caussis, and querrellis and debaittis, criminall and ciuill quhatsumeuir, quhilk ather of the saidis pairteis hes to allege, say or propone contrar vtheris for quhatsumeuir actioun, caus or occasioun bygane, precedand the dait heirof, or may be iudgeit or fund be the saidis iudges, freindis and commonaris that may bring ony trubill or questioun amangis the saidis pairteis in tyme cuming, as salbe gevin in at lenth in clame to the saidis arbitouris thairvpoun. Quhilkis iudges arbitratouris and overman incais of variance, hes instantlie at the making heirof acceptit and tane the decisioun of the foirsaidis debaittabill materis and actionis in and vpoun thame ; and to that effect baith the saidis pairteis, with the saidis arbitratouris, freindis, commonaris and oursman sall convene at Elgin the tuentie sevint day of November instant, quhair the saidis arbitratouris and commounaris sall pronunce aud gif furth thair decret and deliuerance within aucht dayis nixt thairefter, but forder delay ; quhilk failzeing, the said nobill lord, George, erle of Huntlie, incais of variance amangis thame, sall pronunce and gif furth his finall sentence and decret within ten dayis nixt and immediatlie following the ische of the saidis aucht dayis, vnder the pane of horning. Provyding always that in cais the saidis iudges arbitratouris, or in cais of variance amangis thame, the said nobill lord ourisman foirsaid, findis sic difficultie [concerning] the reuersioun of Strathulze abonclomit, as said is, that thay may nocht weill decerne heirvp[oun], it salbe lesum to the saidis iudges arbitratouris and ourman foirsaid to remit that pairt of this present designatioun to be adiudgeit be the lordis of counsall and sessioun, and proces to be summarlie deducit thairvpoun, but delay, contiuewatione or dilatour to be proponit be ather pairtie foirsaid. As alsua incais the saidis iudges and ourisman foirsaid salhappin to find sic difficultie concerning the allegeit iusticiarie foirsaid, that thay caue nocht weill decerne thairin, in that cais the samin to be remittit



to the decisioun of the lordis of counsall and sessioun vpoun semblabill and lyke conditionis as the foirsaid actionn concerning the landis of Straithulze and reuersioun thairof, but preiudice of ather of the saidis pairteis, lauchfull defenssis to be vsit and proponit for persute and defenssis of the saidis actionis in forme as effeiris. And in cais ony of the saidis iudges arbitratouris and commounaris salhappin to be absent at the said day, it salbe lesum to the partie to cheis and elect vtheris freindis, neutrall persones vnsuspect, in place of the freindis and commonaris absent. And gif it salhappin ony of the saidis pairteis and thair freindis and arbitratouris to absent thame and compeir uot at the said day and place abone writtin, appoyntit as said is, in that cais bayth the saidis pairteis consentis and ar contentit that the partie and freindis, commonaris and arbitratouris compeirand with the said ourman sall pronounce and gif furth thair finall sentence and decreit arbitrall in the said debaittabill materis and all vtheris caussis and questionis amangis thame presentlie, or that may be iudgeit to move ony trubill amangis thame in tyme cuming. Quhilk decreit pronuncit as said is, the saidis pairteis ar contentit that the samin be als valiabill as gif the samin war maid and gevin furth and pronuncit with consent of baith the saidis pairteis: And howevir baith the saidis arbitratouris or, in cais of variance amangis thame, the said nobill lord and ourman foirsaid decernis, decreittis and pronounces in the saidis debaittabill materis, baith the saidis pairteis ar faithfullie bund, oblist and suorne be thir presentis to stand, abyde at, vnderly and fulfill the samin to vtheris in all poyntis, but ony appellation, reclamatioun, contradic-tioun or agane calling quhatsumeur: And thair decreit foirsaid to be pronuncit, as said is, to have the strenth and force of ane decreit of the lordis of counsall and sessioun, and to be registrat iu the buikis of counsall, and siclyke executoriallis to pas thair-  
vpoun as mycht pas vpoun the saidis lordis decreit; and the said pairteis and ather of thame be the tennour heirof reuueces, recindis, cassis and annullis all and quhatsumeur blankis and designationis thairof past betuix thame preceding the dait of thir presentis. In wtnes of the quhilk thing the saidis pairteis and iudges arbitratouris, and the said nobill lord, ouerman foirsaid, in signe and takin of thair acceptatioun heirof hes subscriuit thir presentis with thair proper handis at Elgin, the tuentie sext day of November, the yeir of God, 1<sup>m</sup> v<sup>c</sup> fourscoir and nyne yeiris, befoir thir witnessis, Alexander Murray of Culbardy, Johnne Gordoun of Bucky, Robert Bruce of Badoig, Johnne Drummond of Stronymuk. Sic subscribitur, Huntlie acceptis, Alexander, erle of Sutherland, w<sup>t</sup> my hand, Caithnes, with my hand, Sinclair of Maii acceptis, Robert Innes of that ilk acceptis, Robert Innes of Inuermarky acceptis, Alexr. Innes, William Sinclair of Dunbeth, Johnne Innes acceptis, Auchyndoun acceptis, James Dunbar of Tarbart acceptis, David Dunbar

of Durris acceptis, Johne Gordoun of Carynborow acceptis, Mr. Alexr. Gordoun acceptis.

Hee est vera copia principalis designationis suprascripte de verbo in verbum concordans, nil addendo aut minuendo quo substantiam rei mutare potest, copiata et collationata fideliter et autent[ic]e per nos connotarios publicos subscriptos.

Ita attestor, Jacobus Justice, notarius publicus ad premissa requisitus, testantibus meis signo et subscriptione manualibus.

Ita est Abacueh Bisset, connotarius in premissis specialiter requisitus, testantibus meis signo et subscriptione manualibus.

Maisteris Johne Skene, Johne Moscrope, Thomas Craig, Johne Prestoun, aduocattis in Edinburgh, oure procuratouris, we desyre yow eirnestlie to compeir for ws and in our name, befoir the lordis of sessioun and counsall, quhatsumeir day or dayis, and to consent to the registratioun of the designatioun vndirwrittin [No. 114 *supra*], togidder with the decreit arbitral within contenit [No. 115 *infra*], and keip this mandat for your warrand. Subseriuit with our handis respectiue at Elgin the secund and thrid dayis of December the yeir of God I<sup>m</sup> v<sup>c</sup> fourscoir nyne yeiris. Sic subseribitur, Huntlie, Sutherland, Caithnes.

115. DECREE-ARBITRAL following on the Preceding Submission.  
29th November 1589.

WE, GEORGE SINCLAIR of May, William Sinclair of Dunbeth, Robert Innes of that ilk, Robert Innes of Inuermarky, Alexander Innes of Coxtoun, and Johne Innes of Luchares, iudges arbitouris and amicabill compositouris, electit and chosin for the pairt of ane nobill and potent lord, George, erle of Cathnes, Schir Patrik Gordoun of Auchindoun, knycht, Schir Thomas Gordoun of Clwny, knycht, James Dunbar of Tarbat, Dauid Dunbar of Durris, Mr. Alexander Gordoun, chancelar of Murray, and Johne Gordoun of Carnbro, iudges arbitouris and amicabill compositouris, electit and chosin for the pairt of ane nobill and potent lord, Alexander, erle of Sutherland, with expres consent, adwyse and assent of ane nobill and potent lord, George, erle of Huntlie, lord Gordoun and Badzenocht, oddisman and ourisman, electit and chosin in caise of variance to cognose, decyde, pronunce and decerne in the actionis, questionis, querrellis and debaittabill caussis quhilk ather of the saidis parteis may propone or allege aganis vtheris for quhatsumeir caus or occasioun committit and done be ather of thame, thair partakaris or dependaris, contrair vtheris, as the designatioun of this present blank at mair lenth

beiris, with expres consent and assent of the saidis nobill lordis, George, erle of Cathnes, and Alexander, erle of Sutherland, the richtis, ressonis and allegationis of ather pairtie foirsaid hard, sene and considerit, and thairwith being ryiplic aduysit, efter debtfull examinatioun and consideratioun of the meritis and circumstances of the debaittabill caussis vudirwrittin, haiffing God and gud conscience befor our ees, decreitis, decernes, fudis and pronounces in maner following, that is to say:—Anent the allegeit slauchter of vmquhile Johne Sutherland, sumtyme in Sowir, allegeit committit and done be the said erle of Sutherland, his seruitouris, partakaris and dependaris, in the moneth of Februar, the yeir of God, I<sup>m</sup>v<sup>c</sup> fourscoir sevin yeiris ; the allegeit slanchter of vmquhile John Jamesone, smtyme in Dnubeth, and certane vtheris slane with him in the moneth of Februar in the yeir of God, I<sup>m</sup>v<sup>c</sup> fourscoir acht yeiris ; the grit slanchter allegeit committit be the said erle of Suthirland and his foirsaidis within the parochinis of Wik and Latherin, in the moneth of Februar in anno, etc., four scoir acht yeiris ; the slauchter allegeit committit be the said erle of Snterland and his foirsaidis vponn dinerse the said erle of Caithnes tennentis and cuntrie men within the parochin of Latherin, in the moneth of Junii in anno four scoir acht yeiris ; and the allegit heirschippes, deprivationis and spoliatioun of diuerse the said erle of Caithnes cuntrie mennis gudis, geir, insicht and plenissing, done and committit be thame within the parochinis of Wik and Latherin, alsweill within the toun of Weik, as in all vther places within the cuntrie of Cathnes, and raising of fyre within the samin, and specialie vpoune the landis of William Sinclair of Dnubeth and the said erle of Caithnes landis of Knokean, Ladronnsulzie, Langhallow and Reisgill, and slauchter of diuerse persones dnelland vponn the saidis landis, in the monethis of Februar, fourscoir acht, Marche, Aprile, May and Junii, anno, etc., fourscoir nyne yeiris, respectine and successine ; and siclyke anent the allegeit slauchter of vmquhile George Gordoun, sumtyme in Marle, allegeit committit and done be the said erle of Caithnes, his partakaris and dependaris, in the moneth of Febrnar, fourscoir sevin yeiris ; the slanchter of certane men committit be the said erle of Caithnes and his partakaris at Weik, in the moneth of Februar in anno lxxx acht yeiris ; the slauchter of vmquhill Rorie Beg and vmquhill Rob Johne Huchecounsonis sone in Schurane, allegeit committit be the said erle of Caithnes and his partakaris and dependaris, in the moneth of Maii last bypast or thairby ; the slauchter of certane men in Strathnavar, committit be the said erle of Cathnes and his foirsaidis the tyme foirsaid or thairby ; the slauchter of vmquhill William McIean Thomas in Ariboll, and his sones, with certane vtheris allegeit done and committit be James Sinclair of Murkill and his partakaris, in the moneth of Junii

last bypast or thairby ; and the allegeit slauchter of vmquhill Donald McIean moir, bowman to the said erle of Sutherland, with diuerse vtheris done and committit be the said erle of Caithnes and his partakaris, in the said moneth of Junii, fourscoir nyne yeiris ; the spoliatioun of certane lastis of salmond out of the said erle of Suthirland corfhous of Helmisdaill ; the allegeit spoliatioun and away taking of ane grit number of horssis, meiris, ky and oxin pertening to the said erle of Suthirland, pasturand in the Deirie and vtheris his scheling places, and vtheris cuntrie-mennis gudis out of the boundis and landis of Straithbroray, in the monethis of Marche, anno, etc., fourscoir sevin yeiris, Maii and Junii lxxx nyne yeiris respectiue and successiue ; the allegeit slauchter of certane men of Strathnavar and spoliatioun of certane gudis and geir committit and done in September last bypast or thairby be the said erle of Cathnes and his foirsaidis ; and anent all and quhatsumeuir vtheris slauchteris, murtheris, heirschippis, oppressionis, spoliationis and away taking of quhatsumeuir gudis and geir, casting doun of houssis, raising of fyre, burning of cornes, committit or done be ather of the saidis pairteis, thair partakaris and dependaris, and quhatsumeuir vther actione or actionis quhilkis may result and proceed vpoune the fault and deid foirsaid or quhatsumeuir vther faultis, deidis or occasionis committit contrair vtheris sen the threttene day of Februar, the yeir of God I<sup>m</sup> v<sup>c</sup> lxxx sevin, to the day and dait of this present ; in consideratioune of the mutuall trublis, wrangis and iniureis committit and done be ather pairteis foirsaid, thair partakeris and dependaris, contrair vtheris, be the tennour heirop, with consent and aduuse of the saidis nobill lordis, pairteis foirsaidis, findis, decernis, and pronounces the saidis pairteis and ather of thame, thair partakaris and dependaris, fred, acqyute and obsoluit of all and quhatsumeuir slauchteris, murthouris, heirschippis, oppressionis, spoliationis, away taking of quhatsumeuir gudis and geir, fyre rasing, burning of cornes, depridatioune, and doun-casting of houssis, or of quhatsumeuir actioun of law that may result thairvpoun for ony fact, deid or occasioun, done to ather of the saidis erlis, thair partakaris and dependaris, fra the xiiij day of Februar foirsaid to the day and dait of thir presentis : and ordanis ather partie foirsaid to warrand vtheris thair partakaris and dependaris fre of the premissis, and of all perrell and danger of law, actione and proffeittis thairof, quhilkis through the faltis and deidis foirsaidis, or ony of thame, may result or be recouerit be the law be ony persone [in tyme] cuming : and in caise ony persone that bes bene hurt and dampnifeit in the lait trublis, being partakaris and dependaris of ather partie foirsaid, sall heirefter call or persew ony of the said erles thair partakaris or dependaris, for ony deid or occasioun foirsaid, and evict sowmes of money be ordour

of law aganis thame, baith the saidis erlis oblissis thame, thair airis, executouris and assignais, athir to vtheris, to refund and pay sic sowmes of money as salbe recouerit contrair vtheris be thame and ather of thame, thair partakaris and dependaris, within fourtie dayis nixt efter the samin beis recouerit. And anent the secund heid of the said designatioun, contenand the erle of Caithnes pretendit riect of the heretabill iusticiarie over the boundis of the diocie of Caithnes, and in speciall over the erle of Sutherlandis landis quhairevir the samin lvis within the boundis foirsaidis, findis, pronounces and decernis the said erle of Sutherland and his airis, his and thair landis aud tenneutis thairof, baith propertie and tennandrie, quhairevir the samin lvis within the said boundis of the diocie of Caithnes, with expres consent and advyse of the said erle of Caithnes to be alway fre and exemit fra the said erle of Caithnes iusticiarie, and naway subiect thairto, bot to remane exemit in respect of the deidly feidis foirsaidis standand vnreconcelit, and iu respect thairof the said exemptioun to remane perpetuall to the said erle of Sutherland and his airis; quhilkis deidlie feidis the saidis pairteis grantis to remane as vnreconcelit in this poynt, and the samen to be exceptioun competent to the said erle of Sutherland and his airis, as gif the saidis deidlie feidis war standand vnreconcelit betuix the saidis pairteis, and that in respect of the standing of the exemptioun foirsaid to the said erle of Suthirland and his airis in maner abone writtin. And anent the reuersioun acclamit be the said erle of Suthirland fra the said erle of Caithnes for redemptioun of the landis of Straithulzie, conforme to ane contract maid betuix thair vmquhill predicessouris thairvpoun, finding diuerse and sindrie difficulteis and wechtie argumentis to ryis thairanent, appertening maist properlie to be discussit be men of law aud lordis of counsall and sessioun in respect thairof, and of the grit consequence of the mater and diuerse obscuriteis thairof, remittis the decisioun of the samin to the lordis of his Hienes counsall and sessioun, and proces to be summarlie deducit thairvpoun befor the saidis lordis, but delay, continewatioun or dilatour to be proponit be ather partie, but preiudice of thair lauchtfull defences to be vsit and proponit for persuit and defence of the said actioun in forme of law as effeiris, etc. And anent the ordour to be takin for perpetuall amitie and freindschip to be had betuix the saidis pairteis houssis and posteriteis in all tymes coming, and for the better obseruing thairof grit penalteis to be iniunit, ather be sowmes of money or infetment of land, as that heid of the designatioun at mair lenth beiris; findis, pronounces and ordanis ane mutuall contract and obligatioun of freindschip to be maid betuix the saidis lordis, pairteis foirsaidis, thair houssis and posteritie, beirand the heidis and conditionis following, to wit, that the

saidis lordis, ather of thame, and thair airis, thair partakariss and dependaris, sall assist vtheris, concur, plane and ewfauld pairt tak in all thair lesum adoiss contrair quhatsumeuir persone or pairtie iu sic as may tend to thair weillis and quyetnes of thair cuntreis, and quhatsumeuir vther thair lesum and honest adoiss aganis all deidlie, the Kingis Maestie, and his Hienes successouris, and thair auctoritie, my lord erle of Huntlie, and his hous for baytht the saidis pairteis, and my lord erle Bothnell and his hous for the pairt of the erle of Caithness onlie excepted: And gif ony persone or persones within the boundis of the diocie of Caithnes salhappin to offend the said erle of Sutherland, his airis, his and thair cuntrie men, vassallis, tennentis and dependaris, the said erle of Caithnes sall enter the offenderis and present thame, be him self and his airis to my lord erle of Huntlie and his airis, schireffis of Inuernes, and thair deputtis, as iudges specialie appoyntit thairto with consent of pairtie, within ten dayis nixt efter he and his foirsaidis be requyrit thairto, provyding that the offender remane oppinlie within the cuntrie and his dominionis; and gif the offenderis beis fugitive the said erle of Caithnes, his airis, his and thair partakariss and dependaris, sall concur with the said erle of Sutherland and his foirsaidis be thair hail forces and all that thay may command and raise within the saidis boundis of his dominionis foirsaid, in seiking and persewing of the saidis fugitives, and the said erle of Caithnes and his foirsaidis sall nocht suffer the saidis fugitives and offenderis to remane oppinlie within his cuntrie and dominionis the space of aucht dayis togidder fra thai be fugitive, except he present the offenderis to the iudge foirsaid within the space befoir limitat: And, forder, the said erle of Caithnes sall nocht be him self, his airis, his nor thair vassallis, tennentis of his landis, seruandis, partakeris or dependariis, trubill nor molest the said erle of Sutherland, nor his airis, his nor thair tennentis, vassallis, seruandis, partakariss nor dependaris be soirning, oppressioune, calling of thame to conventionis, hoisting, gaddingis, taking vp of taxationis and impoistis of thame or ony of thame, nor naway thrall thame to seruice nor obedience by thair awin gud will and consentis: And that the said erle of Caithnes and his foirsaidis, nor nane of thame sall not intruse or be ony cullour or ingyne posses thame, or ony of thame, in ony of the said erle of Sutherlandis landis, rowmes, stedingis or possessionis, ather propertie or tennendrie, quhairevir the samin lyis within the boundis of the diocie of Caithnes, bot be ordour of law or the speciall advyse and consent of the said erle of Sutherland and his airis had and obtenit thairto: And the said contract and obligatioun to be extendit in ampill forme contening sic vtheris heidis and claussis as salbe thoct expedient for mantening and prscratiouu of the freindschip foirsaid: And gif

it salhappin the said erle of Caithnes and his airis to invaid, persew or molest ony of the said erle of Suthirlandis vassallis, seruandis, tennentis or dependaris be thame selffis, thair vassallis, seruandis, tennentis, dependaris or partakaris, it salbe lesum to the said erle of Sutherland be him selff and his foirsaidis to mantene, suppley, and defend his vassallis, tennentis, seruitouris, dependaris and partakaris, but violatioun or breking of this band or incurring of the penaltie vndirwrittin : Lyke as the said erle of Suthirland and his foirsaidis is and salbe contractit and oblist to the said erle of Caithnes and his foirsaidis be the lyke contract and obligatioun of freindschip to obserue, keip and fulfill the heidis and conditionis foirsaidis in all poyntis as the said erle of Caithnes and his abone written ar befor astricted to the said erle of Suthirland and his foirsaidis in maner abonewrittin : And gif ony of the saidis erles, pairteis foirsaidis, sall contravene this mutuall contract and obligatioun of freindschip, or ony heid, poynt or conditioun thairof, be thame selffis or thair foirsaidis, the pairtie brekar sall content and pay to the vther pairtie obseruar the sowme of fyve thousand merkes vsual money of this realm, toties quoties, as pro dampno liquido et interesse convento : To the quhilk the saidis erles, pairteis foirsaid, with ane assent mutuale consentis ; and the said penaltie to be payit within fourtie dayis nixt eftir the pairtie brekar be adjudgeit to haue failzeit and contravenit this present contract and obligatioun of freindschip, or ony heid thairof, vnder the panes of horning, and that vpoun ane simpill charge of sex dayis allanerlie : And ordanis athir of the saidis pairteis to caus thair cuntrie mene, partakaris and dependaris gif to vtheris thair cuntrie mene, partakaris and dependaris, sufficient lettres of slanes within ten dayis nixt efter thai be requyrit thairto. And findis, decernis, and ordanis the saidis erles, pairteis foirsaidis, and ather of thame to reposses all and quhatsumeuir persones within the boundis of Caithnes, Suderland and Strathnaver, put fra thair rowmes, heretages and possessionis, or quha hes left the samin for feir of thair lyves (sic as ar on lyve), and the narrest and lauchtfull of kin of the defunct, quha hes bene ony wayis dispossest sen the moneth of Aprile, in the yeir of God I<sup>m</sup>v<sup>c</sup> lxxx sex yeiris, and the said repossessioun to be betuix the dait heirof and the first day of Januar nixt to cum, and the houssis and biggingis thairof to remane in the same maner as thay ar now vncassin doune, or distroyit. Quhilk decret abone writtin and all and quhatsumeuir claussis, conditionis, artielis and circumstances thairof, the saidis erles, pairteis foirsaidis, and ather of thame, takand the burding in and vpoun thame for thame selffis and thair foirsaidis, bindis and oblissis thame, thair airis, executouris and assignais, to obserue, keip and fulfill as the premissis beiris in all poyntis. And in caise of

hrekng or contraventioun of ony heid of this our decret be ather pairtie abone writtin or thairis foirsaidis, the samin to he adiudgeit be ws, iudges arhitouris and ourman foirsaid, and our airis, and in ony of thair minorite, thair tutouris or curatouris, as iudges specialie appoyntit thairto he consent of ather pairtie foirsaid. And this our laude, decret and sentence to all and sindrie quhome it effeiris we mak notifeit and publisit, and ordanis the samin to be insert and registrat in the huikis of Counsall and Commissaris huikis of Murray, the saidis pairteis and ather of thame renunceand thair awin iurisdiction and priuilegeis in this caise, and submittand thame to the iurisdiction foirsaid : And the saidis lordis and commissaris decret and auctoritie to be interponit thairto, with executorialis of horning and poynding to pas thairvpoun, and the horning to he vpoun ane simpill charge of sex dayis in forme as effeiris, in sembla-hill and lyk maner as nicht pas vpoun the saidis lordis and commissaris decret. Aud for acting and registring heirof constitutis our weilhelouittis

and ilkane of thame our vndoutit procuratouris to exhibit and produce this our decret hefoir the saidis lordis and commissar; aud consent to the registratioun heirof, and that letteris and executorialis pas heirvpoun in maner abone writtin. In witnes of the quhilk thing we, iudges arhitouris, amicable compositouris foirsaidis, the said nohill lord, ourman, and the saidis erles of Caithnes and Sutherland, pairteis abone specifeit, and vtheris thair freindis vndirsubscriuand in signe and takin of thair consentis and assentis to the premissis, hes subscriuit thir presentis with thair handis in maner vndirwrittin, at Elgin, the penult day of November, the yeir of God, I<sup>m</sup>v<sup>c</sup> fourscoir nyne yeiris. And this present decret to be reformit he the advyse of men of law, keband the substantiall heidis of the premissis. And gif ony difficultie or ambiguitie aryse vpoun this our decret, or ony heid thairof, the samen to be iutereit he ws, iudges arhitouris and ourman foirsaidis, as onlie iudges appoyntit thairto he ather pairtie foirsaid, to the quhilkis be thir preseutis ather of the saidis pairteis consentis, hefoir thir witnessis, Johne Hammiltoun in Auchtbegis, Johnne Drummond of Stronymwk, Patrik Gordoun in Davach, Johnne Gordoun of Buckie, Hary Gordoun of Gowlis, Williame Bruce of Stanstell, Andro Mowat of Brahustermyre, William Gibsone, notar puhlic, and Johne Daidsonne, connotar. Sic suscribitur, Huntlie, ourman, Alexander, erle of Suthirland, with my hand, Caithnes, with my hand, Sinclair of May, with my hand, Robert Innes of that ilk, Robert Innes of Inuermarky, Alexr. Innes, Johnne Innes of Lucharis, Achyndoun, James Dunhar of Tarbart, David Dunhar of Durris, Johne Gordoun of Carynborow, Mr. Alexr. Gordoun, William Sinclair of Dunbeth.



Hec est vera copia principalis decreti suprascripti de verbo in verbo concordans, nil addendo aut minuendo quo substantiam rei mutare potest, copiata et collationata fideliter et autentice per nos, connotarios publicos subscriptos.

Ita attestor Jacobus Justice, notarius publicus ad premissa requisitus, testantibus meis signo et subscriptione manualibus.

Ita est Abacuch Bisset, connotarius iu premissis specialiter requisitus, testantibus meis signo et subscriptione manualibus.

116. GENERAL SERVICE of ALEXANDER, EARL OF SUTHERLAND, as heir to Adam, Earl of Sutherland, his great-grandfather. 12th January 1590.

HEC INQUISITIO facta fuit in pretorio burgi de Inuernis, coram honorabili viro, Johanne Kar, burgense de Inuernis, vicecomite deputato vicecomitatus de Inuernis nobilis et potentis domini, Georgii, comitis de Huntle, domini Gordon et Badzeuoch, vicecomitis principalis vicecomitatus de Inuernis, duodecimo die mensis Januarii, anno Domini millesimo quingentesimo nonagesimo, per hos probos homines subscriptos, videlicet, Andream Monro de Newmoyr, Johannem Vaus de Lochslyne, Vilhelmum Frasser de Strowy, Johannem Chessolme de Comnyr, Jacobum Corbet, portionarium de Arkboll, Alexandrum Frasser de Gussequhane, Johannem Cuthbert Veteris Castris, Johannem Vinstir de Artelle, Villielmum Balze de Dunnayne, Lucem Patirsonne, burgensem de Inuernis, Johannem Corbet, apparentem portionarium de Arkboll, Gilbertum Gollan, burgensem de Inuernis, Jacobum Abram, burgensem dicti burgi de Inuernis, Finlaum Donaldson, ibidem, burgi burgensem, et Johannem Frasser iu Incherore: Qui iurati dicunt quod quondam Adamus Gordon, Suderlandie comes, proauus Allexandri, nunc Suderlandie comitis, obiit ad pacem et fidem supremi domini nostri regis, Jacobi Quinti Scotorum regis; et quod dictus Alexander, comes Suderlandie, est legitimus et propinquior heres dicti quondam Adami, comitis Suderlandie, proauis sui, et quod est legitime etatis, qui obiit in mense Januarii, anno Domini millesimo quingentesimo quadragésimo primo: Datum et clausum vna cum breui regio huic inquisitioni introcluso, sub sigillo officii vicecomitatus de Inuernis et sigillis quorundam eorum qui dicte inquisitioni intererant, anno, die, mense et loco predictis.

117. GENERAL SERVICE of ALEXANDER, EARL OF SUTHERLAND, as heir to Elizabeth, Countess of Sutherland, his great-grandmother. 12th January 1590.

HEC INQUISITIO facta fuit in pretorio burgi de Inuernes, coram honorabili viro, Johanne Kar, burgense de Inuernes, vicecomite deputato vicecomitatus de Inuernes nobilis et potentis domini, Georgii, comitis Huntlie, domini Gordon et Badzenoche, vicecomitis principalis vicecomitatus de Inuernes, duodecimo die mensis Januarii, anno Domini millesimo quingentesimo nonagesimo, per hos probos homines subscriptos, videlicet, Andream Monro de Newmoyr, Johannem Vaus de Lochslyne, Villielmum Fraser de Strowy, Johannem Chessolme de Commyr, Jacobum Corbet, portionarium de Arkboll, Allexandrum Fraser de Gussequhane, Johannem Cuthbert Veteris Castri, Johannem Vinistyr de Artrelle, Villielmum Balze de Dunnayne, Lucem Paterson, burgensem de Inuernes, Johannem Corbet, apparentem portionarium de Arkboll, Gilbertum Gollan, burgensem de Inuernes, Jacobum Abram, burgensem dicti burgi de Inuernes, Fiulaum Donaldsone, ibidem, burgi burgensem, et Johannem Fraser in Incherore: Qui iurati dicunt, quod quondam Elizabeth, comitissa Suderlandie, proauia Alexandri, nunc comitis Suderlandie, obiit ad pacem et fidem supremi domini nostri regis, Jacobi Quinti Scotorum regis; et quod dictus Allexander, nunc comes Suderlandie, est legitimus et propinquior heres dicte quondam Elizabeth, Suderlandie comitisse, sue proauie; et quod est legitime etatis; que obiit in mense Septembris, anno Domini millesimo quingentesimo trigesimo nono. Datum et clausum vna cum breui regio huic inquisitioni introcluso, sub testimonio sigilli vicecomitatus de Inuernes et sigillis quorundam eorum qui dicte inquisitioni intererant, anno, die, mense et loco predictis.

118. ASSIGNATION by ALEXANDER, ELEVENTH EARL OF SUTHERLAND, to JOHN, MASTER OF SUTHERLAND, of the bond, by the Earl of Caithness, dated 3d September 1516, containing reversion of Strathulze, etc. 1st July 1590.

BE IT kend till all men be thir present letteris ws, Alexander, erle of Sutherland, pronevoy and air be progres of vmquhyle Adame, erle of Sutherland, our grandschir, for diuers ressonable caussis and considerationis moveing us, to haif maid, constitute and ordanit, and be the tennour heirof makis, constitutis and ordanis Johne Gordoun, our sone and appeirand air, oure verie lauchfull, vndoutit and irreuocabill cessioneris, assignais, donatouris and procuratouris in rem suam, in and to the contract and

appointment maid at Spynie, the thrid day of September, the yeir of God, I<sup>m</sup> v<sup>c</sup> and saxtene yeiris, betuix vmquhyle Johnne, erle of Caithnes, grandschir to George, now erle of Caithnes, on the ane pairt, and the said vmquhyle Adame, erle of Sutherland, our grandschir, and Elizabeth, countes of the same, ou the vther pairt ; be vertew quhairof the said vmquhyle Johnne, erle of Caithnes, was oblist to haif recoverit and gottin the castell of Dunrobene pertening to the said vmquhyle Adame, erle of Sutherland, and Elizabeth, his spous, out of Alexander Sutherlandis handis, and vtheris quhatsumeuir, withholderis of the samin, in possibill haist, and to haif deliuerit the said castell to the said vmquhyle Adame, erle of Sutherland, and Elizabeth, his spous, or to thair factouris haifand thair power, within tuentie dayis eftir the samin war recoverit and gottin ; and the said vmquhyle Johnne, erle of Caithnes, was bundin and oblist to defend, fortifie and manteine the said vmquhyle Adame, erle of Sutherland, Elizabeth, countes of the same, thair landis of the erledome of Sutherland, servandis and tennentis thairof, in the peceable bruiking and joyseing of the said erledome with the pertinentis than and in all tyme cuming : And lykewayis the said vmquhyle Adame, erle of Sutherland, and his spous, oblist thame to gif thair band of kyndnes to the said vmquhyle Johnne, erle of Caithnes, for the fortefeing, defending, suppleying and manteining of him in his landis of the erledome of Caithnes. For the quhilk the said vmquhyle Adame, erle of Sutherland, and his spous foirsaid, infest and seasit the said vmquhyle Johnne, erle of Caithnes, and his airis in tuentie pundis worth of land, haill and togidder lyand within Strathvlzy, exceptand and reservand the salmond fischeingis of the same allanerlie : And be the foirsaid contract the said vmquhyle Johnne, erle of Caithnes, band and oblist him and his airis to gif ane reversioun to the said Adame, erle of Sutherland, his spous foirsaid, and thair airis, that quhat tyme thai, or thair airis, infest the said Johnne, erle of Caithnes, or his airis, in tuentie pundis worth of land lyand within Caithnes, that then the said Johnne, erle of Caithnes, and his airis sould resignne and ourgif the said tuentie pundis worth of land within Sutherland to the said vmquhyle Adame, erle of Sutherland, his spous foirsaid, and thair airis, as in the said contract at mair lenth is contenit : And in and to the foirsaid reversioun, richt, titill, actioun and instance competent to ws for making and deliuering of the samin ; and sicyke in and to the summondis and actioun, gif ony be alreddie raisit or execute at our instance aganis the said George, now erle of Caithnes, pronevoy and air be progres to the said vmquhyle Johnne, erle of Caithnes, his grandschir, for making and deliuering of the foirsaid reversioun to ws conforme to the said contract and all that hes followit or may follow thairupoun : Gevand, grantand,

turneand and transferrand fra ws, our airis and all vtheris, our assignais, the foirsaid contract and reversioun contenit thairin with all rycht, titill, actioun and instance competent to ws for making and deliuering of the samin, togidder with the said summondis and actioun, gif ony be alreddie raisit or execute at our instance aganis the said George, now erle of Caithnes, pronevoy and air be progres foirsaid to the said vmquhyle Johne, erle of Caithnes, his grandschir, for making and deliuering of the foirsaid reversioun to ws conforme to the said contract, and all that hes followit or may follow thairupoun, renunceand the same with all actioun and instance thairof, iuri, liti et cause, in and to the said Johne Gordoun, our sone, and his airis, and in faouris of thame,oure anerlie cessioneris and assignais foirsaidis, and surrogattis him and them in our place, rycht and titill thairof. With power to the said Johne and his airis to call and persew, ather in our name or in thair awin name, for making and deliuering to thame of the foirsaid reversioun conforme to the foirsaid contract, befor quhatsumeuir iuge or iuges competent within this realme ; and being maid and deliuerit to thame to redeme the foirsaidis landis be vertew thairof, and to that effect to mak warning and vse the haille ordour of redemptioun thairanent, call and persew for declaratour thairof, and generalie all and sindrie vther thingis to do, exerce and vse thairanent, siclyke and als frelie in all respectis and conditionis as we mycht haif done our self befor the making of this our assignatioun. In witnes of the quhilk thing to thir our letteris of assignatioun subscriuit with our hand, our seill is affixt at Dinrobin the first day of Julii, the yeir of God I<sup>m</sup> v<sup>c</sup> fourescoir tene yeiris, befor thir witnessis, Hew Gordoun of Ballinlone, Gilbert Gray of Sordail, Adame Gordoun of Golspie Kirkton, and Alexander Tarrell of Doll.

ALEXR., ERL OF SUTHERLAND.

119. MUTUAL AGREEMENT between GEORGE, EARL OF CAITHNESS, and ALEXANDER, ELEVENTH EARL OF SUTHERLAND, proroguing the day for giving securities anent the renunciation of the lands of Strathulie. 6th May 1591.

BE IT kend till all men be the presentis, ws, George, erill off Cathanes, lord Sinclair, etc., to be bound and oblist to ane nobill lord, Alexander, erill of Southirland, his airis and successouris, lyk as the said Alexander, erill of Southirland, and Johane, master off Southirland, bindis and oblissis thame, thair airis and successouris, to ws hinc inde in maner wndir specifeit, that is to say : Forsamekle as be ane decreit arbitralle maid and pronuncit betuix the said nobill lord and ws in the ane and wther partis, it is speciallie

aggreit betuix ws that the said Alexander, erill of Southirland, sall dewlie and sufficientlie, with warrandice, athir be resingnatioun or confirmatioun, infest ws, the said George, erill of Cathanes, our airris and assignayis in sic ampill and suir maner as myne, the said George, erill of Cathanes, mene of law, with cousent of Alexander Hay, clark of register, cau dewise, in all and haill the ten penny land in Wik and Papingo, the townis and landis of South and North Kilimsteris, the myllne of Windles and mowluris and suckin thairof, with the teind schaves of the saidis townis and land thairin includit ; and als in all and haill the landis of Vlgramoir, Vlgrambege, Esterdaill, Wasterdaill, and Thormisdaill, with thair myllnis, multwiris, and pertinentis, liaud within the diocie of Cathanes, haldin of the bischope thairof and pertenyng to the said Alexander, erill of Southirland ; and in few ferme and in warrendice of the samin is bound and oblist to infest me and my foirsaidis in the landis of Straythwlze, presentlie pertenyng to me in heritaige, haldin of his Maieste and his successouris ; and it is aggreit siclik betuix ws that I for me, my airris and assignayis thairefter sall renuncc, resingne and ourgif to the said Alexander, erill and mastir of Southirland, and thair foirsaidis, all rycht and titill quhilk we haue to the landis of Strethewlze foirsaid, as the said decreit arbitrall of the dait at Huntlie the xxv of Marche, the yeir of God 1591 yeiris at mair lenthe beiris ; quhilk infestmentis, varendie[e], and renunciatiounis and wther secreteis for athir of vs it is speciallie providit in the said decreit that the samin selbe maid be athir of our procuraturis, with the consent of the said Alexander Hay, clark of the register, to the effect the samin may be subscriuit and deliuerit hinc inde, or consingnit in Elgene the fourten day of Maii instant, as plaice and day speciallie desingnit in the said decreit to that effect, with our consent, and we wndirstand perfittie that the said day approchis neir ; and for macking aud reporting of our said securiteis to, our seruitour, Johane Dauidsoun, is nocht abill to keip the said diet, in respect that our procuraturis and men of law, with the said clark of register, in the feriat tyme may nocht be haill togiddir conuenit to conswlt with the said Alexander, erill of Southirlandis procuraturis ; in consideratioun quhairof, that nather of vs, erillis, be preiudgit in our foirsaidis benifeit and preuelege of the said decreit arbitrall, that is to say, the said Alexander, erill of Southirland, of the rycht and titill of the landis of Strethwlze, nor I, George, erill of Cathanes, of the rycht and titill of the wther few landis abone writtin, with thair pertinentis, the secreteis being maid conforme to the tenour of the decreit arbitrall, we, be thir presentis, and ilk ane of vs, grantis that the said fourten day of Maii instant be prorogat and continewit in the sam forme, force and effect to athir of vs, erillis, or our foirsaidis, but preiudice of the said decreit arbitrall,

to the fourteen day of Junii nixt to cum, sua that athir of vs, erillis, pairteis foirsaidis, and our foirsaidis, the securiteis being formit, conforme to the tenour of the said decret arbitrall, and athir of vs infest dewlie and sufficientlie conforme thairto in wtheris landis, as said is, and as at mair lenth expressit, may efter the faist of Vitsounday enter hinc inde to the peicable possessioun of wtheris landis and euerie pairt thairof, that is to say, the said Alexander, erill of Southirland, to the saidis landis of Strehulze, maillis, profitis and dewtes thairof, occupie, sett, vse and dispoun thairupoun, conforme to the tenour of the said decret as his heritaige; and I, the said George, erill of Cathnes, to the saidis few landis, mylnis, teindis and pertinentis thairof, siclik as gif the samin infestmentis, warrendice, renunciatioun and wther securiteis about writtin war maid to athir of vs befor the said feist of Vitsounday and vpon the said fourteen day of Maii: Prouiding allwayis that the effect of the said decret arbitrall and tenour thairof be obseruit, keipit and fulfillit be athir of vs to wther in all wther pointis, and that this present obligatioun subscriuit be athir [of] vs mak na derogatioun to the sam, nor be nawayis extendit bot to the prorogatioun of the said xiiij day of Maii to the xiiij day of Junii nixt to cum in maner foirsaid; at quhilk tyme assignit for continewatioun, as said is, we bind and oblis vs and our foirsaidis, athir be our self or our procuratouris, to comper in Elgin with our rychtis and titillis, and to produce [and] exhibit, conforme to the tenour of the said decret arbitrall in all pountis, and failzeing thairof that the samin be put and consignit in the handis of thais personis contenit in the said decret, be thir presentis subscriuit with athir of our handis as followis be vs, George, erill of Cathanes, at Girnigo, the sext day of Mai, the yeir of God I<sup>m</sup> v<sup>c</sup> four-scoir and ellevin yeris, befor thir vitnes, Johane Mansoun, Henrie Osuald, our seruitouris.

G. CAITHNES.

120. RENUNCIATION by GEORGE, EARL OF CAITHNESS, in favour of ALEXANDER, ELEVENTH EARL OF SUTHERLAND, and JOHN, MASTER OF SUTHERLAND, his son, of the lands of Strathulie. 20th May 1591. Copy.

BE IT kend to all men be thir present letteres, we, Georg, erl of Cathanes, for fulfilling of that part of ane decret arbitrall gifin and pronuncit be Georg Sinclair of May, iudge arbitour and amicable compositour elected and chosin for our part, and be Schir Patrik Gordoun off Auchindoun, knycht, iuge arbitour and amicable compositour, elected and chosin for the part of Alexander, erl of Suthirland, and be George, erl of Huntlie, Lord

Gordon and Badenoche, etc., odisman and ourisman, elected and chosin be ws, baithe the saidis parteis, tuiching the making and granting of this present renunciatioun, as in the said decret arbitrall of the dait at Huntlie, the            day of Marche, the yeir of God 1<sup>m</sup> v<sup>c</sup> four scoir allewin yeiris, at mair lenthe is contenit, to haue renuceit, resignit, quytclamit, dischargit and simpliciter ourgiffin and deliuerit, and be the tennour heiroff renuceis, resignis, quytclames, discharges and simpliciter ourgiffis and deliueris for ws, our aires and assigneys, all and sindry the landes of Straythwllie, viz., Balnavaliache, Dueboll, Kildonand, Swisgill, Kinbrasche, Knokfin, Frie, Helmsdall and Auchadalie, with all and sindrie castellis, touris, fortalices, miluis, woodis, fischeinges, annexis, connexis, tennentis, tennendris and seruice of frie tennentis thairof, partis, pendiculis and all thair pertinentis, lyaud within the erldome of Suthirland and schirefdome of Inuernes, in faouris of the said Alexander, erl of Suthirland, and of Johne, master of Sutherland, his sone, thair aires and assignayis, togidder with all contractis, bandes, obligationis, chartaris, preceptis, instrumentis of sesing and vtheris eidentis, richtis and securiteis quhatsumeuir maid and deliuerit to ws and our predicesouris thairvpoun, and with all rycht, titill, enteres, clame of rycht, propertie and possessioun, quhilk we, our aires and successouris, had, hes or ony veyis may clame or hawe thairto in tyme cuming; exceptand and reservand alwayis the tua yeiris takis of the foirsaidis landis alreddy set fra the terme of Vitsounday nixtocum, in this instant yeir of God, 1<sup>m</sup> v<sup>c</sup> four scoir ellewin yere, to the present tennentis and occuparis thairoff, vnder the quhilk reseruation Alester Wrquhard and his subtennentis of Helmsdall and Achindalie sall nawayis be apprehendit, the saidis tennentis payand thair dewties contenit in the present rental giffin and subscriuit be ws to the said Alexander, erl of Suthirland, and the said Johne, master of Suthirland, thair aires and assignayis, during the space of tua yeres: And we, be the tennour heiroff, bindis and oblissis ws and our successouris to warrand this present renunciatioun to be guid, valid, effectuell and sufficient in the selff to the said erl and master of Suthirland, thair aires, assignayis, and successouris, aganis all deadlie; and bindes and oblissis ws, our aires, and successouris, that we sall newir cum in the contrair thairof, directlie nor indirectlie, in the law nor by the law, in iugment nor outwith, be ony maner of way in tyme cuming: And, forder, we be thir presentis bindis and oblissis ws, our aires and successouris, to entir the said Alexander, erl of Suthirland, and the said Johnn, master of Suthirland, thair aires and assignayis, to the actuall and reall possessioun of all and sindrie the foirsaidis landes, milis, woddis, fischeingis, partis, pendiculis and pertinentis thairof at the feast and terme of Vitsunday nixtocum, efter the dait heirof, and to the vptaking of the

mailis, fermes, profitis and dewteis of the same, to be brukit, joysit, intromittit with, vptakin and vseit be thame as thair heritage at thair plesour perpetuallie in all tyme cuming : Provyding alwayis that gif it sall happin the few landis of Wik and Papingo, extending to ten penny land, the tounes and landis of South Kilmester, North Kilmester, the milne of Wyndles, suckin, knaifschip, and astrikit multouris thairoff, with the croftis and miln landis of the samin ; and all and hail the teind schauis of the forsaidis tounes and landes, with thair pertinentis includit thairin, lyand within the parochin of Wik and dioce of Cathanes ; and all and hail the tounes and landes of Wlgrem moir, Wlgrem beg, Thornesdaill, the landes of Easterdaill and Vesterdaill, lyand in the parrochinis of Hakirk and Skynnand and diocie forsaid, with tennentis, tenandries, seruice of frie tennentis, annexis, connexis, outsettis, partis, pendiculis of all and sindrie the saides tounes, landis, teindschauis and milne, with thair pertinentis and prevelegis quhatsumeur, pertening to the said erl of Suthirland, in few ferme and heritage or ony part thairof disponit to ws and our foirsaidis be the saidis erl and master of Suthirland for this present renunciatioun of the landis of Straythwlzie be wertew of the said decreit arbitrall to be ewictit fra ws, our aires or successouris, throche default of the said erl off Suthirlandis rycht, or of quhatsumeur vthir priuat or publict richt, or we to be ordourlie remowit fra the samyn few landis, teindis and milne or ony part thairof, we makand lauehfull denunciation to the said erl of Suthirland, his aires or successouris, of the pley and action to be mowit and intedit aganis ws vpon the saidis landis, conforme to the said decreit arbitrall, thane and in that cace, we and our forsaidis sall haif immediatle thairefter frie regres and ingres in and to all and sindrie the forsaidis landis of Straythwlzie, with the pendiculis and pertinentis thairof abone writtin, to be brukit and joysit be ws, our aires and assignayis, conforme to our auld and new infeftment maid and to be maid to ws thairvpon, nochtwithstanding of this present renunciatioun and infeftmentis following vpon the samin, quhilk in that cace salbe null in the self, and fra thyne furthe of nane awaill, force nor effect, in all tymes cuming ; but preiudice alwayis of the contract maid betuixt Adame, erl of Suthirland, and Elizabethe, comptes off Suthirland, on the ane part, and John, thane erl of Cathanes, on the vther part, of the dait at Spyny the thrid day of September, the yeir of God I<sup>m</sup> v<sup>e</sup> saxtene yeris, but that the samin sall stand in effect, now as thane and thane as now, to ather of ws, pairteis abone writtin, lyk as it was befor the pronouncing of the said decreit arbitrall, and efter the forme and tennour thairof. And for the mair securitie we ar content and consentis that this our present renunciatioun be insert and registrat in the buikis of Counsell and decernit to hawe the strenthe of ane decreit of the lordis thairof, to remane thairin ad



perpetuam rei memoriam, and that letteris and executorialis be direct hervpon in forme as effearis ; and for acting and registring heirop we be thir presentis makis and constitutis our weilbelouitis and irreuocable procuraturis, coniunctlie and seuerallie, in vberiori procurationis forma, promittentes de rato, etc. In vitnes of the quhilk thing to thir present letteris of renunciatioun and discharg, subscriuit with our hand, our seall is affixit at Girnego, the xx day of Maii the yeir of God I<sup>m</sup> v<sup>e</sup> four scoir elevene yeris, befoir thir vitnes,

Sic subscribitur.

I haue sene, considerit, and allowit this forme of renunciatioun according to the powar committit to me be the said decreit arbitrall, baith the parteis procuraturis being hard. Concordat. ALEXANDER HAY.

121. PROCURATORY by ALEXANDER, EARL OF SUTHERLAND, for offering Margaret Gordon in marriage to Alexander Sutherland of Forse, and notarial instrument certifying the doing of the same. 12th February 1592-3.

BE IT KEND till all men be thir present letteris, ws, Allexander, erle of Suthirland, haifand the waird and mairriage of Allexander Sutherland of Foirss, sone and air to wmqubill Donald Suthirland of Foirss, to heif maid, constituit and ordanit and be the tenor heirop maikis, constituitis and ordanis honorabill men, and our weilbelouit frindis, Johne Gordowne in Gillecallumkeill, and ilk ane of thame coniunctlie and seueralie, owre warray, lauchfull and ondowitit procuraturis, actoris, factoris and speciall erand beiraris, geifand, grantand and committand to thame, and ilk ane of thame, coniunctlie and seueralie, our full, frie and plane puar, expres bidding, mandment and cheirge, for ws and in our name and vpoun our behalf, to compeir befoir ane honorabill man, Sandiris Suthirland of Forss, personalie, or at his dolling place, or quhair it sall haippin him to be aprehendit, and their for ws and in our name to offir to the saidis Allexander Suthairland of Forss, ane honorabill and sufficient parte, to wit, Margreit Gordowne, lauchfull begottin doichtir of ane rycht honorabill man, wmqubill Johne Gordowne of Buikkie, and to that effect to ressaue hir as his spouissit vyf, and to solempnizat wyth hir the holie band of matrimonie in face of halie kirk, within the kirk of Dornach, the xv day of the moneth of Apryle nixt to cum, and their bannis to be proclamit to that effect, and to treit and intertine hir in the feir of the Lord, as

apertenis and becumis ane faythfull husband to intertine his spoussit wyf, and the premissis to be perfytit and endit the said xv day of Apryle, the yeir of God I<sup>m</sup> v<sup>c</sup> foure scoir threitene yeiris ; and vpoun your offir, requisitiowne and desyre of the premissis, in respect of the sufficiencie of the said Margreit Gordowne being idoneus, vordie, of honorabill bluid, frindschip, qualefeit of guid conversatiowne and of honorabill esteit, and vordie as parte to the saidis Allexander Suthirland, and vpouu the saidis offir to aske and requeire noit and instrument ane or may ; and in caice of refus of the said honorabill offiris, protest solempnatlie for the dowbill availl of his mairriage, and of all cost, skayth and dampnage that may follow or inschew theiranent as the custome, ryte and ordowre of this realme, in caice of refus forsaid for the dowbill awaill of his marriage : Wyth puar to reforme this our commissiowne in ampill forme consarning the premissis as neid beis to our effect ; and generallie all and sindre wther thingis to do and exerss consarning the premissis, that to the office of procuratorie of the lawe or constituit is knawin to perteiue, or that we mycht do our selffis and we war personalie present in propir persone ; feirme and stabill haldand and for to hald all and whatsumevir thingis our saidis procuraturis, or ony ane of thame, coniunctlie and scueralie, in tbe premissis richtieuslie leidis to be done, ond[ir] the pane and obliissing of our gudis present and to cum. In witnes of the quhilk thing we heif subscrivit this our commissiowne and procuratorie wyth our hand as followis, at Dowinrobine the xii day of Februar, the yeir of God I<sup>m</sup> v<sup>c</sup> foure scoir twelf yeiris.

ALEXR., ERL OF SUTHERLAND.

IN DEI nomine amen. Per hoc presens publicum instrumentum cunctis pateat evidenter et sit notum, quod anno Incarnationis Dominice millesimo quingentesimo nonagesimo secundo, mensis vero Februarii die duodecimo, et regni excellentissimi principis, Jacobi Dei gratia Scotorum regis sexti eo nomine anno vigesimo sexto ; in mei notarii publici et testium subscriptorum presentis personaliter constituit, comperit ane discret man, Johne Gordowne in Gillecallumkeill, procuratour for ane nobill and potent lord, Allexander, Eirle of Sutherland, haifand the waird aud marriage of Allexander Sothirland of Foirss, sone and air to umquhill Donald [Su]theirland of Foirss, quhilkis procuratour past wyth me, notar publict, aud vitnes ondirtvrettin befoir the personall presens of the saidis Sandiris Suthirland of Foirss, and conforme to the tenor of this wythin writin commissiounne and procuratorie premonisit, requerit and lauch

fullie warnit the saidis Sandiris Suthirland to resaue ane honorabill and sufficient parte of honorabill bluid, frindschip, of guid qualiteis and conversatiowne, in marriage, to wit, Margreit Gordowne, doichtir lauchfull to ane rycht honorabill man, wmqhill Johne Gordowne of Buikkie, and to that effect to cause proclame thair bannis of marriage as wse is conforme to the solempniteis of the kirk ; and to that effect to compeir wythin the kirk of Dornach, vpon the fyftene day of Apryle nixt, in the yeir of God, I<sup>m</sup>v<sup>c</sup> foure scoir threittene yeirs, to compleit and fulfill the desyre of this wythin wreittin commissiowne and mandet for solempnesing of the saidis marriage, wyth the saidis honorabill parte in hir virginite as his lauchfull spouissit wyfe ; failzeing of the saidis Sandiris comperance the said xv day of Apryle, and refus of the saidis offris, for the dowbill auaill of his marriage to the saidis nobill lord wse, wyth all wtheir preuilleige of the laue, wyth cost, skayth, dampnage and expensis that may follow theirypoun in caice of refus of the saidis offris. Be uertew of the quhilkis desyre and lauchfull premonitiowne heirop, conforme to the contentis of this wythin wreittin mandat and commissiowne the [said] Johne Gordowne, procuratour forsaid, requerit and tuik instrument in the handis of me, notar onderwreitten ; at Pitmeane, the said yeir of God, be twa eftir none or theirbe, befoir thir witnes, ane honorabill man, William Sutherland of Duffus, Paull Fiddes, seruitur to the said nobill lord, Donald M<sup>c</sup>Conill M<sup>c</sup>Ane M<sup>c</sup>Thomas, seruitur to the said Johne Gordone, Allexander M<sup>c</sup>Rore in Pitmane, and James Sutherland their, witnessis requerit in the premissis. Quhilk premonitiowne was meid in maner forsaid the twei[l]f day of Februar, the yeir of God, I<sup>m</sup>v<sup>c</sup> foure scoir tweilf yeiris. Cuming asserruit.

Et ego vero Jasperus Cuming, clericus Moraue diocesis, notarius publicus per dominos consilii [*etc. in forma communi*].

122. TESTAMENT OF LAURENCE GORDON, commendator of Glenluce. Copy.

At the chappell in Tongland, the fyft of Februar 1610.

CERTANE INSTRUCTIONES anent ane Testament to be maid by Laurence, commendatour of Glenluce. The reverence first to be respectit to the gryt omnipotent God, creator of hevin and earth, to whome the said Laurence recommendis his soule, through the sacrifice of the croce of Chryste, his body to the graue, hoping that at the generall resurrectione, that body and soule shall then be reased by the ministre of Goddis holie angellis, sett at the right hand of Chryst, our lord and judge, and efter sentence

gevin, sall return amongis the faithfull in the heavinis, where Chryst sall renunce the kingdome to the Father, and thereafter for ever and ever sall be peace of conscience and joy in the Holy Gost.

DETTIS owing by me to the personnes following :—

Item, to David Arnett, ane thowsand merkis be ane band and obligatiōne.

Item, the sovme of four hundreth merkis addettit by the Lady Barnbaro, for his personage and vicarage teindis of her landis of Glenluce, of the yeiris of God I<sup>m</sup>vi<sup>c</sup> aucht and nyne yeiris, the quhilk sovme the lady and her husband hes gevin there band, efter compt and reckning being maid, to be payed to David Arnott, and releif me therof at the said Davidis handis of the said sovme of four hundreth merkis, whereof he hes ane vther band of myne that I am addettit to him : Item, I am addettit to the said David for fyve bollis of corn, xx<sup>libs.</sup>

Item, I am addettit to George Makcartnay aucht scoir thertein merkis, quhilk I allow him to be payed of the radyest of my dewteis : and siclyk I grant me to be addettit the annuell therof synce Martimes, twelf the hundir, and siclyk ay quhill he be payed.

Item, I am addettit to Johne of the Cullindoche fourscoir of pundis conteynit in ane obligation.

Item, to the said Johne fiftie fyve merkis of lent siluer. Item, forder twa stanes of woll, whome I direct to be payed of profeitis and annuellis whill Martimes, gif he will accept of it. Item, I am addettit to the minister of Anneth xx<sup>libs.</sup>

Item, I am detfull to Catrein Herun fourtie three pundis, xld les, with ten small peckis, and ane auchtod of meill for hir ouklie wittell and kitchein whill Witsounday, quhilk meile and siluer will extend to fiftie pundis, xld les. Item, to Thomas Bell, xx merks xiiiš. iiijd.

Item, as to the vicaris wyffe, in comptis for my ordinare, I refer to her aith maid befor the baillie, and what I may defeace of her compt by therten lammis of my ordinairis be the intromettouris of my living.

Dettis abone wryttin resten of the personage and vicarage, in annis and crops I<sup>m</sup>vi<sup>c</sup> sevin, aucht and nyne to be perseued befor the commissar, and Florence Russell to be tryed, what he hes ressaut therof, or any way knowis resten.

Item, the guidman of Frenche detfull to me the sovme of ane hundreth pundis, quhilk efter compt and reckning maid betwix David Arnott and me concerning this

present jurnay to Edinburgh, and sum delyncring of siluer be him to me, quhilk will exceid about xx merkis, quhilk sovme of ane hundreth pundis, I mak the said David assignay to ; and gif there be any superplus efter he be payed of his comptis to randir the superplus to me. Forder, what I am addettit to the said David for my burding and my wyffis, eftir the comptis being maid I appoinct him to be payed, wherof I sall delyuer ane extract. Item, the Laird of Culzen is addettit vnto me for the four yeiris taxatione of his pensione ix scoir pundis.

Item, I am addettit to Niniane Herun for the gadering vp of my pensione, I haue ferrit the samin to the Lairdis modificatione. Forder, I am addettit vnto him for the outcareing of the siluer, quhilk I think will extend about tuentie merkis.

Item, James M<sup>c</sup>G , merchant in Glenluce, quhat I am addettit vnto him : What Thome Hay and Florence Russell appoinctis I ordain him to be payed be the bygane teindis of Glenluce.

Item, what I am addettit to Thome Hay I refer the samen to himself, and gif he be nott payit, to retin sa mikle of his teindis of Barlockett quhill he be payed anno 1610.

Item, I ordaine my motheris dettis to be payed to theme shee was iustlie addettit vnto, by there aethis ; for the quhilk I allow Barbara Stewart fiftie pundis to pay the haile creueris and releif me therof.

Item, I am addettit to Robert M<sup>c</sup>Clane twentie pundis for Sandeis preteceiship, the tyme that David Arnott promisit.

Item, I leive to Robert Gordon, my brother sone, when all my dettis is payed, ane hundir merkis. Item, I leave to Sandie, my sone, xx libs.

Item, I appoinct my wyffe to be executrix to intromett with my deweties and dettis bygane, and to pay creditouris therwith sa far as they may extend to ; and what salbe of superplus besyd the satisfacione of Edinburgh dettis, the samen with diligence to be delyuerit to sum creditouris in this cuntrey : And gif Mr. John and David Arnott, my commissioneris to whome I haue gevin my power to sell and analie certane actiones to sum men in Edinburgh for reliving and paying certane my dettis there, as David Arnott knowis and hes repeed my creditouris there, gif any superplus beis to return to me and my executrix : And gif my dettis in Edinbrgh be nott satisfeit therewith I appoinct my commissioneris, factouris and intromettouris with rentis of Glenluce yeirly, and ilk yeir ay and whill my hail dettis be satisfeit and payed in all partes.

Item, I ordaine my executrix to persew Florence Russell befor the commissaris of

Wigtoun, what he is iustlie addetit to me be his introussione with my living of Glenluce according to his aeth.

Item, I ordaine my wyffe to delyuer vnto my brother my haile wreittis quhilk shee hes in keping, except onlie the erectione of Glenluce, and my pensiones which Mr. Jhone Aikman hes ressaut to tak to Edinburgh.

Item, I ordane maister Jhone, my brother, to intromett with my living of Glenluce, and see my haile dettis heirin and vtheris iust dettis omittit, to be satisfeit and payed. Forder, I desyr my lord, my brother, for Goddis his blissing, quhilk I leave to him, that he will be good to Thomas McClellen of Bamey, his antis husband and myne, and that he will interteine his secund sone at the scoolis, and that for the goodwill and favour quhilk he hes ever shawin to me, and what ye can plesour him at meting that ye will lett him know that ye ar ane father to him for my saik to whome ye may gif credeit.

Sic subscribitur.

WILLIAME SHARPIS, minister at Toungland.

THOMES M<sup>c</sup>CALLEANE of Balmy, witnes.

GEORGE MAKARTNAY, witnes.

Post diligentem collationem factam prefati testamenti, subscripti vt supra, inventa est hec vera copia eiusdem, in omnibus cum originali congruens, collationata per me, notarium publicum subscriptum.

Ita est Thomas Lesley, artium professor, notarius publicus, in premissis ad hec manu mea propria.

Indorsed : The copie of my brothers testament.

123. LIST of the TENANTS of the Abbey of Glenluce, and executions of warnings to remove. 1612.

The names of these that presentlie possess the abecie and precinct of Glenluce, and wther landis pertaining thairto.

ALISOUN HAMMILTOUN, relict of wmqhill Gavine, bischop of Gallaway, possessis the mansioun place within the said abay, and the yeardis within the wallis of the samyn, be wplifting, at the leist hir wmqhill husband, of the maillis and dewties of the saidis yeardis.

Marie Cunighame, relict of wmqhill Laurence, commendatour of Glenluce, possessis ane chalmer within the said mansioun place of Glenluce.

Florie Russell possessis the houssis within the said abay, sumtyme possest be wmquhill Mr. Ninian M<sup>c</sup>Clanoquhan, minister at Glenluce, and the haille beir land within the wallis of the said abay, orchardis and gardeinis thairinto, as taxman and possessour thairof to the wmquhill bischop.

Patrik M<sup>c</sup>Kie in Blairdirrie possessis the yet-hous of the said abay, and the houssis callit William M<sup>c</sup>Callounes houssis and Mertein Kennedyis houssis and tua lytill yeardis followeing thairto.

Mr. William Turner, commissar of Wigtoun, possessis the bak hall of the said abay, and chalmeris in the end thairof be heritabill dispositioun maid to him thairof be Laurence Gordoun, commendatour of Glenluce; bot it is trew the bischope obtenit ane decreit againes him for remoweing thairfra nochtwithstanding of the said rycht.

James Gordoun, harper, possessis tua chalmeris callit the bak chalmeris of the said abay.

Mertein Andro possessis ane lytill yeard of land callit dean William Baillies yeard.

Thomas Hey of Park possessis the beir cloiss and medow lyand behind the waillis of the said abay, within the thorne dykis and hedgis, quhilk is ane pairt of the presinct be rycht maid to him thairof be wmquhill Laurence, commendatour of Glenluce, as is alledgit, as also possessis the burghe of baronie and landis and tenementis of the samyne lyand betuix the tua burnes, as heritour thairof; as also the croft of land callit Kirkchrystis chapell croft, adjacent to Kilphillan, togidder with the fisching of Poltantoun as heritour thairof, as he alledgis.

Sir Johnne Wans of Barnebarroche, knicht, possessis the fisching of the Corswater, as alledgit heritour thairof.

Thomas Hay in Barlokart possessis the croft of land callit Ladie Chapell and Chrystis Croft with the houssis and yeardis thairof.

Villiam Gordoun possessis the houssis and croft of land callit Corrochling, adjacent to the Quhyteruik.

All lyand within the parochin of Glenluce, regalitie thairof and schirefdome of Wigtoun.

Kathrein Gordoun, relict of wmquhill M<sup>c</sup>Douell of Ervie, and Fergus M<sup>c</sup>Douell of Dinanes, hir spous, for his entres, possessis the houssis and croft of land callit the Munkis croft, lyand within the parochin of Kirkcum and schirefdome foirsaid.

Johnne M<sup>c</sup>Crystein of Clouche possessis ane piece of land apertaining to the said abay, callit the Munkhill, with houssis and yeardis thairof, lyand within the parochin of Wigtoun and schirefdome thairof.

Followis the minutis of the executionnes.

Vpoun the allewint day of Apryll I<sup>m</sup> sex hundreth and tuelf yeiris, William Maxuell in Wigtoun warneit Alisoun Hamiltoun, at hir duelling place in Glenluce, and affixit ane coppie wpoun the yet thairof; Marie Cunighame, Florie Russell, Patrik M<sup>c</sup>Kie, all personallie, and delyuerit ilk ane of them ane coppie; James Gordoun, harper, at his duelling place in Gleuluce, and delyuerit ane coppie to his wyff; Mertein Andro in Glenluce, at his duelling place, and affixit ane coppie wpoun the dore thairof, befoir Johnne Turuer, notar, Johnne Moffet, his seruitour, Thomas Baillie, sone to William Baillie of Diuragit, and M<sup>c</sup>Kie, soue to the said Patrik M<sup>c</sup>Kie in Blairdirre, witnessis.

The said day the said William Maxuell warnit Thomas Hey of Park, at his duelling place thair, and affixit ane coppie wpoun the yet thairof, as also William Gordoun in Corrochling, at his duelling hous thair, and affixit ane coppie wpoun the dore thairof; witnessis, the said Johnne Moffett, Michael M<sup>c</sup>Taggirt in Park, and Georg Patersoun in Corrochling, with wtheris diuerss.

The said day the said William Maxuell warnit Thomas He[y in Barlokart] at his duelling hous in our Ladie chapell and Chryst[is Croft, and] affixt ane coppie wpoun the dore thairof; witnessis, the saidis [Johnne Turner], notar, and Johnne Moffet.

The said day the said William to the effect that nane sould pretende igno[rance] of the warning, affixt and left ane coppie of the haill war[ning] wpoun the grund of the presinct of the said abay and burghe of baronie; witnessis, Patrik M<sup>c</sup>Kie in Blairdirre, the saidis Johnne Turner and Johuue Moffet.

The said day Patrik M<sup>c</sup>Kittrik in Wigtoun, warnet Kathrein Gordoun, relict of wmquhill M<sup>c</sup>Douell of Arvie, personalie at hir duelling place thair, and delyuerit hir ane coppie; witnessis, Gilbert M<sup>c</sup>Douell, messenger, and M<sup>c</sup>Douell, hir sone.

Vpoun the tuelt day of Apryll I<sup>m</sup> v<sup>c</sup> and tuelf, the said Johnne Moffett, in laulfull tyme of day, befoir dewyue service, red the precept of warneing at the kirk of Glenluce, and affixt ane coppie wpoun the dore thairof; witnessis, Andro Ahannay in Dirgall, Hew Hannay in Grenaue, Alexander Neill, merchant, and William Maxuell in Wigtoun.

The said day Patrik M<sup>c</sup>Kittrick in Wigtoun, befoir dewyue service, red the said precept at the kirk of Kirkeum, and affixt ane coppie wpoun the dore thairof; witnessis, Andro Agnew in Merkslauch, and Andro Campbell in Kirkeum.

Vpoun the sewintein day of Apryll, 1612, the said William Maxuell warnit Johnne M<sup>c</sup>Crystein of Clouche, at his duelling place in Munkhill, and affixt ane coppie wpoun



the yet thairof ; witnessis, Johnne Turner and John Wans, notaris, and the said Johnne Moffett.

The said day he warnet Mr. William Turner, commissar of Wigtoun, at his dwelling place in Wigtoun, and affixt ane coppie wpon the dore thairof ; witnessis, Mertein Kennedy, smith, and Mathew M<sup>c</sup>Cane, wreicht.

Vpon the nyntein day of Apryll, 1612 yeiris, Patrik M<sup>c</sup>Clellan, wryter in Wigtoun, red the warning befor dewyne service at the kirk of Wigtoun, and affixt ane coppie wpon the dore thairof ; witnessis, Patrik Edzeir, burges in Wigtoun, and Adam Blain thair.

The said day William Maxuell warnet Sir Johnne Wans of Barnibarroche, knight, personallie and delynerit ane coppie ; witnessis, Archibald Teilpher, burges in Wigtoun, and Danid Sinklare, his seruitour.

Euerie ane of thir persounes was warnet to remowe fra the landis and fischingis possesst be them, as they are specialie set down in the cattologue of thair occupatiounes befor the minut of the executiounes.

124. CLAIMS of JOHN, TWELFTH EARL OF SUTHERLAND, and DONALD MACKAY of Strathnaver, against the Earl of Caithness and Lord Berridale, his son. [July 1612.]

The Clame for the Erll of Sutherland and Donald M<sup>c</sup>Ky of Stranaver, gevin in to your lordschippis, indgeis arbitouris and amicable compositouris chosin for decisiou of all materis and questionis debettable betuix thame and the Erll of Caithnes and my Lord Berridaill, his sone.

IN the first, it will pleas your lordschippis consider that my Lord Berridaill violentlie and per force tuke Angus Hariache, seruitour to M<sup>c</sup>Ky, being in Stranavar in the toun of Balinhagalis doing his lesum and honnest effairis, and caryit him away captiue and presentit him to the said erll of Caithnes, his father, quha pat him in strait prisoun in the place of Girnigo, quhair he wes keipit be the space of sevin oulkis in fetteris and irlis, quhairby he is maid vnable in his leggis and feitt, quhair of the said laird of M<sup>c</sup>Kye desyris satisfioun to be maid to him and his man.

Secundlie, it will pleas your lordschippis consider that his Maiestie, being credible informit that Arthour Smyth was ane fals emzeour, directit commissioun to Schir

Robert Gordoun and Johnne Gordoun of Gospitour for taking of the said Arthour, and for that effect to charge the cuntrey to assist with thame ; for obedience of the quhilk commissioun the said Johnne Gordoun, accompanied with the young laird of M<sup>c</sup>Kye and certane vtheris, past and seareht the said Arthour, and fand and apprehendit him in the toun of Thurso, and being carying him away in sober aud quiet maner, the toun of Thurso, accompaneit with diuers of my lord of Caithnes, his freindis and servandis, set vpoun the said Johnne Gordoun and his complices and invaidit thame ; and nochtwithstanding the commissioun was schawne and declairit to thame, and that thay had apprehendit the said Arthour be virtew of the said commissioun, yit thay wald nawyse desist, but maist barbarouslie set vpoun and invaidit the saidis personis and hurte with arrowis and vtheris wapponis saviu of thame, quhairof tua, viz. Johne M<sup>c</sup>Tagart and Neill Nathmar ar so woundit that thair is no hoip of thair recouerie. And speciallie thay hurte and woundit young M<sup>c</sup>Kye to the grite effusioun of his bloode, quhairof satisfacioun and redres aucht to be maid, beseiking your lordschippis to caus the said erll of Caithnes and the said Lord Berridaill, his sone, to mak satisfacioun for the premissis.

Item, it will pleas your lordschippis consider that my lord of Caithnes is bound to relax Johnne Sutherland, sustir sone to M<sup>c</sup>Ky, fra the horne, being put thairto be the erll of Caithnes for diuers alledgeit caussis mentionat in the letters of horning, quhilkis ar in the said erll his awne hand, and yit will nocht purches relaxationis of the saidis horningis ; thairfore we desyre your lordschippis to caus the said erll produce the saidis horningis and purches relaxationis thairof, and delyuer the samyn to the said Johnne.

The erll of Sutherland sayis vnto your lordschippis that the erll of Caithnes and my Lord Berridaill, his sone, be ane band and obligatioun ar bound and obleist to renunce all richt of iusticiarie thay haue within the boundis of Sutherland and Stranavar ; and the said erll is obleist to caus his sone at his perfyte aige ratifie the samyn, as the said band heirwith producit as ane pairt of this article at more lenth beiris : And now, seeing the said Lord Berridaill is past the aig of twenty-aue yeiris, it is desyrit that he may ratifie the said baud, hail headis and artichis thairof, and that for eschewing of all pley and proces of law quhilkis may fall out betuix the said pairteis for implement of the said band.

Item, It will pleas your lordschippis consider that the erll of Sutherland, be his band and obligatioun, is obleist in diuers headis, pointis and claussis and conditionis, at lenth contenit in the said band heirwith producit, and speciallie is obleist to purches

and obtene him self infest in the few landis of Cathnes, and being infest sould gif infestment thairof to the said erll of Cathnes; and in caice of faillye and nocht infesting of him self and nocht granting of the said infestment to the said erll, band and obleist him, and certane his cautionaris, to pay to the said erll of Caithnes twenty thowsand pundis: And seing the said erll of Sutherland hes purchast him self infest, as also hes gevin infestment to the said erll of Cathnes, he desyris ane dischaarge of the said penultie of twenty thowsand pundis, and of the sowme of ten thowsand merkis addebtit be the said band in caice of suspensioun of the said sowme of twenty thowsand pundis, and of the haill remanent headis of the said band, in respect the said erll of Cathnes can schaw no head nor point thairof vnfulfillit.

125. ANSWERS by the EARL OF SUTHERLAND and DONALD MACKAY to the claim of the EARL OF CAITHNESS and LORD BERRIDALE.

It is ansuerit for the pairt of the said erll of Sutherland and the Laird of M<sup>c</sup>Kye to the clame gevin in be the erll of Cathnes, lord Berridail, and thair kin and freindis.

IN THE FIRST, as to the first pretendit article of the said clame beirand that the erll of Sutherland and M<sup>c</sup>Ky, at the last thair freindis, purchest ane commissioun for taking and apprehending of vmquhill Arthour Smyth, seruitour to my Lord Caithnes and indwellar within the boundis of Caithnes, notwithstanding that be decrite arbitrall thay wer obleist in the contrair. It is ansuerit thairto that thair wes neur sic ane decrite arbitrall: and gif any sic decrite arbitrall be, desyris that the samyn may be productit that we may knaw the tennour and effect thairof: and giving thair had bene sic ane decrite arbitrall, yit it will pleis your lordschippis consider that the Kingis Maiestie his seruice is speciallie exceptit and reseruit, sua that of necessitie obedience behuifit to haue bene gevin to his Maiestie, nochtwithstanding of any decrite arbitrall or ony clame or condition thairin contenit; sua that quhatsumeir commissioun wes drectit be his Maiestie, the samyn wes done onlie for his Maiesteis seruice and correcting of grite abuissis and lese Maiestie in the cuntrey, quhilk tendit to the wraik, ruyne and pouirtie of the haill inhabitantis of the cuntrey. Farder, efter we had the commissioun we wer neur of mynd to put the same in executioun without the erll of Cathnes knowledge vntill such a tyme as he took M<sup>c</sup>Kyis man without a commissioun, whairin first he contravenis the headis of that decrite and incuris the penultie,

if any thair be : And quhair it is alledgeit in the said pretendit article that the said Arthour Smyth wes most schamefullie slane be the erll of Sutherland and M<sup>c</sup>Kyis servand, the contrair thairof is more nor notour, for efter the away taking of the said Arthour, the erll of Cathnes servandis and inhabitantis of the toun of Thurso most cruelly invaidit his Maiesteis commissionaris, hurte and woundit diuers, thair servandis, and in the invasioun slew the said Arthour : And whair it is alledgeit in the said article that the commissioun purchast aganis the said Arthour wes vpoun wrang narratioun, gif any narratioun may be verifeit to haue bene gevin vp be the erll of Sutherland, thair kin and freindis, thay ar able to iustifie the samyn.

Secundlie, as to the secund article beirand that the erll of Sutherland, thair kyn and freindis, come to the cuntrey of Caithnes, and thair slew Johnne Sinclair of Stirkag, and woundit James Sinclair ; to that it is ansuerit that quhatsumeuir slauchter or hurting wes commitit, that wes done in thair awne proper defence ; in sua far as thay haueing taikin Arthour Smyth be virtew of his Maiesteis commissioun, and haueing caryit him away, thay wer nocht onlie invaidit be the cuntrey of Caithnes and diuers of thair men hurte and woundit to the number of sevin befor that euir thay maid ony resistance, bot compellit for feir of thair lyveis to defend thame selffis ; in the quhilk defence gif ony slauchter or wounding was commitit it man be impute to thame that invaidit the kingis commissionaris.

As to the thrid article beirand that M<sup>c</sup>Ky, accompaneid with the freindis of the house of Sutherland, lay for the slauchter of the erll of Caithnes, as also wes of intioun to haue murdrest the laird of Ratter ; to that it is ansuerit that the samyn is ane meir calumnye and devyse devysit be the erll of Caithnes and his freindis, thinking thairby to mak the erll of Sutherland and M<sup>c</sup>Kye odious to your lordschippis, and quhair of thair can be no kynd of presumptioun : And as to the letter alledgeit writtin be auld M<sup>c</sup>Ky to Alexander Sutherland to caus the laird of Ratter meit young M<sup>c</sup>Kye in Thurso, it is desyrit that the letter may be producit, be the productioun of the quhilk it salbe maid cleir that the meeting come of thame selffis and nocht of M<sup>c</sup>Kye.

As to the fourt article beirand that he desyris William Angus Raitoun quha hes eschaiped out of waird, and is alledgeit intertenyt in the cuntrey of Stranaver, to be exhibite and deliuerit to him that iustice may be ministrat vpoun him, it is ansuerit that thair is no sic persone in Stranaver, and it is notourlie knawin in the cuntreys of Stranaver, Sutherland and Caithnes, that the said Williame is ane notorious, deboschet man, servand to my lord of Caithnes, mantenit and defendit be him,

nochtwithstanding of ane multitude of innormiteis committit be him within the saidis cuntreiyis, and houndit out be him to committ mony innormiteis as salbe mair particularlie sett doun gif neid beis, and provin by my lordis awne write.

Fyftlie, as to the fyft article quhilk is coiucideut with the first, the samyn is sufficientlie ausuerit to in the first article, and quhatsumeuir speiteheis may be alledgeit to haue bene spokin be the said erll of Sutherland, M<sup>c</sup>Ky, or thair freindis, agauis the said erll of Caithnes, or vmquhyll Arthour Smyth, thay being speciallie condiscendit vpoun sall haue ane direct ansuer, and whatsumeuir speiteheis thay haue vtterit thay ar able to verifie the samyn.

And as to the last article anent the steilling of horse and meiris out of Caithnes, and resatting of the samyn in Stranaver and Sutherland, it is ansuerit that that article is so generall that no direct ansuer can be maid thairto ; and gif the article be maid speciall the samyn sall haue ane direct ansuer, and salbe maid cleir and manifest that thair ar no horse stollin in Cathnes bot be Cathnes men, and convoyit out of the cuntrey be thame, and speciallie be Kenneth Borye, Henry Sincler, brother naturall to my Lord, and William Angus Raitoun, and vthers quha salbe condiscendit upoun gif neid beis : And as to that pairt of article anent the ten horse allegeit stollin, that pairt is also generall, and contenis ane manifest fictioun and inuention and calumnye, it being more nor notour that thair wes neuir ane stolliu hors challengeit in Sutherland, bot the erll of Sutherland causit redres the samyn. And as to the last pairte of the article anent Elizabeth Sinclair, that is nocht to be eognoscit be your lordschippis bot man be remittit to the judge ordinair.

It will pleas your lordschippis considder that some good ordour wald be taikin with the stollin hors quhilk ar stollin be the inhabitantis of Cathnes fra the inhabitantis of Sutherland and Stranaver ; and speciallie that your lordschippis wald caus the erll of Cathnes be ansuerable for Henry Sinclair, his bruther naturall, for sevin hors taikin be him out of Stranaver, viz., fra Katherine M<sup>c</sup>Kye, quhilk salbe sufficientlie verifeit to your lordschippis : And becaus the erll of Cathnes aucht be the actis of parliament and lawis of the cuntrey be ansuerable for the said Hendrie, we desyre that he exhibite him before the iustice, and that your lordschippis may tak strait ordour with the erll of Cathnes that he may be ansuerable for his men and trespassouris within his cuntrey.

126. ACT OF THE PRIVY COUNCIL OF SCOTLAND postponing the date of the EARL OF SUTHERLAND'S warding himself in St. Andrews.<sup>1</sup>

Apud Edinburgh, octauo Februarii 1614.

Sederunt.

Chancellor.	President.	Kilsythe.
Bishop St. Andrews.	Preuie Seale.	Burntyland.
Bishop Glasgw.	Thesaurair-depute.	Medop.
Bishop Caithnes.	Iustice-Clerk.	Sir Andro Ker.
Scone.	Clerk of Register.	Sir Peter Young.
Binning, Secretar.	Aduocat.	Sir Johnne Arnott.
Blantyre.	Master of Elphinstoun.	Mr. George Young.

ACT in faouris of the ERLL OF SUTHERLAND.

THE Lordis of secreit Counsell, according to ane warrand and directioun in wryte, signed be the kingis maiestie, and presentit this day vnto thame [superseides] the entrie of the Erll of Sutherland in warde within the citie of Sanct Androis till the xx day of Aprile nixt to come.

His Majesties missiue and warrand for the act abonewrittin.

Rycht trustie and weilbelouit cosine and counsellour, and trustie and weilbelouit counsellour, we greete yow weele : Whereas we wer pleisit that the Erle of Sutherland sould be confyned to St. Androis, and enter himself thair at a prefixt day, it hes of laite bene showne vnto ws in the behalf of the said erll that in regaird of certaine his priuat affairis at home whilkis necessarlie requiris his personall presence, as alsua that the wedder hes bene and is so euill in the northe partis of that oure kingdome as hardlie can ony man travell, it wilbe a mater of grite difficultie, and almost impossibilitye, in him to keepe the tyme appointit, and thairfoir we haif thought goode to signifie vnto yow that we ar weele pleisit to superseid the said erll his entrie in the said toune of St. Androis, till the xx day of Aprile nixt to come, agane whilk tyme he may sufficientlie dispose of his priuat affairis, and the wedder will affoorde tolerable trauell, and so we bid yow fairweele.

At our Manour of Theobaldis, the last of Januaire 1614.

<sup>1</sup> Register of the Privy Council,—Acta.

127. EXTRACT RETOUR OF THE GENERAL SERVICE OF JOHN, THIRTEENTH EARL OF SUTHERLAND, as heir to WILLIAM, FIRST EARL OF SUTHERLAND. 14th May 1630.

HEC INQUISITIO facta fuit in pretorio burgi de Inuernes, decimo quarto die mensis Maii, anno Domini millesimo sexcentesimo trigesimo, coram honorabili viro, Joanne Gordoun de Buckie, vicecomite vicecomitatus de Inuernes deputato per dispensationem dominorum sessionis penes vacantiarum tempus, per subscriptos, videlicet, Simonem, dominum Fraser de Lovatt, Hugonem Fraser, magistrum de Lovatt, dominum Thomam Vrquhart de Cromartie, militem, Hugonem Vrquhart de Leatheris, Robertum Dumbar de Burgy, Georgium McKenzie de Kildin, Robertum Leslie de Finrossie, Alexandrum Dumbar de Grange, Jacobum Sutherland, tutorem de Duffus, Joannem Monro de Obstuill, Joannem McKy de Dalrit, Angusium McKy de Beghous, Hugonem Ros de Tolly, Robertum Monro de Assint, Joannem Monro de Lemlair, Thomam Fraser de Strwy, Jacobum Fraser de Phoppochie, Hectorem Monro de Findon, Andream Monro de Teanowar : Qui jurati dicunt quod quondam Willielmus, primus illius nominis Sutherlandie comes, attavus quondam Nicolai, Sutherlandie comitis, attavi quondam Alexandri, magistri Sutherlandie, abavi Joannis, nunc Sutherlandie comitis, latoris presentium, obiit ad fidem et pacem quondam supremi domini nostri, Alexandri secundi, Dei gratia Scotorum regis, bone memorie ; et quod dictus Joannes, nunc Sutherlandie comes, est legitimus et propinquior heres ejusdem quondam Willielmi, Sutherlandie comitis, attavi quondam Nicolai, Sutherlandie comitis, attavi quondam Alexandri, magistri Sutherlandie, sui abavi ; et quod est legitime etatis : Datum et clausum vna cum breni regio huic inquisitioni introcluso, sub sigillo officii dicti vicecomitatus et sigillis quorundam eorum qui dicte inquisitioni intererant, vna cum signo et subscriptione Andree Fraser, clerici dicti vicecomitatus, anno, loco, die, mense prescriptis. Sic subscribitur, A. Fraser, clericus.

Hec est vera copia principalis retornatus super premissis, in cancellaria supremi domini nostri regis remanentis, copiata et collationata per me, magistrum Willielmum Chalmer, deputatum honorabilis viri, domini Joannis Scott de Scottistaruett, militis, vnius dominorum secreti consilii et sessionis ac ejusdem cancellarie directoris, sub meis signo et subscriptione manualibus.

M. W. CHALMER.

128. RETOUR of the GENERAL SERVICE of JOHN, THIRTEENTH EARL OF SUTHERLAND,  
as heir to WILLIAM, FOURTH EARL OF SUTHERLAND. 14th May 1630.

HEC INQUISITIO facta fuit in pretorio burgi de Inuernes, decimo quarto die mensis Maii, anno Domini millesimo sexcentesimo trigesimo, coram honorabili viro, Joanne Gordoun de Buckie, vicecomite deputato vicecomitatus de Inuernes per dispensationem dominorum sessionis penes vacantiarum tempus, per subscriptos, videlicet, Simonem, dominum Fraser de Lovatt, Hugonem Fraser, magistrum de Lovatt, dominum Thomam Vrquhart de Cromartie, militem, Joannem Vrquhart de Leatheris, Robertum Dumbar de Burgie, Georgium McKeinzie de Kildin, Robertum Leslie de Finrossie, Alexandrum Dumbar de Grange, Jacobum Sutherland, tutorem de Duffus, Joannem Monro de Obstuill, Joannem McKy de Dalritt, Angusium McKy de Beghous, Hugonem Ros de Tollie, Robertum Monro de Assint, Joannem Monro de Lemlair, Thomam Fraser de Strwy, Jacobum Fraser de Phoppochie, Hectorem Monro de Findon, Andream Monro de Teanowar : Qui jurati dicunt quod quondam Willielmus, Sutherlandie comes, attavus quondam Joannis, Sutherlandie comitis, attavi quondam Joannis, Sutherlandie comitis, patris Joannis, nunc Sutherlandie comitis, latoris presentium, obiit ad pacem et fidem quondam supremi domini nostri Davidis, Dei gratia Scotorum regis, bone memorie ; et quod dictus Joannes, nunc Sutherlandie comes, est legitimus et propinquior heres ejusdem quondam Willielmi, Sutherlandie comitis, attavi quondam Joannis, Sutherlandie comitis, attavi quondam Joannis, Sutherlandie comitis, sui patris ; et quod est legitime etatis : Datum et clausum, vna cum breui regio huic inquisitioni introcluso, sub sigillo officii dicti vicecomitatus et sigillis quorundam eorum qui dicte inquisitioni intererant, vna cum signo et subscriptione Andree Fraser, clerici dicti vicecomitatus, anno, loco, die, mense prescriptis. Sic subscribitur, A. Fraser, clericus.

Hec est vera copia principalis retornatus super premissis, in cancellaria supremi domini nostri regis remanentis, copiata et collationata per me, magistrum Willielmum Chalmer, deputatum honorabilis viri, domini Joannis Scott de Scottistaruet, militis, vni dominorum secreti consilii et sessionis, ac ejusdem cancellarie directoris, sub meis signo et subscriptione manualibus.

M. W. CHALMER.



129. RETOUR OF GENERAL SERVICE OF JOHN, THIRTEENTH EARL OF SUTHERLAND,  
as heir to JOHN, EIGHTH EARL OF SUTHERLAND. 14th May 1630.

HEC INQUISITIO facta fuit in pretorio burgi de Inuernes, decimo quarto die mensis Maii, anno Domini millesimo sexcentesimo trigesimo, coram honorabili viro, Joanne Gordoun de Buckie, vicecomite vicecomitatus de Inuernes deputato per dispensationem dominorum sessionis penes vacantiarum tempus, per hos subscriptos, videlicet, Simonem, dominum Fraser de Lovat, Hugonem Fraser, magistrum de Lovatt, dominum Thomam Vrquhart de Cromartie, militem, Joannem Vrquhart de Leathiris, Robertum Dumbar de Burgy, Georgium McKeinzie de Kildin, Robertum Leslie de Finrossie, Alexandrum Dumbar de Grange, Jacobum Sutherland, tutorem de Duffus, Joannem Monro de Obstuill, Joannem McKy de Dalrit, Angusium McKy de Beghous, Hugonem Ros de Tolly, Robertum Monro de Assint, Joannem Monro de Lemlair, Thomam Fraser de Strwy, Jacobum Fraser de Phoppochie, Hectorem Monro de Fiudon, Andream Monro de Teanawar : Qui jurati dicunt quod quondam Joannes, comes Sutherlandie, attavus quondam Joannis, comitis Sutherlandie, patris Joannis, nunc Sutherlandie comitis, latoris presentium, obiit ad fidem et pacem quondam supremi domini nostri, Jacobi quarti, Dei gratia Scotorum regis, bone memorie ; et quod dictus Joannes, comes Sutherlandie, est legitimus et propinquior heres ejusdem quondam Joannis, comitis Suthirlandie, attavi quondam Joannis, comitis Sutherlandie, sui patris ; et quod est legitime etatis : Datum et clausum, vna cum breui regio huic inquisitioni introcluso, sub sigillo officii dicti vicecomitatus et sigillis quorundam eorum qui dicte inquisitioni intererant, vna cum signo et subscriptione Andree Fraser, clerici dicti vicecomitatus, anno, loco, die, meuse prescriptis. Sic subscribitur : A. Fraser, clericus.

Hec est vera copia principalis retornatus super premissis, in cancellaria supremi domini nostri regis remanentis, copiata et collationata per me, magistrum Willielmum Chalmer, deputatum honorabilis viri, domini Joannis Scott de Scottistaruett, militis, vnius dominorum secreti consilii et sessionis, ac ejusdem cancellarie directoris, sub meis signo et subscriptione manualibus.

M. W. CHALMER.

130. REASONES of the ERLE OF SUTHERLAND, his precedencie. c. 1630.<sup>1</sup>

1. IMPRIMIS ane agreement and decreit arbitrall betuix Saint Gilbert, bishope of Catteynesse, and William, Earle of Suthirland, for certane lands, in the days off King Alexander the second, [concerning] which Earle William haid afterward some controversie with Williame, bishope off Catteynesse, as appeires by the wryt cited in the nixt article folowing. This decreit arbitrall may be found in the bishope of Catteynesse his registers, as ane old inwentair of the said bishopes wryts yet extant among the Earle of Suthirlands ewidents may testifie. Saint Gilbert died the yeir of God, 1245, as the catalogue of the bishopes of Catteynes doth shew.

2. Item, ane decreit arbitrall passed betuix Archebald, bishope of Catteynes, and William, the second of that name, Earle of Suthirland, dated the yeir of God, 1275, in the raigne of King Alexander the thrid : By which agreement the lands of Skibo, Sitheray, Sordell, etc., ar decerned to apperteyne heritable to the bishope of Catteynesse and his successours [and] the lands of Pronsies, Ewelick, Kinnald, Lairg, Thorrobol [are thereby adjudged to appertain, heritably, to William], Earle of Sutherlande, and his heyres, etc., by wertue of which decreit these bishope lands ar to this day separated from the Earldome. This decreit arbitrall lyes among the Earle of Suthirlands ewidents.

3. Item, Kenneth, Earle of Suthirland (sone to this Earle William), was slain at the battell of Holydounhill, wher he led the wantgard against the Englishe, the yeir of God, 1333, as yow may read in Boetius and all the rest of our Scottish wryters.

4. Item, a chartour granted by King David Bruce to William, Earle of Suthirland, of the priwiledge of regalitie of all the lands within the Earledome of Suthirland, dated at Lanerk, the 10 day of November, the 17 yeir of his reigne and of our Lord, 1347 ; the coppie of which infcftment, subscrywed by the clerk of Register, is among the Earle of Suthirlands wryts. This William, Earle of Suthirland, married Margaret Bruce, sister germane to the said King David, who gawe dywers lands and baronies to this Earle William, the copies of all which charters ar amongst the Earle of Suthirlands ewidents.

5. Item, a chartour granted by the said King David, after the death of his sister, Margaret Bruce, to Williame, Earle of Suthirland, of the half of the Thaindome off

<sup>1</sup> Laing's Historical Documents, Edinburgh University Library, No. 498.

Formartin. Dated at Dundie, the penult day of July, the 37 of his reigne, and of our Lord, 1367 or 1368. The coppie of which chartour is amongst the rest of the Earle of Suthirlands evidents.

6. Item, a Chartour of Confirmation grauted by the said Kiug David at Edinburgh, the 17 day of October, the 35 yeir of his reigne, and of God, 1365, to Nicolas Suthirland (brother to this William, Earle of Suthirland), of the baronie of Pronsie and Thorroboll, which lands were alienated by Earle William to his brother, Nicolas Suthirland, at Aberdein, the 13 day of September, the same yeir, 1365. This testifies that the Earles of Suthirland were then of the surname of Sutherland, which Earldome continued successiwlie in ther lyne, without corruption of blood or forfaultrie, vntill the days of King James the Fourth, that the Gordones obteyned that Earldome by marieing Elizabeth Suthirland, heretrix of that country. This Chartour of Coufirmation lyes among the Earle of Suthirland's wryts.

7. Item, a Chartour of Confirmation granted be King David at Perth, the 28 day of June, the 35 yeir of his reigne, to Jhon Terrell, of the lands of Rowiecraigtone, in Strathfleit in Suthirland, which lands were giuen by the said Earle William to this Jhon Terrell.

8. Item, in the days of King Robert the Secound, the yeir of God, 1388, Jhon, Earle of Suthirland, was sent into England by King Robert, with the Earle of Fyffe, the Kings sone, to waist and spoyle the prouince of Cumberland, as is ewident by our Scottish histories.

9. Item, a Chartour given by Robert, Earle of Suthirland, to his brother, Kenneth Sutherland, and his heyres male, the yeir of God, 1400, of the lands of Drummoy, Backie and Torris, in the days of King Robert the Thrid, which infement was confirmed afterward by the Duke of Albanie, governour of Scotland, the yeir of God, 1408, which shewes that they continued still of the surname of Suthirland. This infement is in the hands of Jhon Gordone of Backies, and Olipher Gordone of Drummoy, who have bought these lands of late.

10. Item, a Chartour and Gift granted by Jhon, Earle of Suthirland (sone of Earle Robert), the yeir of God, 1448, of some lands which were giuen by him for the mentenance of a preist to serwe the cure at Sant Andrew his chappell in Golspie in Suthirland, wherof the Earle of Suthirland is patrone to this day. This chartour is in the hands of Adam Gordone, heritour of these chappell lands.

11. Item, a Chartour giwen by King James the Secound to the said Jhone, Earle of Suthirlaud, of the lands of Cracock, the yeir of God, 1449, and of his reigne the 12. This chartour is among the Earle of Suthirlands wryts, and in the registers of Scotland.

12. Item, a Chartour and Infestment giwen by King James the Second, the 18 yeir of his reigne, and of God, 1455, of the Earldome of Suthirland, to Jhon, the eldest sone of the forsaid Jhon, Earle of Sutherland, and that by resignation theroff into the King's hands by the said Earle Jhon, in favours of his said sone, reserwing always his owne lyfrent and his wyff Margarets coniunct fee, which Jhon succeeded afterward vnto his father. This chartour is among the Earle of Sutherlands evidents.

13. Item, a precept of Clare Constat granted by Jhon, Earle of Suthirland, the 28th of May the yeir of God, 1471, to Jhon Suthirland of Forsse, for entering and serving of him as sone and heyre to his father, Richard Suthirland, in the lands of Drummoy, etc. This vryt is in the hands of Jhon Gordone of Backies.

14. Item, Jhon, Earle of Suthirland, entered Jane Terrell, by his precept of clare constat, to the Terrell his lands in Strathfleit, the 25th of October 1494. This precept is among the Earle of Sutherlands vryts.

15. Item, Jhon, Earle of Suthirland, was serwed heyre to his father, Earle Jhon, the 24th of July 1509, and thervpoun vas infested, his father hawing befor gotten the earldome by resignation, the yeir of God 1455, as is said alreddie. This service is among the Earle of Sutherlands ewidents in Kildrummie in Marr.

16. Item, Alexander Suthirland resigned his interest of the earldome of Suthirland in fawours of his sister, Lady Elizabeth Sutherland, and his brother, Earle Jhon. This resignation was dated at Inwernesse the 25th day of July 1509; which lyes among the Earle of Suthirlands vryts.

17. Item, Lady Elizabeth, sister and heyre to this last Earle Jhon, was serwed and retoured heyre to her brother, this Earle Jhon, the yeir of God 1514; wherevpon shee was seased in the Earldome of Suthirland the yeir of God 1515; which lyes among the Earle of Suthirlands wryts. Lady Elizabeth married Adam Gordoune of Aboyne, second sone to George, second Earle of Huntley, and ther posteritie became not onlie Earles of Suthirland, but also laughfull heyres by blood to all rights, titles, priwiledges and all honours whatsoewer perteyning to the ancient Earles of Sutherland.

18. Item, Alexander Gordone, maister of Suthirland, eldest sone to Earle Adam, was, with consent of his mother, Lady Elizabeth, infest and seased in the Earldome of Suthirland, the yeir of God 1527, and dyed befor his father the 15th of Januarie 1529. This infestment is among the Earle of Suthirlands wryts.

19. Item, Jhon, Earle of Suthirland (sone to Alexander, Maister of Suthirland) was serwed heyre to his father, the yeir of God 1545, and took a new infestment of the whole earldome of Sutherland, the yeir of God 1566. These wryts ar among the Earle of Suthirlands ewidents. The nixt yeir folowing, which vas 1567, the 24th day of June, he serwed him self heyre vnto his grandmother, Lady Elizabeth Suthirland, the heretrix, whereby he acquired to him self and his posteritie all the rights, tytles, digneties, priwiledges and honours apperteyning the ancient Earles of Suthirland. This service is among the Earle of Suthirland his ewidents.

20. Item, Alexander, Earle of Suthirland (sone to the said Earle Jhon), serwed him self heyre to his father at Aberdein the moneth of July 1573, and serwed himself heyre to his great grandfather, Earle Adam, and to his great grandmother, Elizabeth, Countesse of Suthirland, the yeir of God 1590 ; which services ar among the Earle of Sutherlands wryts.

21. Item, yeir of God 1577, the said Earle Alexander resigned the Earldome of Sutherland into his Maiesties hands in fawours of his sone John, who was thervpon infest ; which lyes among the Earle of Suthirlands ewidents.

22. Item, the said Jhon, Earle of Suthirland, obteyned from his Maiestie a new infestment of the Earldome of Suthirland holden blenche, the penult day of Apryle 1601 ; which is among the Earle of Suthirlands infestments.

23. Item, Jhon, Earle of Suthirland (who now liwes) was serwed heyre to his father, Jhon, at Inuerness the 4th day of July the yeir 1616, and was thervpon infest ; which lyes among the Earle of Suthirlands ewidents.

131. ANSWERS by DONALD, LORD REAY, to a Paper by JOHN, THIRTEENTH EARL OF SUTHERLAND.

At Tunge the 17th July 1647. The Lord Reays ansuere to the Earl Sutherlands last paper of the 15th July, from Dunrobin, by George Mac Iean M<sup>c</sup>Phinla.

FIRST, I render his lordship thanks for prorogating our cessation to the 2d August

nixte. Mean tyme shall apply my power to procure surety for his lordship, both for my selfe and friends for tyme to come, and shall advertise my nominatted friends to know when I may soonest conveene them. But I vnderstand not how in tyme of parlee and cessation, Robert Gray, alias commissary, should write to his pairty in Cathnes that all commoning being ceassed betweene the Earle and mee, they should not faile to surprise any goodes or men of myne they finde in that countrey; and they accordingly, in pursuite of his order, within these 5 last dayes haue pursued a boat with goodes and men of myne. Wherefore I desyre the Earle will command the said Robert and his pairty to forbear medling with my people or their goodes, during our cessation, or else that the Earle hold it no breach on my pairte that I rectify myselfe against Robert and his complices whatsoever: and vpon this I desire the Earls speedy ansuere.

Touching present restitution of Strathnaver, I needit not ansuere it in my former, since it was mentioned in my first. Nor knew I till now that Lochnaver is his lordshipis, and ame glaid it should bee so, that his lordship bee our vassall. But I medled not with that land since I sould it, nor haue to do with it but in superiority; and tyme will cleare that not I but others haue hand in that bussinesse.

Touching malefactours, it is true I sent for Nele Williamsoune and Alexander Clerk to know what they could ansuere for them selues. Neele ansuereth hee never wronged your lordshipis countrey, saue when hee was sent by mee with a pairty to spy the Free the day of Brekkach before the pacification; and mervailleth why your Lordship craueth him more then the rest who were in that pairty. Alexander Clerk refuseth not to go to Dunrobin when it pleaseth your lordship to call him.

Touching my friends submission, they are willing to doe so, but not knowing what forme or draught of submission will best please your lordship, seing your lordship neuer aduertised how the draught I sent for myselfe pleased you; which, if not satisfactory enough, that your lordship wold returne it back, and send another of your own framing to bee signed by ws all.

Touching the reference, whether to one oversman or to two, whereas your lordship thinketh it will bee long ere two can bee had together, I ame of another opinion, that the kingdome now reduced, your lordshipis and my complying may mooue two of them to meet. If after they are desyred, they refuse, wee shall vse them who most conveniently can bec had.

D. REAY.

132. ANSWERS by JOHN, THIRTEENTH EARL OF SUTHERLAND, to the Paper by DONALD, LORD REAY.

At Dunrobin the 19 of July 1647. The Earle of Sutherland his ansuer to the Lord Reay his paper off the 17 of the said moneth from Toung.

QUHAIRAS the Lord Reay restis contented with the tyme of the cessatioun, I expect vpon the other pairt, that he will not only convein his freindis speidily, bot also will delywer the possessioun of my landis, which is not ansuered in his last paper bot superficialle, referring the same to another paper quhairin he desyres, befor he restore the landis, I may doe some thingis for him, and so standis in comp[et]itioun with me, as if he were not in my reverence bot I in his ; quhairby his unwillingnes to aggrement is fully ewedenced. In this I may not declyne quhat in reasone I ought to doe.

As for Robert Gray his writeing to the pairtie in Caithnes, I know nothing of it. It is a busines that concernes the publike : lett Commissar Gray ansuer to the publike and to the generall persones ; for quhat is done against the commissar or that pairtie is done against the publike.

Concerneing Lochnaver, although it were not myne bot my countreyman, ther can be no honnowrabil or conscionabil aggrement, vntill thes landis be restored fullie vnto the proper owner.

Toucheing Neill Williamsone, who newer (as the Lord Reay sayis) offendit me bot in the takeing away of my goodis that great day at Breakkach foughtin against Cowis, the contrair wilbe found quhen Neill salbe put to a tryall ; and for Alexander Clerk, he salbe delywerit as worthie of hauging, befor ewer I send for him. For the Lord Reay and his freindis submission I have sent the forme of one heirwith, howsoone that is sent hither subserywed, the forme of the Lord Reayis owne salbe sent back. Aud for the restoreing of malefactours, ther is no mentioun made therof in the Lord Reay his last paper, though I speedily expect the same, which so much concerns my honnour (without which I newer condescendit to a submissioun) and was accordingly promised by the Lord Reay to Culloden and Mr. Georg Gray : in testimony quhairoff he with his sonne wished to keepe the same quyet, quhairby they might be the moir conveniently apprehendit.

And this is all I thoct meitt to ansuer, nether will I trouble my self with further wreatting, till thes thingis be performed, the equitie quhairoff salbe made cleare to all.

J. E. SUTHERLAND.

133. TESTAMENT of SIR ROBERT GORDON OF GORDONSTOUN, 1st March 1656.  
Confirmed 26th April 1656.

THE TESTAMENT TESTAMENTAR, Inventar, legacie and latter will of the deceist Sir Robert Gordone of Gordonstoune, containing the inventar of the goods, geir and debts resting to him and by him the tyme of his deceas, who deceist in the moneth of I<sup>m</sup> vj<sup>c</sup> and fyftie sex years, made and given up be himself at Gordonstoune the first day of March, the year of God forsaid, before thir witnesses, Master Charles Gordone, his lawfull sone, John King in Plewlands, William King, his sone, servitor to Sir Ludovick Gordone and James Morisone, servitor to the said Sir Ludovick Gordone.

INVENTAR.

The said Sir Robert declared himself to have had in his possessione pertaining to him, the tyme of his deceas forsaid, the goods and geir of the avails, quantities and pryces respective underwritin, to witt : Imprimis, ane bull and eight cowes at twelve pounds a peice, inde ane hundred and eight pounds : Item, four horssis at sex pounds a peice, inde tuentie four pounds : Item, of meall and malt within doors, tuentie bolls at four pounds sex shilling eight pennies the boll, inde four score sex pounds sex shilling eight pennies. Item, of victuall the excrescens of his Maynes in bairne and bairneyaird tuentie bolls, pryce forsaid, inde four score sex pounds threttein shilling four pennies : Item, vtincells and domicells extends to ane thousand merks.

Summa of the Inventar is nine hundred three score twelve pounds.

DEBTS RESTING TO THE DEFUNCT BE OTHERS.

Item, resting be the tennents of Plewlands nine chalders of victuall, cropt I<sup>m</sup> vj<sup>c</sup> fyftie five years, at four pounds sex shilling eight pennies the boll, inde sex hundred tuentie four pounds : Item, be the tennents of Newtoune and Etles, the rest of there dueties, cropt I<sup>m</sup> vj<sup>c</sup> fiftie four, extends to tuo hundred fiftie three pounds tuell shilling nyne pennies : Item, be the tennents of Ougstoune, cropt I<sup>m</sup> vj<sup>c</sup> and fiftie five, the rest of there dueteis, extending to tuo hundred fourscore three pounds sex shilling eight pennies : Item, be George Gordone of Auchinreith, principal, and Hejerom Spens, cautioner, tuo hundred pounds with twelve yeirs annuall rent thereof, being ane hundred fourtie pounds : Item, be the deceast Robert Munro of Foullis ane hundred and threttie three pounds sex shilling eight pennies, principall, with the



annual rent thereof since the date of the bond : Item, be the deceast Sir Johne Gordone of Embo, principal, and Robert Gray of Skibo, cautioner, ane hundred pounds, principal, with sevinteen pounds annuall rent : Item, be Alexander Gordone, sometyme of Siddrie, now in Tillgoure, fiftie pounds : Item, be the deceast John Innes of Lewchars, tuo hundred pounds with the annuall rent thereof since the date of the bond : Item, moir be the said deceast John Innes three hundred and threttie three pounds sex shilling eight pennies payed be the defunct for him, and at his desire to Collonell Gairdine, wherein I was assigned by the said Collonell to the said John Innes his bond, with the annuall rent since the date of the assignatione : Item, be Mistris Mary Haynes, relict of vnmquhill Robert Munro of Foullis, fiftie three pounds sex shilling eight pennies with the annual rent thereof : Item, rests the defuncts proportione of tuo thousand merks resting to the gentry of Murray be the deceast Laird of Laures, conform to his bond, tuo hundred and tuentie pounds : Item, be Mary Innes, Lady Fetterletter, fiftie fyve pounds, conform to her letter and servants reset therupon : Item, be the deceast Laird of Macknaughten, gentleman to the late kings privie chamber, sex hundred pound conform to his ticket.

Summa of the debts resting to the defunct is threc thousand three hundred and fyfteen pounds nynteen shilling five pennies.

Summa of the Inventar and debts is four thousand tuo hundred fourscore sevin pounds 19 shilling 5 pennies.

#### DEBTS RESTING BE THE DEFUNCT TO OTHERS.

Item, resting to the churches of Kineddor and Ougstonne, conform to bond, ane hundred and sex pounds threttein shilling four pennies : Item, to Janet Innes, widdow in Kirktonn of Duffus, threttie sevin pounds sex shilling eight pennies : Item, to George Ross, servitor to the royall Princes Mary, ane thousand and tuo hundred pounds, with ane years annuall rent thereof at Whitsunday next : Item, to the good-vyff of Gueinzie in Caithnes, ane hundred pounds : Item, to Gilbert Keith in Kineddor, ane hundred and threttie three pounds sex shilling eight pennies : Item, to Master James Park, minister at Urquhart, three hundred threttie three pounds sex shilling eight pennies : Item, to Janet Gordone, widdow in Elgin, ane hundred and threttie three pounds sex shilling eight pennies : Item, to George Gordone, messenger at Edinburgh, four hundred pounds, with ane years interest at Whitsunday : Item, to William Young, skipper in Cowsea, ane hundred and threttie three pundis sex shilling

eight pennies : Item, to Robert Douglas in Elgin, tuo hundred and tuentie punds :  
Item, to Collonell Sir William Gun, now Lord Gun, three hundred and fiftie merks.

Summa of the debts resting be the defunct is three thousand and threttie punds,  
xiiijš. iiijđ.

Free geir is ane thousand tuo hundred fiftie-sevin punds, vjš. viijđ.

Thrid, is four hundred and nyntein pounds, tuo shilling three pairt pennie.

FOLLOWS THE DEFUNCTS LEGACIE AND LATTER WILL.

First, I leave my soull to God, my creator, beliveing to be saued by the merits of Christ Jesus allenarly. And I desire that my bodie may be interred and buried in any place my wyfe and children shall think fit. Item, I nominate Dame Lucie Gordon, my wyfe, my only executrix and universall intronissatrix with my goods, geir and debts, with power to her to pay such debts as are resting by me ; and apoints her to give up the inventar of all our moweable goods, geir, plinishing and houshold stuff that shall hapin to apertain to us and be in our possessione, whenever it shall pleas God to call me from this mortall lyfe, and also to give up my rents and debts resting be my tennants to me. I recomend the oversight of my wyfe and children to my lord the Earle of Sutherland, and his sone, my Lord Strathnaver. Sicklyke I particularly recomend my wyfe and children unto the care of Sir Robert Innes of that ilk, the Lord Brodie, Sir Robert Farquhar of Mennie, Collonell Daudid Barklay, my sone-in-law, Robert Gray of Arbo, and Mr. John Hay, commissar of Murray, whom I have found my faithfull and loveing freinds during my lyfetye. Now concerning my estate, I have particularly set down in the book of my affairs, wryten and subscriyvit be me, what is adebted to me by others, and what I doe ove to others. I doe apoint my executrie and my goods to pay my debt ; and whatsoever is free, give any shall be, I doe apoint it to be given to my sone Ludovick. Item, I doe leave to my grandchyld, Robert Gordone, Sir Ludovicks sone, and his airs, as a small token from me, my sasaphas coop, edged about the mouth with silver, and my tablemen of whalebou, and doe apoint them to be keeped for him by his grandmother so long as she lives. Item, I doe leave to my grandchyld, Robert Barklay, my silver peices and purse pennies as a small token from me, and doe apoint his mother to keep them for him so long as she lives. Item, I leave fourtie pounds Scots to be added to the stock of the church of Kineddor and Ougstoune for the help of the maintenance of the poor of the paroch. Item, I doe leave to Elizabeth Tarrell, my foster sister in Sutherland, fyftie merks money ; and I recomend my wyfe and children to Gods protectione, intreating them to

keep love and kyndnes amongst themselves as they would have my blissing to follow them. And in witnes of all the premisses I have subscriuit thir presents with my own hand, written be Mr. Charles Gordone, my lawfull sone, day and place and witnesses forsaid. Subscryved thus :—Robert Gordone, Charles Gordoue, witnes, John King, witnes, William King, witnes, James Morison, witnes.

THE CONFIRMATIONE.

Collonell Thomas Fitch, Esquire, and Robert Dunbar of Westfield, sheriff principall of Elgin and Nairne, be the tenor hereof ratiffies, aproves and confirms this present testament testamentar and inventar above written, in sua far as the samine is truely given up, nothing omitted furth thereof, nor set within the just avall therein contained ; and gives the intromissione with the saids goods, geir and debts to the said Dame Lucie Gordone, executrix forsaid, with full power to her to medle and intromet therewith ; becaus Mr. Charles Gordone, sone lawfull to the said wmqhill Sir Robert Gordone, becam acted cautioner and suretie for the said Dame Lucy Gordone, executrix forsaid, that the goods and geir contained in the said wmqhill Sir Robert Gordone, her spous, his confirmed testament, shall be furthcoming to all persons haveing interest thereto as law will. And the said executrix becam acted for her said cautioners relceff as the obligatione made thereanent, of the date the tuintieth-fyftth day of Apryll, 1<sup>m</sup> vj<sup>c</sup> and fyftie-six yeirs, in itself at lenth bears ; reserweing compt and reckoning to be made be her of her intromission when and where the samine beis required as law will. Given under the subscriptione of our clrk of court, at Elgin, the tuintieth-sext day of Apryll 1656.

Extract be me, ROBERT ANDERSON, clk. dept.

134. MINUTE OF AGREEMENT between GEORGE, EARL OF CAITHNESS, and GEORGE, LORD STRATHNAVER, afterwards FOURTEENTH EARL OF SUTHERLAND. 7th December 1668.

Artickles of Aggriement betuixt George, Earle of Caithnes, and George, Lord Stranavar, for himself and as takeand burding for John, Earle of Southerland, his father, and John Sincklar of Ratter, and William Dumbar of Hemprigs, for thamselvis and the heritors and vthers in Caithnes from whom they have comission, excepting William Sinclar of Dumbeth.

FIRST, it is aggried on that the said Lord Stranavar shall dischaarge the Earle of

Caithnes and all the heritors and inhabitants of the said shyre, excepting William Sinclair of Dumbeth and his tennents, of all persuits, criminall and civill, presentlie depending or competent against tham for ony damnages, ryots or vther crymes quhatsoever, done to or against the said Earle of Southerlaud or Lord Stranaver, ther tenents, vassalls or vther heritors or inhabitants of the shyres of Southerland or Stranaver, except the Lords Rhae and Duffus, and ther vassalls and tennents, be the said Earle of Caithnes and his countreyemen, heritors or inhabitants of the shyre of Caithnes, excepting the said Dumbeth, preceeding the first of November last bypast: And the Earle of Caithnes for himself, his vassalls and tennents, and the said John Sincklar of Ratter and William Dunbar of Hemprigs, for thamselvis and the vther heritors fra whom they have comission, excepting Dumbeth, ar to discharge the Earle of Southerland, Lord Stranaver, ther vassalls and tennents, secludeing the saids Lords Rhae and Duffus and ther forsaidis off all action, civill or criminall, or ony crymes, spraighes, depredationes done or comitted by the McNeills and ther associats, or any of the saids Lord Stranaver[s] vassels or tennents, excepting as is befor excepted, vpon the said shyre of Caithnes, and for qulich they might be overtaken ather as landlord, schireff or lord [of] regalitie in tyme bygane preceeding the first of November last.

Item, the said Lord Stranaver is to procure from Hew Monro of Erriboll ane discharge to the said Earle of Caithnes and to his countreyemen in Caithnes for all damnages and prejudices sustained be him in his person or goods be the said earle or his followers, heritors, and inhabitants of the said shyre, preceeding the said first of November, excepting as is befor excepted.

Item, the Earle of Caithnes is to renunce all right, title, and intres quhilk he hes or may clame to the office of iusticiarie within the hail bounds of the countreyes and lands of Southerland and Stranaver, and that in favors of the said Lord Stranavar; and if neids sall dispone the same in sa farr as he hes right by vertew of his late infetments in sa farr as may not import a behaviour on the earles pairt to his prediccisors.

Item, the said Earle of Caithnes and Lord Stranavar ar to be lyable for ony depredatiounes comittit since the forsaid first of November last, or that shall hapine to be comittit in tyme cuming by the vassalls, tennents or inhabitants within the bounds perteaneing to ather parties aganes others and ther forsaidis (excepting as is befor excepted), tymeous intimatioun being givin therof within the space of a fourthnight and decret being recovered aganes the comitters: And both the saids parties shall concurr to the outmost of ther powar for suppressing of all lowse and broken men, and that

they shall not have residence or resett in ather of the saids shyres : And incaice ony ryots or depredatiouns shall hapine to be comitted against the heritors and inhabitants of other schyres by ony vther persons not vassalls or tennents of the saids pairties (and for whom they ar to be lyable as aforsaid), the said Earle of Caithnes and Lord Stranaver, ther aires and successors, ar to concurr and assist for recovering of the saids spraighes and bringing the comitters to condigne punishment, tymeous intimatioun being givin within the space of ane moneth at fardest. The Lord Stranaver is to concurr and consent for alteratioun of the comissioun of fyre and sword givin aganes Dumbeth be the Privie Counsall, in regaird seuerall persons therin contained ar not responsall nor able to find sufficient caution, and that the saids comissioun be direct to the Earles of Argyle and Caithnes, and his deputs in the offices of schirefship and iustitiarie, Lord Stranaver, Ballnagowne, the Laird of Fowllis, Sir George Monro, Glenurquhie, or ony thrie of tham ; the Earle of Argyle, Earle of Caithnes, or his saids deputs, the said Lord Stranaver or ony of tham being alwayes on of the said thrie.

The criminall persuits at ather of the pairties instances against the forsaid pairties dischaired ar to be deserted simpliciter.

Thir artickles ar to be extended in ample forme, keiping the substance of the premissis, and being sua extended, the saidis pairties binds and obleissis tham to subscriye and observe and fulfill the same to others vnder the pain of tua thowsand merks by and attour the performance ; and the same is to be extended betnixt and the day of                   nixtocum. In witnes quhair of all the saids pairties have subscriyvit the same, (writtin be David Waldie, writer in Edinburgh), at Edinburgh, the sevint day of December I<sup>m</sup> vj<sup>c</sup> thriescoir aught yeirs, befor thir witnessis, John, Earle of Tweddall, Archbald, Erle of Argyle, Sir Robert Sincklar and Sir Thomas Wallace, advocatts, and the said David Waldie, writer heirof.

Tho. Wallace, witnes.

Argyll, witness.

CAITHNES.

G. L. STRATHNAVER.

Ro. Sinclair, witnes.

Tweeddale, witness.

J. SINCLAIR off Ratter.

Da. Waldie, witnes.

W. DUNBAR.

135. TACK by GEORGE, LORD STRATHNAVER, of the estate of Sutherland. 7th and 12th August 1675.

ATT Edinburgh the seventh day of August and twelfth day therof I<sup>m</sup> vj<sup>c</sup> seventie fyve yeares, it is appointed, contracted, finallie agried and ended betwixt ane noble lord,

George, Lord Strathnaver, etc., with consent of ane noble lady, Jeane, Lady Strathnaver, his spouse, for her interes, and takeand burding upon him for her to the effect after specifit, and the said noble lady for her selfe, her owne right and interes, with consent of the said George, Lord Strathnaver, her spouse, for his interes, and they both with ane consent and assent, on the ane pairt, and Robert Gordone, younger of Gordonstoune, and Captain James Craufuird, collector in Fyfe, as principalls, and Sir Ludovicke Gordon, elder of Gordonstoune, knight baronet, and George Cockburne, tutor of Orniestoune, ther cautioners after specified, on the other pairt, in maner following, that is to say ; the said George, Lord Strathnaver, and his said lady, considering that be reasone of ther pleyes and process att law and many other avocationes, they are necessarlie withdrawen and may yet be withdrawen from liveing in the countrey of Sutherland wher ther estatts lye, and that therby ther estate and affaires may be mismanadged in that place ; and the saids freinds for preventing therof being willing to farme the said cstate for the space underwritten and for payment of the tacke dewtie after mentioned : Therefore the said George, Lord Strathnaver, with consent forsaid of his said lady, and takeand burding upon him for her, and they both with ane consent and assent, as said is, have sett in tacke and assedatione, and for the mail and dewtie underwritten lattine, and be the tenour hierof setts in tacke and assedatione, and for the mail and dewtie underwrittin lattis to the saids Robert Gordone, younger of Gordonstoune, and Captain James Craufuird, ther aires and assigneyes whatsomever, equallie and proportional[ie] amongst them, all and hail the said noble lord his hail lands, earldome and estate of Sutherland and lordship of Strathnaver respective, comprehending the particular tounes, lands, baronies, lordships, salmond fishings, whyte fishings, services of tennents, grassings, sheillings, comonties, pasturages and others respective, particularlie mentioned and contained in the said noble lord his infetments of the samyne, and undisponed or wodsett the day and daite of thir presents, and wherof the said noble lord is presentlie in possessi[one], both propertie and superioritie (excepting as is hierafter excepted) ; together with the teyndns both personage and viccorage pertaining to the said noble lord, and whereof he is alsoe in possessione, quhilks are hierie holdine as for exprest ; together with the hail fewdewties, kaines, customes, casualities, emoluments, profits and dewties of the saids lands, lordship and estate, as lykewayes the office of deputatione of the shireffship and regalitie of Sutherland, and all profits and casualities pertaining and belonging thereunto (excepting alwayes as is hierafter excepted and reserved) ; and that for all the dayes, space, yeares and termes of seven yeares and cropts nixt after ther entrie therto, quhilke is hierby declaired to comence and begine as to the saids

lands for the cropt and yeare of God I<sup>m</sup> vj<sup>c</sup> seventie fyve yeares instant, and to the uplifting of the dewties payable for the said cropt I<sup>m</sup> vj<sup>c</sup> seventie fyve yeares, wherof the silver dewtie is payable at Martimes nixt and the victuall dewtie betwixt Yuill and Candlemes thereafter, and to the saids fishings at Andersmes nixt in this instant yeare forsaid : and thereafter to endure and continue, and to be peaceblie bruicked and possessed be the saids freinds and tacksmen during the haill space of seven yeares and seven cropts respective and successive after others frae the saids respective entress. And the tacke of the saids lands is declaired to expyre at the terme of Whitsunday I<sup>m</sup> vj<sup>c</sup> eightie two yeares, and of the saids fishings at Andersmes thereafter in the said yeare. And for the saids tacksmen ther farther securitie, the said noble lord, George, Lord Strathnaver, and Jeane, Lady Strathnaver, his spouse, both with ane consent and assent forsaid, and takeand burding, as said is, have made, constitut and ordained, and be thir presents make, constitut and ordaine the saids Robert Gordon, younger of Gordonstoune, and Captain James Craufuird, tacksmen above-named and ther forsaid, equallie and proportionallie amongst them, undoubted cessioners and assigneys, donators and procuratoures in res suas, in and to the haill maills, fermes, few fermes, kaines, customes, casualities, profitis and dewties of the samyne lands, liveing and estate (excepting and reserving as is heirafter excepted and reserved), and that during all the dayes, space, yeares and termes of the said tacke above-mentioned, and to all actione, persuite, instance and executione whatsoever competent or that may be competent therupon ; and surrogats the saids tacksmen and ther forsaid in the said noble lord and his said lady ther full place, right and title of the samyne, with all that hes followed or may follow therupon for now and ever : Reserving alwayes and excepting furth of the said tacke and assignatione abovewrittin to the said George, Lord Strathnaver, and his aires and successours, the house of Dunrobine and doucat therof, with the yeards, orcheards, parks, enclosurs and others policie within and about the samyne, with the grass and pasturage about the said house of Dunrobine, which was never sett in tacke ; and libertie to my lord of pasturage of sheep upon the comontie, according to use and wont ; together with the smiths croft and gardiners croft, and the kill and killoft of Golspie : And siclyke all and haill the dwelling house of Helmisdail, yeards and orcheyards of the samyne, together with the superiorities of the saids haill lands and estate above written, escheats, entress, non-entress and compositiones of vassalls, and haill others casualities, emoluments and benefits aryseing therby (except the few dewties sett in tacke in maner above writtin, and halfe of the compositiones of escheats of gentlemen in maner underwrittin) ; and also excepting and

reserving to the said noble lord and his forsaid the mylne of Golspie for grinding the cornes for the use of his lordships house and familie allennarlie, they allowing noe tennents to grind therat without the saids tacksmen ther permissione ; or if the saids tacksmen take the said mylne in ther owne hands, which shall be in the said noble lord his optione, then they are to grind for the use of the said noble lord, his house and familie allennarlie, frie of all multnrs and others dewties whatsomever : and also reserving to the said noble lord and his forsaid the graseing of two bowes of kye in the dauach of Dyrie, and all that belong to the saids bowes during the space forsaid of the said tacke, and to sell and dispone upon the cattell of his other bowes ; together with the priviledge of cunnyngar, forrest and forrestrie, huntings and hostings, levies of men (if any beis) off the forsaid haill lands, according to use and wont, with the fish boatts and ther crofts, and nyne salmond meat fish for the said noble lord his table weeklie in the tyme of salmond fishing, with the ordinar graseing for his lordships rydeing and coach horse in Kilmonoway, as use is ; together with the service of the tennents for winning and leading of peats and fewall, and cutting and leading of barnewood and others necessare services usit and wont ; together alsoe with the haill flyeing customes and strawe usit and wont (except the flyeing customes of Strathfleet, with also many more of the nixt adjacent flyeing customes as will extend to ane fourth pairt of the haill, and which fourth pairt is to be intrometted with and uplifted and disposed be the saids tacksmen, and is lykewayes comprehended in the samyne tacke and assedatione) : and lykewayes reserving to the said noble lord and his forsaid two hundereth bolls victuall yearlie furth of the forsaid lands and estate during the haill space forsaid of the forsaid tacke for his lordships owne use, to be uplifted from the tennents, according to ane list and localitie thereof, subscryvit be the said noble lord and the saids tacksmen off the daite of thir presents. And farder, the said noble lord, George, Lord Strathnaver, hes made, constitut and ordained, and hierby makes, constituts and ordaines the said Robert Gordon, younger of Gordonstoune, and Captain James Craufuird, shireffe and baillie deputs of the said shireffdome and regalie of Sutherland respective during the haill space forsaid of the said tacke, with frie isch and entrie to the saids offices and places respectiue, and with all other liberties and righteous pertinents pertaining to the samyne : With full power to the saids tacksmen and ther forsaid during the space forsaid to breake ground and sett downe coalheughes, sinkes, eyes, levells, wayfares and others requisite and necessare for wining and digging of coalls, and to erect and build salt pans, girnells hous, and others office hous requisite within any pairte of the saids



lands, earldome and estate above writtin, wher the samyne may be probablie and convenientlie done, had and accomplished ; and to repaire and keep up the samyne, dig and winn the saids coals, imploy the saids salt pannes, and to use and dispone upon the said coall and salt at ther pleasure ; provyding the saids coal and salt workes be left enteire the tyme of the isch and expyreing of the said tacke. And also with full power to the saids tacksmen and ther forsaides to intromett with, uplift, aske, crave and receive the hail mailles, fermes, dewties, few-dewties, kaynes, customes, casualities, profits and dewties off the saids lands, earldome, lordship, baronie and others above-writtin (with the exceptiones and reservationes alwayes above-mentioned in favours of the said noble lord) dew and payable for the said cropt and yeare of God I<sup>m</sup> vj<sup>c</sup> seventie fyve yeares instant, and hail termes therof, with the profits and dewties of the saids fishings after Andersmes nixt, and yearlie and termelie thereafter in tyme comeing during the said space of seven yeares and seven cropts nixt after ther entrie to the saids lands, and seven yeares of the saids fishings after Andersmes nixt, and to outputt and imputt tennents therin, and to make lawfull warneings theranent. As alsoe during the samyne space to use and exerce the saids offices of shireffe and baillie deputs of the said shireffdome and regalitie, and for that effect to elect, admitt, receive and cause be sworne during the space forsaid of the said tacke allennarlie substituts and clerks, ane or mae, in the saids offices (for whom they shall be answerable) procurators of court, serjeants, officers and dempsters, and all others members of court necessare ; and to give commissiones to the saids substituts and clerks during the said tacke and noe longer ; and quhilks clerks shall be oblidge to serve the said noble lord in ther offices in his lordships owne particular imployments gratis : And to sett, affix, affirme, keep, fence, hold and how oft as neid beis to continue shireffe and regalitie courts within the said shirrefdome and regalitie of Sutherland in all causse civill and criminall, proper aud incumbent, coniunctie or seuerallie, for administratione of iustice in the saids courts, suits to call, absents to unlaw and americiat, delinquents to puuish, decreits and sentences to pronounce as accords ; and to sitt and decerne in all services that shall occur, and to give seasinges theron ; and to uplift, aske, crave, and receive the hail fynes, bloudwitts, americiameuts, sentence money, seasing oxen and other casualities and profits of the saids courts, and aryseing be vertew of the saids offices and places respectie : And generallie all and sundrie other things theranent to doe, use and exerce, siclyke and also frielie in all respects as any other shireffe depute or baillie depute of regalitie, or as the said noble lord himself hes done, does or may doe be vertew of ther offices and places at any tyme bygaine or to come ; promittendo

de rato, etc. Reserveing alwayes power to the said noble lord to sitt as shireffe principall and lord of the regalitie in the said shireffe and regalitie courts respective when and how oft soever he pleases : And lykewayes reserveing to the said noble lord and his forsaid the right of escheats belonging to him as lord of regalitie. It is hierby declaired that the half of the benefite of compositiones that shall be gotten for the escheats of such gentlemeu, as have any of the lands in farmeing, falling during the tyme of the said tacke shall fall and belong to the said noble lord and his forsaid, and the other halfe to the saids tacksmen and ther forsaid. And the said noble lord, George, Lord Strathnaver, be thir presents binds and oblidges him, and his aires and successours, to warrand the forsaid tacke and assignatione above-writtin to be good and sufficient to the saids tacksmen abovenamed and ther forsaid in all [and] be all things, as is above exprimit, at all hands and against all deadlie as law will ; and of all assesments, taxationes and others publict burdings and impositiones imposed or to be imposed, or dew and payable furth of the samyne, proper and incumbent to ane master during the space of the said tacke. Exceptand alwayes furth and frae the said warrandice of the said tacke, the tacks sett be the said Lord Strathnaver to any of the tennents abovementioned for payment of the tacke dewties thereiu contained, whereunto the said noble lord assignes the saids tacksmen during the space of the said tacke, and that allennarlie in swae far as may inferr warrandice against the said noble lord and his forsaid, but prejudice to the saids tacksmen to quarrell the saids tacks upon any other ground which may not inferr warrandice against the said noble lord and his forsaid. For the quhilks causs and on the other pairt, the said Robert Gordon of Gordonstoune and Captain James Craufuird as principalls, and Sir Ludovicke Gordone, elder of Gordonstoune, knight baronet, and George Cockburne, tutor of Ormiestoune, as cautioners, soverties and full debtors for them, be thir presents binds and oblidges them conjunctlie and severallie, and ther aires, executors, intromettars with ther lands, rents, goods, giere and successours whatsomever, thankefullie to content, pay and delyver to the said noble Lord George, Lord Strathnaver, his aires and assigneys, the sowme of sexteine thousand merks Scots money yearlie, at Whitsonday and Lambes, be equall portiones, in name of tacke dewtie ; beginmand the first termes payment of the said tacke dewtie, extending to eight thousand merks Scots, att the feast and terme of Whitsonday nixt to come, I<sup>m</sup> vj<sup>c</sup> seventie sex yeares, and the other halfe of the said tacke dewtie, extending to other eight thousand merks att the terme of Lambes thereafter in the said yeare I<sup>m</sup> vj<sup>c</sup> seventie sex yeares, and swae furth yearelie and termelie thereafter at the termes, and be equall portiones, as said is, during the space

forsaid of the said tacke, and ay and whill seven yeares payment be fullie compleated for the said seven yeares tacke, together with the sowme of eight hundereth pounds money forsaid of liquidat expenss for ilke termes failyie by and attour the said tacke dewtie, and togither therwith. And in caice the saids tacksmen shall sett up the saids coall and salt works, which is alwayes declaired to be in ther optione, then and in that caice, they bind and oblidge them conjunctlie and severallie, and ther forsaid, immediatlie after the samyne shall be made effectuall goeing coall and salt pannes, to make payment and delyverie to the said noble lord and his forsaid off the number of two loads of coalls weeklie frie upon the coalhill, for the said noble lord his house, with ane chalder of salt yearlie for the first thrie yeares after the said coall and salt works shall be sett up and made effectual, as said is, and thereafter to make payment to the said noble lord and his forsaid, and ther factors and chamberlands, not oulie of the saids two loads of coalls weeklie, and ane chalder of salt yearlie, but alsoe the sowme of ane thousand merks yearlie of additionall tacke dewtie for the said casnall rent of coall and salt by and attour the said tacke dewtie abovewrittin, and that yearlie at the forsaid termes of Whitsunday and Lambes, be equall portiones, beginning the first termes payment therof att the first terme of Whitsunday or Lambes nixt and imediatlie after the expyreing of the saids thrie yeares nixt after the said coall and salt workes shall be sett up and made effectuall going workes as aforesaid, and swae furth yearelie and termelie thereafter, att the termes and be equall portiones, as said is, during the space to rune of the said tacke for the tyme, and while the saids coall and salt workes are goeing and effectuall works allennarlie and noe farder, togither with the sowme of fyftie merks money forsaid of liquidat expenss for ilke termes failyie of the said additionall tacke dewtie by and attour the samyne and togither therwith. And by and attour the said tacke dewtie the saids principal tacksmen abovenamed, aud ther cantioners abovedesigned, binds and oblidges them, conjunctlie and severallie, and ther forsaid, lykewayes to warrand, freith, releive and skaithles keep the said noble lord, George, Lord Strathnaver, and his forsaid, off the haill annuall rents, ministers stipends and bishops few dewties contained in ane particnlar inventar therof, subscriyvit be the said noble lord and them of the daite of thir presents, and for that effect to make payment of the samyne annuall rents, steipands and few dewties above writtin, contained in the said inventar, for the said noble lord his releiffe therof, and to report and delyver to him and his forsaid sufficient discharges of the samyne yearlie during the space forsaid of the said tacke, extending the saids annuall reuts, ministers stipends and bishops few dewties contained in the said list, and quhilke is over and above the said tacke dewtie aboue mentioned, to two hundereth

nyntie four bolls ane furlot two pecks victuall, and to two thousand sex hundereth and sexteine pounds eighteine shilling eight pennies money forsaid yearlie. And siclyke the saids tacksmen and deputs forsaid in the saids offices be thir presents binds and oblidges them and ther forsaid to freith, releive and skaithles keep the said noble lord and his forsaid off all dewes, charges and equeis of exchecker, and all others dewties incumbent to shirreffe and baillie of regaltie deputs yearlie for frieing ther principalls ; and of all cost, skaith, damnadge, interest and expenss and inconveniences whatsoever the said noble lord and his forsaid shall happine to sustaine or incurre therthrow. And also to obtemperat and fulfill these lawes and acts of parliament that relate to the dewtie of shirreffs when requyred and comanded, conforme to the law and custome of the kingdome (provyding that if the said noble lord himselfe being requyred, tymeous intimatione be given to the saids deputs or any ane of them), and for that effect not onlie to putt penall statuts in executione, but alsoe to concurre in the following and suppressing of thifts aud robberies ; and to observe all other things enjoyned be the lawes and acts of parliament and proper and incumbent to shireffe deputs ; and to warrand, freith and releive the said noble lord and his forsaid of all damnadges, prejudice and interest he may sustaine through ther default or negligence therin, or mismanadgement, malversatione or iniquitie (if any beis) comitted be them in the saids offices respective in any sort during the space of the said tacke allennarlie, and noe farder. And in lykemaner the saids tacksmen be thir presents binds and oblidges them, conjunctlie and seuerallie, and ther aires and successours, that one of themselves or ane sufficient substitut nominat and commissionat be them, and for whom they shall be answerable, shall alwayes dwell and reseid within the said countrey of Sutherland during the said space of the said tacke, and keep courts ther, and be readie to execute ther offices in that pairt for administratione of justice to his Majesties leidges in the saids places of shireffship and regaltie as accords. Item, the saids tacksmen be thir presents binds and oblidges them conjunctlie and severallie, and ther forsaid, not to cut nor destroy the woods of the countrie, uor to make any other use therof, but allennarlie for beitting, upholding and repairing of the tennents houss and others houss of the lands aforsaid included in this present tacke ; and that the tennents shall leeve ther houss in else good conditione alwayes as they fand them or are at present at ther removeing ; and that they shall be in else good conditione at the isch and expyreing of this present tacke. It is hierby declaired be both the saids partities that in caice it shall happen the saids countries of Sutherland and Strathnaver to be invaded, molested or burdened with forces or any other irresistable devastatiou be reasone of war or

plague during the space of the said tacke that the saids tacksmen and ther forsaidis shall have allowance and abatement of the said lose, waste or damage they shall sustaine therthrow, in the first end of the said tacke dewtie at the sight and be the advyce of as freinds and oversiers, mutuallie and indifferentlie chosen be both parties. And farder, the saids tacksmen binds and oblidges them, conjunctlie and severallie, and ther forsaidis, to repaire, uphold, maintaine and keep up the haill girnells and corfe houss of the saids lands and estate sett in tacke, as said is, with all necessare reparationes when and also oft as neid beis, vpon ther owne charges and expenss, without any abatement of the said tacke dewtie, and to leave the saids girnells and corfe houss in also good caice and conditione, and the saids land and estate hierby sett in tacke, as said is, in also sufficient tennandrie, and also weill tennent stead at the isch and expyreing of this present tacke as the samyne are presentlie at ther entrie therto: And such lands as are now ley aud not tennent stead in Strathnaver and Sutherland, in caice the samyne shall become teument stead be the saids tacksmen, to leave the samyne in also good caice and conditione at the expyreing of the said tacke, as said is, as they shall happine to be the yeare imediatlie preceeding the same. Aud in lyke maner the said George, Lord Strathnaver, be thir presents binds and oblidges him and his forsaidis during the space of the said tacke noe wayes to use any legall diligence of poynding or other compulsators of that natur against the tennents of the forsaidis land and estate for ther bygane rests iu prejudice of the saids tacksmen, and wherby ther rowmes may be casten waste, prouyding alwayes the said tacksmen suffer not the saids tennents to quyte the saids lands, and remove from the ground with a full hand, vntill such tyme as my Lord shall be satisfied of ther bygaiue rests; without prejudice nevertheless to the said noble lord and his forsaidis off suitting payment of the saids rests against such of the saids tennents as have sowmes of money, either in the said noble lord his owne hands, or in the hands of any others, for satisfieing therof, and also against such of the saids tennents as shall be able to pay the saids bygane rests and labour the ground sufficientlie: And whatever cornes or goods they shall be able to spaire shall be taken up for my lords payment at the sight, and be the advyce and consent of the saids tacksmen, or any one of them impoured be the rest, they being sufficientlie behind to pay the said tacksmen the dewties payable be the saids tennents. And in respect the said noble lady, Jeane, Lady Strathnaver, is infest in ane part of the saids lands and estate for her jointur, and for the good of the familie is content, iu caice she survive her husband, to restrict the samyne during the space of the said tacke thereafter to rune

allennarlie to ane annuitie of fyve thousand merks money forsaid yearlie, and hes upon that conditione consented to the said tacke ; therefore, the saids tacksmen with consent of the said George, Lord Strathnaver, be thir presents binds and oblidges them and ther forsaid, conjunctlie and severallie, that in caice the said noble lady shall survive the said George, Lord Strathnaver, her husband, and during the said tacke, to make good and thankefull payment to her off the forsaid sowme of fyve thousand merks money forsaid yearlie after the decease of the said George, Lord Strathnaver, att the termes and be equal portiones aforsaid in the first and readiest of the forsaid tacke dewtie during the haill space of the samyne tacke, vpon her discharge of the samyne to the saids tacksmen and the aires and successours of the said George, Lord Strathnaver, and in contentatione and satisfacione to her of her lyfrent and joyntur in Sutherland, wherunto she is provyded during the space of the said tacke ; with ten merks of liquidat expenss for ilk hundereth merks of the said fyve thousand merks in caice of faillye. And the pairtie faillyer in the said contract binds and oblidges them to pay to the pairtie observer, or willing to observe the samyne, the sowme of two thousand merks money forsaid of liquidat penaltie in caice of faillye by and attour the fulfilling of the premiss. And, lastlie, the saids Robert Gordon of Gordonstone and Captain James Crafuird, principalls abovenamed, be thir presents binds and oblidges them and ther forsaid, conjunctlie and severallie, to warrand, freith, releive and skaithles keep the said Sir Ludovicke Gordon and George Cockburne, ther cautioners abovenamed, and ther forsaid, off ther said cautionrie, and of all cost, skaith, damnages, interest and expenss that they shall happine to sustaine or incurre therthrow in any sort. Lykeas the saids Robert Gordone and Captain James Crafuird biuds and oblidges them and ther forsaid hinc inde to others to warrand, freith, releive and skaithles keep ilke ane of them ane other, and ther forsaid, off the haill oblidgments wheriu they staud bound hierby in any sort, either of them for ther owne pairts pro rata portione. And for the more securitie both the saids pairties are content, and consents thir presents be insert and registrat in the Bookes of Counsell and Sessioue, or of ane other judicatorie competent, that ane decret be interponed therto, swae that letteris of horning on fyfteine dayes, and others executorialls necessare be direct hierupon iu forme as effiers : And to that effect they constitut ther procuratoures,  
etc. In witness whereof (writtin be John Cuuinghame, servitor to Mr. John Baine of Pitcairle, wryter to his Majesties signet) both the saids pairties have subscriyvit thir presents with thcr hands, day, moneth, yeare of God and place respective forsaid, before thir witness respective, viz.—to the subscriptiones of the saids haill pairties

except the said George Cockburne, cautioner, att Edinburgh the said seventh day of August and yeare forsaid, the said Mr. John Baine, Mr. Donald M<sup>c</sup>Leod, his servitor, and the said John Cuninghame : And to the subscriptione of the said George Cockburne att Edinburgh, the said twelfth day of August and yeare forsaid, the saids Mr. John Baine, and John Cuninghame, wryter hierof, and Mr. Donald M<sup>c</sup>Leod, servitor to the said Mr. John Baine.

G. L. STRATHNAVER.

JEANE, STRATHNAVER.

R. GORDON.

M. J. Baine, witness.

J. Cuninghame, witness.

D. M<sup>c</sup>Leod, witness.

136. OBLIGATION by JOHN, LORD STRATHNAVER, afterwards FIFTEENTH EARL OF SUTHERLAND, to continue to use the surname of Gordon. 24th November 1682. Copy.

BE it kend to all men be these presents, us, John, Lord of Strathnaver, eldest lawful son and appeirand heir to George, Earle of Sutherland, to be bound and oblidge in manner underwritten; they are to say, that wheras the noble family of Sutherland, and we as appeirand representative of the same, is descended of the most noble family of Huntly be Adam Gordon, lord of Abboine, second lawfull son to the Earle of Huntly, his marrying of the heiress of Sutherland, and so from thence for the sons of severall generations we have carryed the surname of Gordone and the arms of the said noble family of Huntly, from whence, in manner above exprest, we are descended; and notwithstanding of any endeavours used of late for changing and altering the said surname of Gordone be resignations or otherwise, and using instead thereof the surname of Sutherland, yet witt ye us, the said John, Lord of Strathnaver, heir and appeirand representative of the said noble family of Sutherland, as said is, to be bound and oblidge, likeas wee, be these presents binds and oblidges us, our heirs and successors for ever, to carry and use the surname of Gordon allenerly; and in case it happen that either our self or our successours shall at any time hereafter alter or change the said surname of Gordon to the surname of Sutherland, or any other surname, we, in the case forsaid, binds and oblidges us and our forsaids to pay and deliver to the representative of the family of Huntly being for the time, the summ of twenty thou-

sand pound money Scotts. Attour we bind and oblidge us and our forsaidis to reiterat, doe and renew these presents as to matter of form (if so be found necessary), keeping the substance above written be the speciall advice of Sir George Gordon of Haddo, Lord High Chancler of Scotland, and what further it shall please the lord chancler to determine. And for the more security we are content, and consents thir presents be insert and registrat in the books of Counsell and Session, Lyon King-att Arms his books, or any other judges books competent within this kingdom, therin to remain ad futuram rei memoriam; or, if need be's, that all executions may pass theron as accords of the law: for which we constitute Mr. Robert Deans, advocat, our

In wittnes wherof we have [subscryved] these presents (written by James Wincester, servitor to the said noble Marquiss of Huntly) as follows, att the Bogue of Gight the twenty-fourth day of November I<sup>m</sup> vj<sup>c</sup> and eighty two years, before thir wittnesses, Sir George Gordon of Edenglassie, Sir James Strachan of Thorntown, Mr. John Gordon, doctor of medicine in Murray, Mr. James Duglass, attending the said Lord Strathnaver, and the said James Wincester, writter hereof. Sic subscribitur, John, Strathnaver, G. Gordon, wittness, James Strachane, wittness, John Gordon, wittness, James Wincester, wittness and writter, Duglass, wittness.

This obligation is regestrate in the books of Counsell and Session upon the tenth day of March 1688.

137. BOND OF AMITY between GEORGE, MARQUIS OF HUNTLY, and JOHN, LORD STRATHNAVER, afterwards FIFTEENTH EARL OF SUTHERLAND. 24th November 1682.

AT THE BOGUE of Gight, the tuentie fourth day of November I<sup>m</sup> vj<sup>c</sup> eightie tuo years, it is mutually agreed and condescended upon betuixt the noble persons underwritten, thay are to say, ane noble and potent marquis, George, marquis of Huntly, earle of Enzie, Lord Gordone and Badzenoch, etc., and the noble and potent lord, John, Lord of Strathnaver, eldest lafull son to George, Earle of Sutherland, and appeirand representative of the noble family of Sutherland, in manner as after follows on one and other part: That wheras the said noble persons, representatives of the said tuo noble and honorable families of Huntly and Sutherland are of the same linnage, blood and surname of Gordone, the family of Sutherland having come be the said surname of Gordone be Adam Gordone, Lord of Abboyne, second lafull son to the Earle of Huntly, his having married the aires of the family of Sutherland, and so from whom



its representatives are descended ; wherefore since both the noble persones above-specefeit themselves, and as representatives of the saids noble families, ought and all should, be all the laws, divyne and humaine, entertaine and keep mutuall friendship and sincere kyndness one with another, therefore witt ye us the said George, marquis of Huntly, etc., and John, Lord Strathnaver, to be bound and obleist, lyk as be thir presents wee binde and oblidge us, our airs and successors, for ever to entertaine, keepe and observe mutnall friendship and kyndness one with another, and that we shall assist and fortify in all sincerity one another in any lafull designes and purposes that either of our said noble families shall have to doe or take in hand ; and that wee shall espouse most faithfully one anothers lafull and just interests, in so farr as can accord with the laws of the kingdome ; and that (being according to law, as said is) the concernes of either family shall be looked upon and owned as the interest of both, and (reservand, as is above reserved) wee nor our familys shall not at any tyme desert one another. And to all the premissis wee faithfully binde and oblidge us and our forsaid under the penalty and failly of tuentie thousand merks Scots monney specially modifyd and liquidat be our selves to be peyed be the party failer to the party observer or willing to observe, and what further it shall pleas the Lord Chancellor to determine. And for the more security wee are content and consents thir presents be insert and registrat in the books of Councill and Sessione, or any other judges books competent within this kingdome, that all executions may pass thereon as accords of the law ; for which we constitute our procurators. In witness whereof wee have subscriyved these presents (written be James Wincester, servitor to the said noble marquis of Huntly) as follows, att the Bogue of Gight, the tuentie fourth day of November I<sup>m</sup> vj<sup>e</sup> eightie tuo years, before thir wittness, Sir George Gordone of Edinglassy, Sir James Strachan of Thorntoune, Mr. John Gordone, doctor of medicine in Murray, Mr. James Douglace, attending the said Lord Strathnaver, and the said James Wincester, writter heirof.

GEORGE, HUNTLY.

JOHN, STRATHNAVER.

G. Gordone, witnes.

James Strachan, witnes.

J. Gordone, witnes.

Ja. Wincester, witnes and writer.

138. LIST OF PERSONS to be appointed on the Privy Council of Scotland,  
18th May 1689.<sup>1</sup>

WILLIAM R.

A LIST of the persons whose names are to be inserted in the Commission, which is to be granted by us to our Privy Councill of our ancient kingdome of Scotland.

Our brother-in-law, Prince George, Hereditary Prince of Denmark.  
 William, Duke of Hamilton.  
 James, Lord Marquis of Douglas.  
 John, Lord Marquis of Athole.  
 James, Earle of Drumlanrig.  
 Archibald, Earle of Argile.  
 William, Earle of Crawford.  
 John, Earle of Erroll.  
 George, Earle of Marishall.  
     Earle of Sutherland.  
 Charles, Earle of Mar.  
 John, Earle of Glencairne.  
 Alexander, Earle of Eglinton.  
 Johne, Earle of Cassills.  
     Earle of Lothian.  
     Earle of Annandale.  
 John, Earle Tweeddale.  
 David, Earle of Levin.  
 John, Earle of Dundonald.  
 John, Earle of Kintore.  
 John, Lord Yester.  
 George, Lord Melvill.  
     Lord Rosse.  
 Henry, Lord Cardrosse.  
 John, Lord Carmichall.  
 David, Lord Ruthven.  
     Master of Forbes.  
 Alexander, Master of Melvill.

<sup>1</sup> Original in the Charter Chest of the Duke of Hamilton.

Sir James Dalrymple of Staire, Elder.  
 Sir John Dalrymple of Staire, Younger.  
 Sir John Maitland.  
 Sir Hugh Campbell of Calder.  
 Sir James Montgomery of Skelmerly.  
 Sir Patrick Home of Polwart.  
 The Laird of Grant.  
 Sir Archibald Murray of Blackbarony.  
 Sir John Maxwell of Pollock.  
 Sir Robert St. Clare of Stevinson.  
 The Laird of Ormistown.  
 The Laird of Brodie.  
 Major Generall Mackay.  
 The Provost of Edinburgh for the time being.

Given under our Royall hand at our Court, at Hampton Court, the 18th day of May 1689, and of our reigne the 1st year.

W. R.,

By his Majestys command,

MELVILL.

139. DISPOSITION by JEAN WEMYSS, COUNTESS OF SUTHERLAND, to WILLIAM, LORD STRATHNAVER, her grandson, of the Diamond Ring which had been given to her by Queen Mary. 24th March 1709.

BE IT known to all men be their present letters, us, Lady Jean Weems, Countess of Southerland; Forasmuch as the late Queen Mary, of euer blessed memory, did of her then Majestys royall will and favour confer, bestowe and honour us with a big diamond ring at the value of nine thousand merks Scotts, to be keep'd by us dureing our lifetime and after our decease to be preserved in our familie as a token of her royall Majestys respect to us; and now to prevent any differences that may arise amongst our children and grandchildren, and for the love and speciall favour we have and bear to ane noble lord, William, Lord Strathnaver, our grandchild, and to the persons after named, and for diverse other good causis and considerations us moving, to haue made, constitute and ordained, likeas with and under the prouisions afternamed we hereby make, con-

stitute and ordain the said William, Lord Strathnaver, our grandchild, and his male children our very lawfull, undoubted and irrevocable cessioners and assignies in and to the said diamond ring, to be keep'd by him or his sons as a jewell of the familie, and as a token of the said Queens respect to us and the familie ; and failing the saids Lord Strathnaver and his male children by decease, then and in that case allenerly, we make, constitute and ordain ane potent earle, Archibald, Earle of Forfar, our son, and the heirs male of his body, our very lawfull cessioners and assignies in and to the said ring above named, to be keeped in their familie ; and failing the saids Archibald, Earle of Forfar, and heirs male of his body, then and in these cases allenerly and not otherways, we make, constitute and ordain the right honourable Lady Jean Southerland, Lady Maitland, and the heirs of her body, our very lawfull, undoubted and irrevocable cessioners and assignies in and to the forsaid big diamond ring to be keep'd by them and theirs, with full power to the saids William, Lord Strathnaver, and the persons above named in their due place, as said is, to call for, intromett with and receive the foresaid diamond ring after our decease, and to persue and use dilligence against those who shall keep it up, as freely and in the same manner we could doe our self while alive : Warranding this our disposition of the said ring to the said William, Lord Strathnaver, and the persons above designed in their proper place, as said is, at all hands and against all deadly, as law will, and that from our proper fact and dead allenerly ; reserving forth of the saids warrandice to our self a power and facultie to alter and innovate this our disposition, or any part thereof, at any time in our lifetime, ac etiam in articulo mortis ; dispenseing with the not delivery hereof, notwithstanding it shall be found by us or in the custody of any other at our decease, notwithstanding any law or practique to the contrair, wherewith we hereby dispense for ever : Consenting to the registration hereof in the books of Council and Session, or any other judges books competent for conservation, ad futuram rei memoriam, and that dilligence may pass hereon as effeirs, and constitutes

our procuratours. In witness whereof, we haue subscrivit these presents (written by Mr. William Oliphant, our chaplane) at the abbay of Holyroodhouse this twentieth and fourth day of March one thousand seven hunder and nine years, before these wittnesses, James Fraser, our serveteur, and the said Mr. William Oliphant, and William Home, our serveteur.

J. W. SUTHERLAND.

James Frasser, wittness.

Will. Oliphant, wittness.

Will. Home, wittness.

140. COMMISSION by JOHN, EARL OF SUTHERLAND, as lord lieutenant, to ADAM SUTHERLAND OF SEIBERCROSS, as a captain of infantry. 14th November 1715.<sup>1</sup>

WEE, John, Earle of Sutherland, Lord Livetennent of the six Northern Counties, conform to and in terms of our Sovereign Lord King Georges commission granted by his Royall Majesty to us to the effect underwriten, being fully convinced of the loyalty, currence and conduct of Adam Sutherland of Seibercross, by these presents constitute and appoynt you, the said Adam Sutherland, to be third captain in the regiment of Foot commanded by William, Lord Strathnaver, collonell: and herby commands all inferior officers and souldiers to obey you as thair captain: And . . . (*decayed*) to obey such orders as you shall from tyme to tyme require of them as their superior officer, as they shall answer . . . (*decayed*.) Given under our hand at Dunrobin the fourteene day of November 1715. SUTHERLAND.

141. BOND OF FRIENDSHIP between WILLIAM, LORD STRATHNAVER, and SIMON, LORD LOVAT. 10th January 1716.

WEE, the right honourable William, Lord Strathnaver, and Simon, Lord Lovat, do mutually promise upon honour, and by all that is sacred, a perpetuall friendship to one another, and that wee will espouse one the others quarrel against any person that will attack either of us (the king and government always excepted); and wee make the same promise for our posterity and successors that the friendship which is now betwixt us may be preserv'd to future ages, as witness our hands and seals at Inverness the tenth day of January one thousand seven hundred and sixteen years, before these witnesses, George Cuthbert, doctor of medicin, writer hereof, and William Fraser, merchant there.

STRATHNAVER.

LOVAT.

Geo. Cuthbert, wittness.

Will. Fraser, wittnes.

<sup>1</sup> Original penes W. S. Fraser, Procurator-Fiscal, Dornoch.

142. WARRANT by KING GEORGE THE FIRST to JOHN, EARL OF SUTHERLAND, to add to his paternal Coat of Arms the Double Tressure Circonfleurdelizé. 14th July 1718.

GEORGE R.

WHEREAS it has been humbly represented to us that our right trusty and right well beloved cousin, John, Earl of Sutherland, is lineally descended from William, Earl of Sutherland, and Lady Margaret Bruce, second daughter to Robert the First, King of Scotland ; and whereas it has been farther represented to us, that he, the said John, Earl of Sutherland, appeared early in arms at the late happy revolution brought about by our royall predecessor, William the Third, of glorious memory ; and whereas we are fully satisfied of the great and signal services done by him to ourself in heading a great number of our faithfull subjects in the North of Scotland during the time of the late unnatural rebellion, whereby he compelled the late Earl of Seaforth, with those commanded by him, to lay down their arms, and others of the rebels to deliver themselves up to him as prisoners at our mercy ; therefore, and in return for these his services, and in consideration of the nobleness of his blood, as being descended not only from the antient thanes and earls of Sutherland, but from the royal family of Scotland, as is aforesaid, we hereby authorise and order our Lyon King at Arms in that part of our kingdom of Great Britain called Scotland to add to the paternal coat of arms of the said John, Earl of Sutherland, the double tressure circonfleurdelizé. For the doing whereof this shall be a sufficient warant to our said Lyon King at Arms, and all others whom it may concern. Given at our Court at Kensington, the fourteenth day of July 1718, and of our reign the fourth year.

By his Majestie's command,

ROXBURGHE.

Indorsed : January 1719. Per M<sup>c</sup>Kell. Presented by Alexander Ross, wryter to the signet, and registrat as a probative wryt. Ane extract with these presents given back marked D.A. : J. M.K.

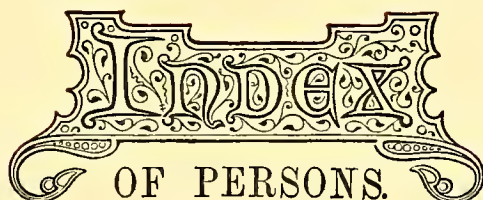
143. ENSIGN ARMORIAL of JOHN, FIFTEENTH EARL OF SUTHERLAND.  
24th November 1719.

To ALL and sundry, whom it concerns, Sir Alexander Areskine of Cambo, knight and Baronet, Lyon King of arms in that part of Great Brittain called Scotland, and Isles and Dependencies thereof, sendeth greeting. Whereas his Majesty, by a warrant under his royal hand, bearing date at Kensington, the fourteenth day of July, one thousand seven hundred and eighteen years, setting forth, that it had been humbly represented to his Majesty that his Majesty's right trusty and right well-beloved cousin, John, Earle of Sutherland, is lineally descended from William, Earle of Sutherland, and Lady Margaret Bruce, second daughter to Robert the First, King of Scotland; and that it had been farther represented to his Majesty, that the said John, Earle of Sutherland, appeared early in arms at the late happy Revolution brought about by his Majesty's royal predecessor, William the Third, of glorious memory; and that his Majesty was fully satisfied of the great and signal services done by the said Earle to his Majesty, in heading a great number of his Majesty's faithfull subjects in the north of Scotland during the time of the late unnatural rebellion, whereby he compell'd the late Earle of Seaforth, with these commanded by him, to lay down their arms, and others of the rebels to deliver themselves up to him as prisoners at his Majesty's mercy. Therefore, and in return of these his Lordship's services, and in consideration of the nobleness of his blood, as being descended not only from the ancient thanes and earles of Sutherland, but from the royal family of Scotland as is aforesaid, his Majesty thereby authoris'd and order'd me, his Majesty's Lyon King at Arms in that part of his Majesty's kingdome of Great Brittain called Scotland, to add to the paternal coat of arms of the said John, Earle of Sutherland, the double tressure circonfleure de lize, as the said royal warrant, registrat in the books of Councill and Session, upon the threteenth day of January, one thousand seven hundred and nineteen years at length contains. Conform to the which royall warrant, the Ensign Armorial of the right honorable the said John, Earle of Sutherland, one of the knights companions of the most ancient and most noble order of St. Andrew, are matriculated in the registers of my office, and are thus blason'd, viz. gules, three mullets or, on a bordure of the second, a double tressure flower'd and counterflower'd with flowers de lis of the first; all within the order of St. Andrew; above the sheild his comital crown, and over the same on an helmet suitable to his lordship's dignity, mantl'd gules, doubling ermine, and tors of his honours,

is sett for his crest, a cat a mountain saliant ; supported by two savages wreathed about the head and loins with lawrel, holding battons in their hands, proper, standing on a compartment ; the motto in an escroll above, Sans Peur. Which coat above blason'd I hereby certife and declare to be the proper arms and bearing of the right honorable the said John, Earle of Sutherland, and his heirs in all time comeing. In testimony whereof I have subscriyved these presents with my hand, and caus'd append my seal of office hereunto. Given att Edinburgh, the twenty fourth day of November, and of the reign of our sovereign Lord, King George, the sixth year, 1719.

ALEXR. ARESKINE, Lyon.





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